

SOCIAL CARE AND INCLUSION SCRUTINY AND PERFORMANCE PANEL

TUESDAY 18 JUNE 2013 AT 6.00 P.M.

Panel Members Present: Councillor T. Oliver
Councillor B. Douglas-Maul
Councillor D. Barker
Councillor J. Rochelle
Councillor D. Coughlan

Officers Present: John Bolton, Interim Executive Director
Peter Davis, Head of Community Care
Andy Rust, Head of Joint Commissioning Unit (JCU)
Tracy Simcox, Lead Commissioner for Older People & Vulnerable Adults
Nigel Imber, Project Officer- Strategic Development
Matthew Underhill, Committee Governance & Business Manager

258/13 APOLOGIES

Apologies were received for the duration of the meeting from Councillor Nazir and Councillor Rattigan.

259/13 SUBSTITUTIONS

There were no substitutions for the duration of the meeting.

260/13 DECLARATIONS OF INTEREST AND PARTY WHIP

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

261/13 MINUTES

The Panel considered the minutes of the meeting held on 18 April 2013.

Resolved:

That the minutes of the meeting held on 18 April 2013, copies having previously been circulated, be approved as a true and accurate record.

262/13 INDEPENDENT LIVING FUND

The Interim Executive introduced the report. The following is a summary of the report and subsequent discussion:

- It was explained that the Independent Living Fund (ILF) was first introduced in 1993. Its aim was to provide those with a severe level of disability an additional payment to assist them with living independently in their own home;
- It was also explained that the Independent Living Fund (ILF) will cease to exist after 31 March 2015. The funding that was previously allocated to ILF will transfer to the council, who will then be responsible for allocating funding in the future. Prior to the transfer of funding, the Department for Work and Pensions

(DWP) will undertake assessments of those receiving support from the ILF. However, it was anticipated that the total amount of funding transferred to the council would be lower than the current ILF fund. At the same time this was unlikely to reflect the likely increased demand for such support as a result of changing demographics. Officers acknowledged that current recipients and their carers were understandably concerned;

- Officers explained that sixty-two people were in receipt of the ILF in Walsall. It was further explained that sixteen people had been in receipt of the ILF from 1993 and these individuals received the highest amounts of ILF support of £815 per week. The remaining forty-six individuals received amounts of over £475 per week;
- Following a query officers explained that the amount of funding that the council would receive for ILF funding would be determined by the outcome of the Comprehensive Spending Review (CSR) settlement and by the funding formula that is applied to the council. The amount of funding that the council receives will not be ring-fenced but rather pooled with all other funding. It was pointed out that, while the budget post-2015/16 had not yet been set, the government had previously indicated that a minimum 5% reduction in overall funding provided to councils should be expected. Officers highlighted that the council would have the option of choosing to increase the amount of ILF funding from its overall budget if it wished to do so;
- The Interim Executive Director explained that under Benefits Based Charging (BBC) a proportion of ILF funding is deducted at source to fund council services of which an individual is in receipt. Members welcomed the Interim Executive Director's intention to review the BBC system to reflect government policy and local concerns;
- Christine Stringer, whose son receives ILF support, was invited by the Chair to give her perspective on the change to ILF arrangements. She explained that her son had been in receipt of ILF support since 1993 as he suffered from autism and challenging behaviour. It was also explained that Mrs Stringer's son had the cognitive ability of a six year old and that on becoming an adult it had been necessary for him to go into residential care. This had proved to be a very traumatic experience for the whole family and was not one which she would care to repeat. Mrs Stringer explained that since 2005 her son lived in his own shared ownership home and had support from a team of five Personal Assistants. She expressed concern regarding the possible loss of these arrangements which allowed her son to have an independent life. Mrs Stringer also highlighted the impact that the changes would have on her son together with thousands of other profoundly disabled people. She stated that the opportunity for these individuals to have control over their own lives should never be taken away from them. Mrs Stringer requested that the council sought clarity regarding the level of future funding that it could expect to receive beyond 2015/16 for ILF, she also wanted to understand how the council would safeguard this vulnerable group in the future and ensure that their human rights were protected. Mrs Stringer also queried how the council assessment of need would differ from the ILF assessment. In responding the Interim Executive Director explained that no budget had been set or settlement agreed for post-2015/16. He also noted the context where a whole raft of other benefit changes were being made that would impact on other payments. He explained that the government was no longer funding anything beyond basic care. He also noted that striking the correct balance between providing basic care and delivering quality of life for individuals

is the type of debate that councils will have in the future. He highlighted that in Walsall this debate would apply to around three thousand people for whom the council is responsible;

- The Chair sought clarification as to whether the council's overall policy to support people in their own homes would continue. In responding the Interim Executive Director explained that there were two main issues that required consideration. The first was assessment of need which should be an objective assessment of an individual's care needs. The second issue was finance and this would determine the type of support that could be funded. Most councils now operate a policy which seeks to meet individual's critical and substantial care needs. The objective of the council post-ILF will be trying to create the right environment where an individual's care needs are met. He explained that one council has introduced a policy whereby if the cost of an individual's assessed need to live independently in the community is above the cost of residential care then residential care will be used. However, this decision was subject to a judicial review. In response to a query he explained that it would not be possible to protect those currently in receipt of ILF funding. However, he did note that it would be within the gift of the council to supplement the funding transferred from the ILF. A number of Members expressed concern regarding the risk of decisions being made based on budgets rather than individual need. The Interim Executive Director explained that, while he did not necessarily advocate it, one possible route for meeting an individual's care needs might be shared accommodation arrangements where carers support two or more people. Mrs Stringer expressed concern regarding this possibility, explaining that individual's have a right to live their own lives and should not be compelled to have to share accommodation with others. The Interim Executive Director noted that this was among a number of issues that the council would have to consider following the conclusion of ILF funding;
- Following a query it was explained that an individual was only entitled to receive ILF support if they received a Disability Living Allowance (DLA). However, 50% of the DLA is deducted for payment of BBC at source;
- The Chair noted that it was helpful that the conclusion of the ILF had been highlighted two years in advance. The Interim Executive Director confirmed that the decision to cease ILF had now been taken. It was likely that the most effective action Members could now take would be continue to discuss with officers the most effective approach to managing the post ILF position. It was also explained that those currently in receipt of ILF were being visited and the changes explained to them;
- The meeting acknowledged that this was a small but vulnerable group. Officers agreed to return to the Panel on this issue at an appropriate time.

Resolved:

That the issue of the conclusion of the ILF will be considered at a future meeting; & the report be noted.

263/13 COMMISSIONING MENTAL HEALTH SERVICES – BROADWAY NORTH

The Head of the Joint Commissioning Unit introduced the update. The following is a summary of the update and subsequent discussion:

- It was explained that the services at Broadway North sat in two main categories: residential and day care services. Residential care is divided into crisis admissions and respite admissions, while day care services operated from the resource centre;
- It was further explained that a value for money review of the model of service at Broadway North had determined that residential and crisis bed services should be considered for closure and alternative equivalent provision purchased from the independent sector. Officers have proposed that this recommendation be subject to a consultation with staff and key stakeholders. Following a Panel query it was explained that it was anticipated that the consultation will be concluded in September;
- The Chair noted that the Panel had paid close attention to developments at Broadway North. He highlighted that now, particularly in terms of day services, it represented a good news story and made a significant contribution to the welfare of the people of Walsall. However, the issue of residential care provision remained a key issue, particularly in terms of the number of beds and bed usage. Officers agreed that the saving of £100k was based on an occupancy rate of 62% and if there was 90%-100% occupancy there would no cost saving available. In response to a Chair query the Interim Executive Director explained that work had been undertaken to seek to increase occupancy rates. However, he also emphasised that the day care services were part of the operating model which sought to enable individuals to be able to remain independent and in their own homes. It was explained that use of the spare bed capacity included two beds for those receiving drugs and alcohol treatment. However, these arrangements were on a spot purchasing basis. It was further explained that the alcohol and drug treatment service do not wish to enter into block contract arrangements and spot purchasing will not offer the kind of financial certainty required to enable the existing arrangements to continue;
- Following a Panel query it was explained that the alternative accommodation provision would be within Walsall with a Registered Social Landlord (RSL). However, the support services individuals received would continue to be provided by Dudley and Walsall Mental Health Trust (DWMHT). It was also explained that the residential care beds would either be provided within one building or through a number of locations. However, it was confirmed that at present one location was being considered to meet the provision required. In response to a further query regarding shared services it was explained that at this point Dudley, as the partner in the DWMHT, was not minded to operate in this way;
- In response to a Panel query regarding the quality of provision officers explained that while residential accommodation would be provided by the RSL, individual support would be provided by the DWMHT. The quality of provision was an issue that was within the control of the council and the DWMHT. The Chair highlighted that given that services are provided by an increasing number of different providers there was much greater potential for individuals to fall between service provision. The Interim Executive Director acknowledged that it would be

important to ensure that DWMHT provided the right level of support in the future, with day services forming a key element of the recovery model. However, in responding to Panel queries, he also recognised that there was a lack of clarity regarding partnership arrangements and it would be important to be able to have confidence in all partners, including the RSL. Officers confirmed that there would be no procurement process and agreed to provide details of the potential provider to Members outside of the meeting at the earliest opportunity;

Resolved:

That following the consultation officers report back to the Panel at the earliest opportunity; &

the report be noted.

264/13 REVISED OPERATING MODEL

The Interim Executive Director introduced the report. The following is a summary of the report and subsequent discussion:

- It was explained that the Operating Model for Adult Social Care was considered by Cabinet in February 2012. The report at that time had appropriately focused on personal budgets for those requiring long term care. However, it was now important to achieve the right balance between personal budgets and the front end of services. He explained that under the previous version of the model there was a waiting time for assessment for those waiting to return to their own homes from hospital. However, these individuals do not need a full assessment at this stage, instead they required speedy help. At the stage when they are ready for discharge they neither require nor is it appropriate for them to receive a complex assessment of need. The challenges that the previous model presented were evident during the March bed crisis at the Manor where the demand for assessment before discharge could not be met and it had resulted in individuals having to be placed in residential care;
- It was also explained that under the revised operating model individuals would be channelled through preventative services before they are assessed for longer term care and support. The objective is to provide immediate assistance with the potential need for long term help identified after this stage. A Member praised the new approach and spoke about its success in speeding up an individual's recovery post-discharge;
- The Panel agreed with officers that undertaking a detailed assessment in hospital was not suitable as an individual's personal circumstances are likely to be in a state of flux. The Interim Executive Director explained that the revised model would be implemented in September and would focus on patient services and a community-based recovery model for individuals.

Resolved:

That the report be noted.

265/13 ACCOMMODATION BASED SERVICES FRAMEWORK

The Head of the Joint Commissioning Unit introduced the report. The following is a summary of the report and subsequent discussion:

- It was explained that it had become necessary to undertake a procurement process for accommodation-based services as the previous framework contract was near the end of its four year life. It was further explained that the residential and nursing care home placements procurement exercise was being led by the council. It was to be recommended to Cabinet that a framework agreement for re-tendering of these services be undertaken. It was also proposed that those services providing accommodation for young people at risk of homelessness, which supported sixteen/ seventeen year olds, and for people at risk and/ or suffering from domestic abuse be re-commissioned and not included in the same procurement exercise. In relation to the integrated pathway it was explained that it had been recognised that the previous partnership arrangements between the council, public health and other directorates had not been working effectively. Work was now underway to ensure a more effective approach to protecting those who were vulnerable;
- Members of the Panel noted that children becoming homeless as a result of family breakdown was a significant issue and expressed concern regarding the council's capacity to meet this demand in the context of budget reductions. Officers explained that this was an issue that covered the remits of both social care and those of Children's Services and Housing. However, the procurement exercise was seeking to ensure that funding was used in the most effective way, rather than to make savings. These three portfolio areas were responsible for the transitional stage when children become adults and it would be important to ensure that a sufficient amount of the right type of accommodation was procured;
- A Panel Member expressed concern regarding the demands placed on families, including the welfare reforms, which would create further pressures and be likely to result in more family breakdowns. This could only be avoided if people were able to have a decent standard of living. Officers agreed and acknowledged that the bedroom tax would create further pressures on families. It was explained that an emphasis was now being placed on preventing family breakdown, with good practice from elsewhere currently being reviewed;
- Following a Panel query it was confirmed that a national expert from the Department for Communities was supporting this work. It was also explained that while other directorates had previously used consultants in developing this work in Walsall that was no longer the case.

Resolved:

That the report be noted.

266 /13 INTRODUCTION OF ASSISTED TRANSPORT POLICY

The Head of the Joint Commissioning Unit introduced the report. The following is a summary of the report and subsequent discussion:

- It was explained that two hundred and sixty people are currently assisted with the cost of transport by the council. Under the existing arrangements service users receive a subsidy towards the cost of transport which impacts on the overall budget for the service and which potentially means others will not receive a transport service. It is proposed in the revised policy that the subsidy is ended and the cost of receiving this service should be met by an individual's personal resources. Following a Panel query, it was explained that those who receive a personal budget will have an element of funding included for transport if this is required to achieve support plan outcomes. It was further explained that those with exceptional circumstances would be assisted with the cost of transport;
- In response to a query from the Chair it was explained that the standard journey charge was £2. However, this only provided a third of the current budget as the current policy was a contribution based not full cost recovery model. The Chair explained that he was aware of at least one individual who had been negatively impacted by the current model. This individual had been compelled to reduce the number of days they spend at a day care centre. He expressed concern regarding the potential of the further impact for some of the proposed new policy. Officers explained that it was anticipated that the consultation would produce a clearer picture of the impact of the new policy and will assist in ensuring that individual needs are identified and met. Officers distributed to Members a breakdown by ward of those who currently receive transport provision from the council. It was explained that this had been originally requested by Councillor A. Andrew. Following a further Panel query it was explained that those in receipt of DLA could use this to fund their transport needs.

Resolved:

That following the consultation officers report back to the Panel at the earliest opportunity; &

the report be noted.

267/13 CONSIDERATION OF PANEL WORK PROGRAMME FOR 2013/14

The Chair explained that the Corporate Scrutiny and Performance Panel had established a working group to consider Welfare Benefits. It was agreed that Members of the Social Care Panel would be advised as to the details of this working group and invited to participate in its work. It was also agreed that Members would advise the Committee Governance and Business Manager of any items that they might wish to be considered by a working group.

Resolved:

That information be provided to the Panel regarding the Welfare Benefits working group and Members consider any items they would wish to be the subject of a working group; &

the report be noted.

268/13 FORWARD PLAN

Resolved:

That the Forward Plan be noted.

269/13 DATE OF NEXT MEETING

The Chair informed Members that the date of the next meeting would be 23 July 2013

The meeting terminated at 7.50 p.m.

Chair:

Date: