



Leicester
City Council

Minutes of the Meeting of the
ADULT SOCIAL CARE SCRUTINY COMMISSION

Held: THURSDAY, 8 JANUARY 2015 at 5:45 pm

P R E S E N T :

Councillor Chaplin (Chair)
Councillor Riyait (Vice Chair)

Councillor Alfonso
Councillor Dawood

Councillor Kitterick
Councillor Willmott

In Attendance

Councillor Rita Patel – Assistant City Mayor (Adult Social Care)

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61. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Cutkelvin.

It was noted that Philip Parkinson had resigned from Healthwatch and would not therefore be present. The Chair suggested that the future of Healthwatch should be discussed at the Joint Health and Wellbeing and Adult Social Care on 27 January 2015.

62. DECLARATIONS OF INTEREST

Councillor Willmott declared an 'Other Disclosable Interest' in that he had a relative, for whom in exercised power of attorney, in a residential / nursing home in the city.

63. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

that the minutes of the meeting of the Adult Social Care Scrutiny

Commission held on 20 November 2014, be confirmed as a correct record.

Further to the minutes, the Chair advised that a letter to the Secretary of State expressing concern at the levels of funding for Adult Social Care, had been drafted up and sent to the Assistant City Mayor, Adult Social Care for her comments.

The Chair added that the proposed visit to the Extra Care Housing at Danbury Gardens would take place on 17 January 2015.

64. PETITIONS

There were no petitions.

65. QUESTIONS, REPRESENTATIONS AND STATEMENTS OF CASE

There were no questions, representations or statements of case.

66. ADULT AND SOCIAL CARE REVENUE BUDGET 2015/16 - 2016/17

The Strategic Director for Adult Social Care and Health presented the Draft Adult and Social Care Revenue Budget 2015/16 – 2016/17. During the presentation, the Strategic Director made a number of points including the following:

- The service was facing unprecedented demand and it would be necessary to call on reserves in order to balance the budget. They were working to ensure that individuals' critical or substantial needs were met but in view of the financial situation, difficult decisions had to be made.
- The council were working to maximise reserves and ensure that money was spent wisely.
- They were in dialogue with colleagues in the Clinical Commissioning Group to see if more money would be available from them to meet demand and support the health agenda.
- In response to a question as to how the shortfall in the current year would be addressed, the Strategic Director explained that they would have to use reserves; however, going forward they would need to review all aspects of delivery and reduce demand. A member of the commission expressed some concern at this, saying that the application of stricter criteria would reduce supply rather than demand.

There followed a detailed discussion relating to the budget, during which members raised queries and comments, including the following:

- It was queried whether the reported crisis in the Leicester Royal Infirmary (LRI) Emergency Department was related to reductions in care

packages. The Strategic Director responded that the council were offering greater support to Health colleagues with the packages they provided and negotiations were taking place regards the contribution of Health to those services.

- It was noted that it was proposed that eligibility criteria would be strictly applied and reassurance was sought that this criteria wouldn't change and those people who were at critical or substantial risk would have their needs met. The Strategic Director noted that the Care Act would introduce a mandatory eligibility threshold from April.
- A member referred to the proposed efficiencies and commented that a review of care packages and the implementation of £5 per week charge for managing an individual's finances could result in a service user being £55 per week worse off. In view of this, concerns were expressed about safeguarding issues.

The Strategic Director responded that, compared to other comparator local authorities, Leicester was providing greater levels of provision. In future, with the restraints on the budget, the council would not be in a position to be so generous and it would be necessary to look at other options; perhaps from within the community. It was explained that all care packages would be assessed on a phased basis.

- It was noted that section 7.11 (b) of the report referred to a proposed reduction in the safeguarding and commissioning teams and concern was expressed at this and its effect on safeguarding of individuals. The Strategic Director explained that this referred to support to residential care homes to help them improve their performance. However there were now other teams that provided this support and some of this work would be carried out by the Care Quality Commission. Members recommended that the report be amended to avoid any misunderstanding that there would be reductions in the teams that supported the safeguarding of individuals.
- Members referred to the proposed review of the entitlement of customers to ongoing care, including free care under the Mental Health Act. A question was raised as to what would happen if following an assessment it was agreed that a Section 117 no longer applied and whether care and support would be withdrawn abruptly. The Strategic Director confirmed that if a Section 117 no longer applied, but people still had eligible needs, care would not be withdrawn but be covered under a community care arrangement as a care package and it would not be free.
- Members expressed concern that a hard budget line, as detailed in section 7.10 of the report in respect of the Promoting Independence Reviews would send out a wrong message and lead to cynicism. It was felt that a budget narrative would be more appropriate. There were concerns that attaching a budget saving before reviews were conducted

would pre-determine the outcome of individual reviews. Views were expressed that this could leave the council open to challenge that assessments were budget driven rather than driven by need. It was also suggested that monies could be transferred on a one-off basis from the contingency sums in the Capital Programme.

Councillor Willmott, seconded by Councillor Kitterick, proposed that the Executive be asked to remove the cost breakdown of savings for Promoting Independence Reviews, totalling £950,000 from the report. They recommended that the savings anticipated via reviews of mental health care and domiciliary care could be expressed as a narrative. Upon being put to the vote, this motion was carried.

- A question was raised as to when the Strategic Director became aware that there would be a shortfall in the budget. The Strategic Director explained that she only knew of the situation when she was recently appointed to the post.
- The Strategic Director was asked as to whether she felt that the budget over spend had been exacerbated by the council being slow to bring in personalisation of people's budgets. Members heard that the council had embraced personalisation. People had been helped to become less dependent and to build on this there was a need to talk to staff about how they could help people enhance what they could do.
- The Strategic Director was questioned whether there might be an increase in the over spend. The Strategic Director replied that this was possible but they were trying their best to avoid that happening.
- The Chair referred to the Better Care Fund and questioned whether discussions had taken place with Health colleagues as to the impact of this on the budget. Assistant City Mayor Patel explained that the council would be talking to their partners about the detail, but they were not at a stage to do this yet.
- A concern was expressed that the budget referred to proposals for the next two years but there needed to be a forecast on the budget and demands for a 5 year period to understand the long term picture.
- Members queried the proposals for a reduction in use of in-house transport by maximising independent travel. The Director for Care Services and Commissioning explained that people were encouraged and trained to use public transport; they could also use their personal budgets for taxis which offered more flexibility. It was anticipated that in-house transport would still be offered for those people with more severe disabilities. Members commented that not everyone could use buses and public transport and the in-house transport provided a very important service to families and gave respite to carers. Concerns were expressed that this was the wrong time to make such spending cuts when the Better Care Fund was still an unknown quantity.

The Chair, seconded by Councillor Alfonso, proposed that the breakdown of costs for efficiency savings of £271,000 as detailed in section 7.10 and in-house transport savings as outlined in 7.11(b) of the report be removed. Upon being put to the vote, this was carried.

RESOLVED:

- 1) that the commission note the Draft General Fund Budget 2015/16 to 2016/17;
- 2) that the commission recommends that the Executive remove the cost breakdown of Efficiency Savings of £271,000 and Promoting Independence Reviews of £950,000 from section 7.10 of the draft budget report, and that the savings anticipated through reviews be expressed as a narrative instead;
- 3) that the reference to a reduction in the safeguarding and commissioning teams in section 7.11 (b) of the report be revised to clarify that these teams do not support the safeguarding of individuals.

67. LEICESTER SAFEGUARDING ADULTS BOARD ANNUAL REPORT 2013/14

Dr David Jones, Chair of the Leicester Safeguarding Adults Board (LSAB) presented the Annual Report for 2013/14 and explained that they were working within a context of rising public expectations and a reduction in resources.

A comment was made that the report suggested there was an under-reporting of risks from the non-white communities because the majority (77%) of the safeguarding referrals concerned members of the white ethnic group. Dr Jones responded that there was a concern that people in some communities might not be getting the help they needed with safeguarding. Dr Jones invited views as to how the message could be spread and explained that he would rather do this in a measured and pro-active way than in response to a crisis.

A member referred to the report and queried why the LSAB had withdrawn from providing multi-agency training. The Director for Adult Social Care and Safeguarding explained that local agencies had embedded some levels of training in their own core training programmes and the multi-agency programme had re-focused on enhanced, targeted and specialist training.

A Member noted that there had been 169 fully substantiated referrals and questioned the outcome of those referrals. The Director for Adult Social Care and Safeguarding confirmed that they had all resulted in actions to protect people from harm, with protection plans for individuals.

The Chair expressed concerns that many of the work streams had not taken place, including the training and the involvement of users and she questioned

the reason for this. Dr Jones responded that there had been changes in key personnel and seven of the eight people he had been working with had moved, which had led to some slippage. The Director of Adult Social Care and Safeguarding added that the council were putting a significant investment into the LSAB and that while there had been changes in membership, there was evidence to show that there was good partnership working.

Dr Jones was questioned whether he was comfortable with the public profile of the LSAB. He said that in his view, the Board was a mechanism to bring the different partners together and to hold them to account. He was comfortable with raising the Board's profile but he felt that if people had safeguarding concerns, they would rightly approach the council or other agencies rather than the LSAB itself.

RESOLVED:

- 1) that the commission welcome the report and endorse the work of the Leicester Safeguarding Adults Board;
- 2) that the commission request regular reports, particularly of outcomes, from the Leicester Safeguarding Adults Board; and
- 3) that the commission recommend that the Safeguarding of Adults is part of the induction programme for new councillors.

68. DEAR ALBERT SOCIAL ENTERPRISE PROJECT

Mr Jon Roberts, from 'Dear Albert' gave a presentation on the work of the project and explained that it was a social enterprise initiative which focussed on addressing a substantial drug and alcohol abuse problem in the city. Mr Roberts explained that the project provided a community based and peer led approach and that the emerging culture of doing things in a different way was proving to be successful.

Mr Roberts supplemented his presentation by showing a short documentary about recovery from addiction. The film, which does contain some strong language can be viewed by clicking on the following link:

<http://www.dearalbertfilm.com/>

Mr Roberts explained that he was a recovering addict and part of his approach to keeping himself well, was to help other people. Other recovering addicts did the same and this partnership, peer led approach was working well with the result that best practice was coming out of Leicester. The Dear Albert project was very focussed on supporting people to stop abusing drugs and alcohol and he felt that this clear message was part of the project's strength. If someone came to Dear Albert and needed professional treatment, they would be referred as appropriate.

In response to a question, Mr Roberts reported that generally it was white

males who approached the project for help but they were trying to get the diversity right and get the message out to other communities.

Mr Roberts explained that he was preparing an evaluation report on the work of Dear Albert and the Chair thanked him for attending the meeting and requested a copy of the report when it was available.

RESOLVED:

that the commission commend the work of the Dear Albert Social Enterprise Project, thank Mr Roberts for his presentation and request a copy of his report on the work of the project, when available.

69. NATIONAL LIVING WAGE IN ADULT SOCIALCARE

The Director of Adult Social Care and Safeguarding presented a report which summarised the work undertaken to estimate the approximate financial impact on Adult Social Care of stipulating that all providers from which it commissions services, pay their staff the Living Wage.

With the prior approval from the Chair, Mr Alistair Jackson addressed the commission. Mr Jackson explained that he was the Chief Executive of the Leicester Quaker Housing Association which ran a care home in Beaumont Leys. During Mr Jackson's presentation, a number of points were raised including the following:

- The Housing Association wished to be fair employers and pay their staff a living wage but this was not possible when taking into account the amount the Association received from the council.
- The Housing Association was a not for profit organisation.
- The council expected that the Housing Association would pay their senior care workers just £6.93 per hour. These senior members of staff were responsible for running the care home during their shift. As such the council should review the position of the senior care worker and suggest a job description for the role.
- Because the council tried to help people remain in their own homes for longer, those residents who came into care home were the more vulnerable and frail members of society. Had this vulnerability been taken into account when calculating the pay of care staff?

The Director for Care Services and Commissioning explained that the council were currently looking further into the Living Wage Foundation. They had adopted many aspects of the ethical care charter but had not yet signed up to the Foundation because of issues surrounding the cost element of the living wage.

Members expressed concern that some of the private sector providers paid

their staff just minimum wages and the council should make every effort to enhance people's pay rates. Requests were also made for progress in joining the Living Wage Foundation to be monitored. Members asked that the Executive draw up an action plan to address the issue including the points that had been raised by Mr Jackson. It was noted that Islington Council had held the Living Wage Foundation licence for three years and the Chair asked for further information on how this had been achieved. Members also requested that the contract tendering process should require providers to specify details of what they paid their staff.

RESOLVED:

- 1) that the commission recommends that the Executive devise an action plan to take into account the concerns and comments raised by the commission in relation to the Living Wage in Adult Social Care.
- 2) that the commission recommends that as part of the contract tendering process, care providers be asked to provide details of their pay rates for staff;
- 3) that the commission recommends that the council consider the request for a review of the job description for senior care staff;
- 4) for information to be provided to the commission on how Islington Council has achieved their Living Wage Foundation Licence over the past three years.
- 5) that an update on adopting the Ethical Care Charter be brought to a future meeting of the commission.

70. TRANSFER OF ELDERLY PERSONS' HOMES

Members considered a briefing note on the sale of Abbey House and Cooper House and the engagement with residents, families / carers and staff. The Director for Care Services and Commissioning explained that existing residents had not been asked if they wanted to move out of Abbey House and Cooper House as part of the sale process, because the outcome of the consultation had been to sell the homes as going concerns (so that they would not need to move). However, any new residents were being advised that the homes would be sold to another provider.

Members were advised that there would be an update on the transfer of Elderly Persons' Homes at the next meeting on 5 March 2015.

RESOLVED:

- that the update on the sale of Abbey House and Cooper House be noted.

71. INTERMEDIATE CARE UNIT UPDATE

The Director of Adult Social Care and Safeguarding presented a progress update on the Intermediate Care Unit and explained that progress on the project remained on track. A detailed design plan could not be brought to the commission for the time being, as it would be part of the procurement process; however details could be brought to a future meeting of the commission.

A question was raised as to whether there would be an information pack for people going into intermediate care, giving advice on issues such as house insurance and council tax on empty properties. The Director responded that some issues such as council tax were not relevant for a short term placement, but they could give the wider suggestion further consideration.

It was noted that the delivery and occupation of the Intermediate Care Unit was not expected to take place until March 2017 and questions were raised about the duration of the build phase and whether this could be shortened..

RESOLVED:

that the update on the Intermediate Care Unit be noted.

72. INDEPENDENT ADULT SOCIAL CARE COMMISSION UPDATE

Members were asked to note that the first meeting of the Independent Adult Social Care Commission would take place on Wednesday 21 January 2015.

73. ADULT AND SOCIAL CARE SCRUTINY COMMISSION WORK PROGRAMME

Members noted the Adult Social Care Scrutiny Commission Work Programme and the Scrutiny Policy Officer was asked to update the programme as appropriate.

74. DATES FOR DIAIRES

The Chair advised that there would be a joint meeting of the Adult Social Care and Health and Wellbeing Scrutiny Commissions on Tuesday 27 January 2015 at 5.30 pm.

The next meeting of the Adult Social Care Scrutiny Commission would take place on Thursday 5 March 2015 at 5.30pm.

75. CLOSE OF MEETING

The meeting closed at 8.26 pm.