

## **SOCIAL CARE AND INCLUSION SCRUTINY AND PERFORMANCE PANEL**

THURSDAY 12 JULY 2012 AT 6.00 P.M.

**Panel Members Present:** Councillor T. Oliver (Chair)  
Councillor B. Douglas-Maul (Vice-Chair)  
Councillor D. Barker  
Councillor R. Burley  
Councillor L. Rattigan  
Councillor J. Rochelle

**Officers Present:** Peter Davis, Head of Community Care (Operations)  
Lynn Levesley, Service and Case Manager  
Yvonne Nolan, Service Manager, Adult Safeguarding  
Lloyd Haynes, Finance Manager  
Tracy Simcox, Commissioning Lead  
Matt Underhill, Scrutiny Officer

### **181/12 APOLOGIES**

Apologies were received for the duration of the meeting from Councillor D. Coughlan, Paul Davies and Andy Rust.

### **182/12 SUBSTITUTIONS**

There were no substitutions for the duration of the meeting.

### **183/12 DECLARATIONS OF INTEREST AND PARTY WHIP**

There were no declarations of interest or party whip identified at this meeting.

### **184/12 MINUTES**

The minutes were noted.

### **Resolved**

That the minutes of the meeting held on 7 June 2012, copies having previously been circulated be approved as a true and accurate record.

### **185/12 STATUTORY COMPLAINTS**

The Service and Case Manager introduced the item. The following is a summary of the briefing and subsequent discussion:

- The Council receives a significant number of written complaints. However, these rarely reach the statutory complaints stage. During the last year, of three

complaints that went to the Ombudsman, only one related to adult social care. It was explained that this may be in part due to the limited availability of public funding. Where individuals do instruct solicitors it is often to make use of the threat of judicial review. The Panel heard that there was at present the threat of legal action in relation to benefits based charging, where it has been suggested that the Council's policy is neither lawful, nor has the policy been followed. However, officers have undertaken a review and are satisfied that the procedures associated with that policy have been properly followed;

- It was explained that rigorous procedures were in place to re-assess individuals where appropriate to manage the risk of individuals "falling through the net";
- The Chair noted that he had received more complaints over the last six months than the previous few years following the introduction of benefits based charging. It was apparent that a pattern had emerged in relation to billing procedures. He and other Members highlighted a number of specific concerns in relation to benefits based charging. This included the initial use of Council Tax summons type letters received by service users which had caused some upset. A further concern related to individuals receiving single bills for large amounts. In addition, the initial limit of the use of direct debit payment to exceptional circumstances only had caused some problems. However, officers explained that direct debit was now available and that charging was now made on a four weekly rather than monthly basis. The Chair expressed the view that it seemed problems remained in terms of effectively communicating information regarding the new arrangements and helping individuals to understand them. He highlighted the importance of the Panel having an understanding of the benefits based charging policy and implementation going forward. It was agreed that the Panel would receive regular updates from the officer who was currently responsible for updating the procedure;
- Following a further Panel query it was agreed that officers would provide guidance regarding the overall number of complaints received by Walsall and the number of complaints received by other Councils in the Black Country;
- It was explained that the Council had developed a local approach to benefits based charging based on national guidelines. While other Councils had developed benefits based charging schemes, none were the same;
- The Chair indicated that he intended to invite a group of carers with particular concerns to a future meeting to enable them to highlight their concerns with benefits based charging.

## **Resolved**

- (1) That the Panel receive regular updates on benefits based charging;
- (2) The Panel receive a comparison of the number of complaints received by Walsall and other Black Country Councils;
- (3) A group of carers with particular concerns in relation to benefits based charging be invited to a future meeting.

## 186/12 ADULT SAFEGUARDING

The Service Manager, Adult Safeguarding introduced the item. The following is a summary of the briefing and subsequent discussion:

- It was explained that subsequent to the production of the report the White Paper in relation to placing Adult Safeguarding on a statutory footing had been published. It was explained that this would represent a significant change from present arrangements where it is necessary for all partners to co-ordinate safeguarding activity together. There is now also a requirement for an Adult Safeguarding Board, although this already operates in Walsall. It was explained that a consultation accompanies the White Paper in relation to the provision of powers of entry. These powers, which are currently available in Scotland, would be important in countering some of the difficulties which are experienced at present. This includes where officers are aware of an adult who might be at risk of harm or neglect but are then denied access by a family member. Under the proposed Regulations it would be necessary to demonstrate to a District Court the need for access;
- It was explained that referrals relating to suspecting incidence of harm or neglect are received from members of the public, GPs, hospitals and others. An initial investigation is then undertaken to determine what, if any, further action will need to be taken. If further action is required a case management conference is held with all partners, including the police. The objective is to determine what action needs to be taken to make the individual safe;
- A further function of the service is to promote adult safeguarding in the community and in particular, seeking to raise the profile of this issue. A lot of work is undertaken, including presentations to community groups and others. These seek to help people recognise what is abuse and encourage reporting. The team make use of the Council's press office in helping to promote events and information leaflets are also produced and distributed;
- It was explained that there were different categories of abuse, although the majority of referrals were for physical abuse, with neglect also attracting a large number of referrals. Most referrals relate to those over the age of 65, together with a significant proportion received for adults with learning disabilities. It was also explained that 40% - 50% of referrals result in further investigations. However, many never get to the final case management conference stage as they may prove to be unsubstantiated;
- A further significant element of the team's work relates to the Mental Capacity Act. It is necessary to assess individual's capacity to make their own decisions. For example, while somebody may not have the capacity to manage their finances, they may still have the capacity to decide that they wish to remain in their own home rather than a care home. It was also explained that in relation to situations where Power of Attorney had been granted it was possible for this to be withdrawn by a Court if there is evidence of abuse;
- The Head of Community Care (Operations) explained that significant work had been undertaken to improve the quality of care in nursing and residential homes in Walsall. This included visits being undertaken by members of organisations, including the LINK and Vine Trust with that information being fed back to the Quality Board;

- It was explained that an average of two referrals are received each day, whilst a strong emphasis is placed on effective record keeping. This includes regular audits of case files. Officers assured Members that the robust systems in place would limit the risk of cases of neglect being missed. This includes decisions regarding next steps in any investigation being undertaken always being made in consultation with team managers.

## **Resolved**

- (1) It was agreed that a copy of the guidance to assist Scrutiny Panels in reviewing Adult Safeguarding would be circulated to Members;  
and
- (2) The report be noted.

## **187/12 COMMUNITY SOCIAL WORK MODEL**

The Chair explained that this item would be deferred until the next meeting.

## **188/12 COMMUNITY ALARMS**

The Head of Community Care (Operations) introduced the item. The following is a summary of the briefing and subsequent discussion:

- It was explained that as at 25 June, 2012, 1,755 citizens have either paid in full or via monthly instalments for community alarms, raising £207k income to date. A Member highlighted the importance of this service in enabling individuals to remain in their own homes but with the comfort of the security provided by the service. The Head of Community Care (Operations) explained that community alarms was part of a range of devices available aimed at enabling an individual to remain in their own home. He suggested that Members might wish to visit the Independent Living Centre to receive a demonstration of the support available and the rationale behind it;
- Following a Panel query it was explained that individuals who only receive a community alarm only pay for that service (£12.50 per month), while those who receive this service, together with other Council services, will pay for the totality of services via benefits based charging;
- It was explained that one issue that had emerged post-transfer was that of the entitlement of free community alarm support to those who were in receipt of the service prior to the transfer. It was apparent that not all individuals in this group had received a free service post-transfer. It was also explained that a commitment to provide all those over the age of 80 with free telecare was being met, with work underway to make repayments of charges to those in this group as necessary. Work was also underway in relation to providing this support to those who were approaching the age of 80.

## **Resolved**

That the report be noted.

## 189/12 **FINANCIAL MONITORING: OUTTURN 2011-12**

The Finance Manager introduced the item. The following is a summary of the briefing and subsequent discussion:

- It was explained that the draft 2011/12 year end financial position for Social Care and Inclusion was a revenue underspend of £7k against budget and a capital underspend of £2k. Use of Reserves and approved carry forward from 2010/11 to 2011/12 totalled £1.29m to provide funds for specific services. This included the receipt of £3.2m of PCT reablement funding for investment in reablement services across health and social care. Further work will be undertaken to determine how this funding will be utilised, this will be underpinned by the Joint Strategic Needs Assessment (JSNA) currently being developed. However, it was intended to use some of this funding to support dementia services, including the Memory Service. Guidance on approved carry forwards from 2011/12 was also included in the report.

### **Resolved**

That the report be noted.

## 190/12 **SHADOW HEALTH AND WELLBEING BOARD UPDATE**

### **Resolved**

The Panel noted the report.

## 191/12 **SUPPORT FOR LIVING AT HOME SERVICES UPDATE**

The Commissioning Lead introduced the item. The following is a summary of the briefing and subsequent discussion:

- Following the tender process 100 expressions of interest were received, with 95 tender submissions going on to complete a full tender. These were then evaluated by a range of partners and stakeholders, including service users. There was one instance of a challenge to a rejected submission, as a result work has taken place to mitigate the risk of further challenges;
- The Council has received no further challenge to the procurement process and has moved on to contract award and implementation. A total of 39 providers were successful for inclusion in the new Support for Living at Home Services Framework. It was explained that the framework provided no guarantees in relation to volume or value of work to providers. However, it did provide assurances to service users regarding the level of competence and compliance with agreed standards. Officers explained that individuals would be encouraged to make use of providers who were not on the framework contract if it was appropriate for their individual needs;
- It was agreed that a breakdown of provider types and names of successful providers would be provided to Members and that the Panel would receive quarterly updates on the process. Officers have sought to support small local

providers by applying proportionality to the process. In addition, efforts have been made to encourage some local, innovative providers unfamiliar with the procurement process to submit tenders;

- It was explained that the Council will be holding the first Care Fayre to help promote the provider services available. While challenges include determining the price per hour of care and working with staff and users in migrating to the new approach. It was explained that the emphasis was placed on reablement before social care services were deployed.

**Resolved**

That the report be noted.

**192/12 WORK PROGRAMME 2012/13 AND FORWARD PLAN**

**Resolved**

That the work programme and Forward Plan be noted.

**193/12 DATE OF NEXT MEETING**

The Chair informed Members that the date of the next meeting would be 4 September, 2012 at 6.00pm.

The meeting terminated at 7.30 p.m.

Chair:

Date: