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DATE: 22 March 2011

ADULT AND COMMUNITY POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Meeting to be held on Tuesday 29 March 2011

Please see the attached report(s) marked "to follow" on the agenda.

**9 MINUTES OF THE SPECIAL PORTFOLIO HOLDER MEETING HELD ON 18
MARCH 2011 (Pages 3 - 12)**

To follow

**15 ANNUAL REPORT OF THE ADULT AND COMMUNITY PDS COMMITTEE (Pages
13 - 18)**

**19 EXEMPT MINUTES FROM THE PORTFOLIO
HOLDER MEETING ON 18 MARCH 2011
(Pages 19 - 20)**

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

*Copies of the documents referred to above can be obtained from
www.bromley.gov.uk/meetings*

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ADULT AND COMMUNITY PORTFOLIO

Minutes of the meeting held at 10.00 am on 18 March 2011

Present:

Councillor Graham Arthur

Also Present:

Councillor Judi Ellis, Councillor Peter Fookes and
Councillor Diane Smith

7 DECLARATIONS OF INTEREST

Councillor Judi Ellis declared that her father was resident in a care home in the Borough. Councillor Peter Fookes declared that he was a Trustee of Penge and Anerley Age Concern.

8 MINUTES OF THE MEETING HELD ON 19 MARCH 2010

RESOLVED that the minutes of the meeting held on 19th March 2010 be agreed.

9 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING

Questions were received from Mrs Jean Stout, Chairman of the Community Care Protection Group and Mrs Sue Sulis, Secretary of the Community Care Protection Group. These are attached at **Appendix A**.

10 PERSONAL BUDGETS AND CONTRIBUTIONS POLICY CONSULTATION OUTCOMES

Report ACS11016

The Portfolio Holder considered a report advising on the outcome of the consultation on proposed changes to the Personal Budget and Contributions policy undertaken with service users, their families, carers and stakeholders. The report recommended a number of changes be adopted to the policy in response to the consultation.

Prior to considering the eight proposals outlined in the report, the Portfolio Holder read a statement that highlighted the breadth of the consultation and the responses received. The Portfolio Holder expressed his thanks to all respondents and reported that the submissions received from partner agencies had been helpful and informative.

The Portfolio Holder went on to consider each of the eight proposals in turn:

Proposal One: the need to establish the range of service that will meet a person's assessed eligible need; which could be included within a personal budget, and that the service user's financial contribution would be based on the total personal budget amount. It was proposed that the calculation for a personal budget would include the following services:

- Personal Care (including 2 carer support and evenings & weekends)
- Personal Assistants
- Non Residential Respite
- Assisted Technology Equipment
- Supported Living
- Carelink
- Day care including Transport

The Director ACS suggested that calculating personal budgets through the proposed list of service areas would provide a framework on which to base future developments. In response to a question, the Director ACS clarified that the purpose of the proposal was to provide service users with an indication of the true value of the support that was being provided.

RESOLVED that Proposal One, as outlined above, be approved.

Proposal Two: That access to a subsidised shopping, laundry and holiday service for those not eligible for social care services will cease as planned.

The current subsidy on holiday breaks would cease from April 2011. Care management guidance would be updated to ensure that, where someone (who is eligible) may have personal care needs that will need to be met whilst taking a holiday that this is reflected within their support plan and personal budget. Development of the web portal to include information on accessing holidays and potential funding sources. BSSD and other services would also be advised of the information available to all to enable access to holiday breaks independently of the Council.

For eligible service users who would require support with shopping and laundry a small element would be included within the personal budget and included as part of assessed financial contribution of the overall personal budget.

The Portfolio Holder requested that the Policy define "a small element" and the Director ACS clarified that the intention of the Policy was to move away from the general provision of shopping and laundry services. However, where an individual had a clearly assessed need, there would be an allocation within the individual personal budget to cover the cost of these services.

The Chairman of the Adult and Community PDS Committee highlighted that internet shopping services offered an alternative in meeting any shopping needs.

In response to a question, the Head of Programme Management (LD) reported that fewer than 100 service users would be affected by the changes to shopping provision, and around 70 service users would be affected by the changes to laundry provision. The estimated savings if this proposal was to be approved would be £100,000.

RESOLVED that Proposal Two, as outlined above, be approved.

Proposal Three: The introduction of new personal care rates including new rates for the ½ hour and 1 hour personal care visits, an additional charge for 2 carer visits and a supplement for evening and weekend visits. There was also a reduction to the rate charged for 1 hour visits from £16.20 to £14.00 to bring this in line with the market rate.

In order to mitigate the concerns raised through the consultation, it was proposed that Care Management guidance be amended to require that support planning should seek to reduce the need for double-handed care wherever practicable through use of assistive technology, equipment and support to informal carers.

The Head of Programme Management (LD) highlighted the need to ensure the hourly payments included in personal budgets reflected the costs of services on the open market.

The Chairman of the Adult and Community PDS Committee expressed concern surrounding additional charges for double-handed care as it was important to ensure the health and safety of those caring for people who had severe immobility. The Director ACS provided assurances that risk assessments would be undertaken and Officers would continue to review the use of technology and the support provided to carers.

RESOLVED that Proposal Three, as outlined above, be approved.

Proposal Four: Considered whether directly employed personal assistants be included as part of a personal budget forming part of the overall financial assessment. This would mean that the service user's contribution would be deducted from the amount received as a direct payment. The consultation also covered the reduction in the hourly rate paid as a direct payment from £14 to £11.

Whilst £11 per hour was confirmed as the standard rate for service users directly employing a personal assistant, the rate would be varied in instances where additional needs or the requirement for specialist skills were identified. This would be reflected within revised Care Management guidance. Short term transitional arrangements would be put in place to limit the impact on support plans which relied on Personal Assistants employed at above the standard £11 per hour rate.

The Portfolio Holder sought clarification regarding how long the “short term” transitional arrangements would be in place, and the Director ACS confirmed that the arrangements would remain in place until the next review.

In response to a question regarding how Officers could ensure that health care needs would be met, the Director ACS reported that Officers worked with District Nurses employed through Bromley Healthcare in assessing needs and planning care.

RESOLVED that Proposal Four, as outlined above, be approved.

Proposal Five: There would be a single standard rate for Day Centre sessions of £15 per day which would be included in a personal budget as a managed element (not available as a direct payment at this time).

Transport would not be included as part of the personal budget and so will be free of charge at this time.

From the 16th May all new service users would be charged the standard rate for Day Centre attendance.

Existing service users who only received a day centre service will have a financial assessment prior to the charge being made. The target implementation date for these charges would be 1st July 2011.

Non building-based day time activities (excluding employment or voluntary activities) would be included within the personal budget and available as a direct payment, reflecting the support needs that someone required to enable them to attend and participate i.e. could be Personal Assistant rate.

The Portfolio Holder noted that this proposal had generated a great deal of feedback and asked the Head of Programme Management (LD) to outline how other Boroughs had dealt with this issue. The Portfolio Holder was informed that it appeared that more Boroughs were introducing charges. The London Borough of Croydon was now charging for the full cost of the services, which could be more than £40 per day.

However it was apparent that the level of charges originally proposed: £18 and £40 had caused significant concern, and particularly amongst service users who were liable for the full cost of their services. Officers had reconsidered the proposal and were now recommending a lower standard charge, which as it was below the actual cost of the service would be a part of the personal budget, not available to be taken as a Direct Payment at this time.

The Portfolio Holder stressed that the Local Authority was not trying to undermine the viability of day centres but highlighted the need to take a balanced view

The Director ACS acknowledged that the impact on the take up of day centre places would need to be assessed over time. In addition it would be important to monitor whether there was a demand to take the day centre element of a personal budget as a Direct Payment. If this was the case it may in time be necessary to adjust the rate to more fully reflect the cost of the service. The Portfolio Holder requested that an analysis of the use of day centres be provided to the Adult and Community PDS Committee to allow Members to monitor the ongoing level of demand.

At the request of the Portfolio Holder, the Head of Programme Management (LD) outlined the consultation process for day centres offering services to people with learning disabilities. The Portfolio Holder heard that service users had fully engaged with the consultation process and had attended a number of the consultation meetings held. The Portfolio Holder suggested that this was an excellent example of how consultation should be undertaken.

RESOLVED that Proposal Five, as outlined above, be approved.

Proposal Six: That Carelink (community alarm); Telecare and other assisted technology equipment would be calculated as part of a personal budget and would therefore be part of the financial assessment, meaning a charge may be applied with a new increased charge being proposed.

Councillor Peter Fookes asked how many service users would be affected by the proposal. The Head of Programme Management (LD) reported that she did not have these figures available at the meeting but agreed to provide this information to Councillor Fookes following the meeting.

RESOLVED that Proposal Six, as outlined above, be approved.

Proposal Seven: to introduce standard amounts for disability related expenses; there would be 3 levels (£5 - £15) based on the welfare benefits receipts.

Care management guidance will be amended to ensure that any service user with exceptional needs relating to their disability which requires additional expenditure over the standard rate will be advised that they have the facility within the policy to ask that these be considered.

The Portfolio Holder sought clarity surrounding the proposal. In response, the Head of Programme Management (LD) explained that there was currently a disregard made for particular expenses based on disability. This was very complex because the disregard covered a range of items including, but not restricted to diet, stair lifts, hoists and gardening. The proposal was that there would be a standard rate linked to the level of disability benefits that people received. This would be less bureaucratic but would mean that some service users who had not previously contributed financially to a service would now have to pay a proportion of the cost.

The Director ACS highlighted that where an individual considered that they had exceptional needs resulting in significant additional living costs, their circumstances would be reviewed by the Financial Assessment team. There is already an appeals process in place where a service user can request a review of their assessment which is conducted independently of the financial assessment team.

The Director of ACS referred to the Equality Impact Assessment highlighting that this proposal did impact on people with disabilities specifically but indicated that the availability of a review and appeal process mitigated this impact.

The Portfolio Holder asked whether service users would receive clear guidance concerning the review and appeals procedures. The Director ACS confirmed that this was the case.

RESOLVED that Proposal Seven, as outlined above, be approved.

Proposal Eight: Considered whether people using day services whose social care needs did not qualify (FACS criteria substantial and critical) for the council's support would be expected to pay for using this service.

This would mean that the Council would reduce the subsidy for non eligible service users by £10 per day per ineligible person with a target date of 1st July 2011. This amount would be withdrawn from the contract price paid to the relevant day centre. The individual providers may choose to make up this shortfall in a number of ways; including through charging individual service users. Any charge applied to the existing non-eligible service users would be set by and paid to the individual day centre provider.

Councillor Peter Fookes expressed concerns regarding this proposal as he felt it could discourage people from being active in the community. Councillor Fookes stated that he felt there were other ways in which funds could be raised and he urged the Portfolio Holder not to pursue the proposal.

The Portfolio Holder acknowledged that day centre providers would have to work to make their services more attractive in order to compete, and acknowledged that he did have some misgivings surrounding the impact of charging. The Portfolio Holder asked Officers to monitor the impact on day centre services, and if necessary support the day centres in accessing advice on marketing their services through Community Links Bromley (CLB). CLB will be following up on a range of business planning functions for the third sector that were raised at the recent "Seeds of Change" conference.

The Chairman of the Adult and Community PDS Committee expressed concern surrounding inequalities between day centres that could emerge if some were able to undertake fundraising whilst other were not. Councillor Ellis suggested that there should be an element of charging for all day centres regardless of levels of fundraising to ensure that some centres were not disadvantaged.

The Portfolio Holder requested that when usage of day centres was reviewed, Officers undertake an analysis of the factors affecting usage.

The Director ACS reported that Officers' expectation was that centres would charge a daily rate of £10. It would be at the discretion of individual day centres if they wish to modify this charge and offer enhanced services.

RESOLVED that Proposal Eight, as outlined above, be approved.

The Portfolio Holder reported that the consultation process had also identified concerns surrounding the need to highlight when service users were nearing the £23,500 threshold, initiating a financial assessment. The Portfolio Holder suggested that, in light of the time it took for financial assessments to be completed, there should be a trigger mechanism at around £25,000. The Exchequer Manager reported that in many cases, Officers were not aware of individual's financial circumstances, and a general reminder would have to be given to service users to highlight when they needed to apply for a financial assessment. The Director ACS agreed that in circumstances where the Department was aware that an individual's finances would drop below the threshold, an automatic assessment would be triggered.

In response to a question regarding the timetable for implementation of the proposals; the Head of Programme management (LD) reported that the above agreed proposals would be implemented on 16th May 2011, with the exception of the day centre proposals which would be implemented on 1st July 2011.

The Portfolio holder, once again, thanked everyone who had responded to the consultation.

RESOLVED that

- a) The consultation responses as set out in Appendix 1 and in sections 3.6.3 – 3.6.10 of the report be noted;
- b) The proposed policy changes as outlined in section 3.6.3 – 3.6.10 of the report be agreed;
- c) The implementation timescale be agreed;
- d) The revised Personal Budgets and Contributions Policy be referred to the Adult & Community PDS Committee in July 2011.

11 LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006, AND THE FREEDOM OF INFORMATION ACT 2000

RESOLVED that the Press and public be excluded during consideration of the items of business listed below as, it is likely in view of the nature of the business to be transacted or the nature of the proceedings that, if members of the Press and public were present, there would be disclosure to them of exempt information.

12 EXEMPT MINUTES OF THE MEETING HELD ON 19 MARCH 2010

RESOLVED that the exempt minutes of the meeting held on 19th March 2010 be agreed.

13 PROCUREMENT STRATEGY FOR SUPPORTING PEOPLE SCHEMES FOR YOUNG PEOPLE

The Portfolio Holder considered the report and agreed the recommendations.

The Meeting ended at 11.06 am

Chairman

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Minute Annex

Questions to the Adult and Community Portfolio Holder: 18th March 2011

Mrs Jean Stout, Chairman, Community Care Protection Group

PERSONAL BUDGETS AND CONTRIBUTIONS POLICY CONSULTATION OUTCOMES: EQUALITY IMPACT ASSESSMENT ON THE IMPLEMENTATION OF THE CHANGES

- 1. The report to the 8.12.10 Executive and the 26.01.11 ACS PDS stated that an EIA would be carried out and presented to the PH as part of the process, but it does not appear in this Report, or on the Council's website – why not?**

An equality impact assessment (EIA) has been undertaken as part of the consultation process. The purpose was to assess whether any proposals had a disproportionate impact on any particular group. The conclusion of the EIA was that the proposals in the main impacted on all service users equally, irrespective of race, gender, age or disability.

However, in respect of the Disability Related Expenses(DRE) disregard, it is acknowledged that this affects people with a disability specifically. The scale of the impact has been assessed and is considered proportionate. It is considered that the application of discretion around specific needs and the existing policy of considering applications for waivers mitigates the effects of the change on people with disabilities.

The potential impact of all the policy changes will be monitored and an initial report will be presented to the Adult & Community PDS committee in July.

The EIA should have been available on the main council website from Friday 11th March (at the same time as the main committee report). However, this was delayed until Tuesday 15th March due to a technical issue with the document.

Mrs Susan Sulis, Secretary, Community Care Protection Group

CLOSURE OF ACTIVE LIFESTYLES 'FRESH START' & 'FRESH START PLUS' MEDICAL REFERRAL EXERCISE CENTRES.

1. Bromley Council pioneered this excellent and valued scheme in partnership with Bromley PCT, (now run by Bromley Mytime, which now faces almost complete closure).

When will users and carers be consulted on the closure?

2. Loss of the scheme will result in greater costs for the Council in Adult Care, and for the NHS in treatment and hospital admissions and stays.

What representation has the Council made to the DOH/Government with regard to its funding cuts?

3. Will the Council consider introducing a 2-tier system, to enable users who have completed the initial programme (Fresh Start Plus) to continue classes without the fitness advisors, and those who still require advisors to attend the 2 centres (the Walnuts and the Spa), which will retain them?

I am pleased to be able to advise Mrs Sulis that the Director of Public Health has been able to reassure me that the PCT is continuing to fund the Fresh Start programme and is actually increasing the amount of funding available for 2011/12 in order to pilot an extension of the scheme for patients identified through the NHS checks (a new vascular prevention programme)

The Director of Public Health has carried out a review of the whole programme, including the criteria for referral, to ensure that it is targeted at the people who have been identified as most likely to benefit and that it is focused on areas of the borough where there is the greatest need.

I have been advised that in the future people will stay in the programme for 12 weeks following which they will be signposted to other exercise programmes and activities which they might wish to continue.

Report No.
LDCS11054

London Borough of Bromley

PART 1 - PUBLIC

Decision Maker: **Adult and Community
Policy Development and Scrutiny Committee**

Date: **29 March 2011**

Decision Type: Non-Urgent Non-Executive Non-Key

TITLE: ANNUAL REPORT OF THE A&C PDS COMMITTEE

Contact Officers: Philippa Stone, Democratic Services Officer
Tel: 020 8313 4871 E-mail: Philippa.Stone@bromley.gov.uk

Chief Officer: Mark Bowen, Director of Legal, Democratic and Customer Services

Ward: Boroughwide

1. Reason for report

- 1.1 The annual report on Policy, Development and Scrutiny activity is to be considered by the Executive and Resources PDS Committee on 30 March 2011, before submission to full Council on 11 April 2011. The Committee is asked to consider the attached annual report for the Adult and Community People Policy Development and Scrutiny, to reflect the 2010/11 Council Year

2. **RECOMMENDATION(S)**

- 2.1 **The Committee is asked to consider the attached draft report, which reflects the work programme for the Adult and Community Policy Development and Scrutiny Committee over the 2010/11 Council Year, for inclusion in the annual report on the Council's Policy Development and Scrutiny activity.**

Corporate Policy

1. Policy Status: N/A
 2. BBB Priority: Excellent Council
-

Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A
 3. Budget head/performance centre: N/A
 4. Total current budget for this head:
 5. Source of funding: N/A
-

Staff

1. Number of staff (current and additional) – N/A
 2. If from existing staff resources, number of staff hours -
-

Legal

1. Legal Requirement: No Statutory requirement:or Government Guidance
 2. Call in: Call-in is applicable
-

Customer Impact

1. Estimated number of users/beneficiaries (current and projected) - All residents of the borough
-

Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 The Council's constitution requires that an annual report on Policy Development and Scrutiny activity be presented to full Council, and a report is being prepared for the meeting on 11 April 2011. The Executive and Resources Policy Development and Scrutiny Committee will consider a report encompassing the work of each Policy Development and Scrutiny on 30 March 2011.
- 3.2 The Chairman has prepared a draft annual report which reflects the Adult and Community PDS work programme and the pre-decision scrutiny of reports to the Portfolio Holder for Adult and Community during the 2010/11 Council Year.

4. POLICY IMPLICATIONS

- 4.1 Each Policy Development and Scrutiny Committee mirrors a Council Portfolio, including that concerned with Adult and Community. Policy Development and Scrutiny Committees have no decision-making powers, but play a major role in scrutinising the work of the Executive and individual Portfolio Holders. They advise Portfolio Holders, the Executive and Council on policies, budgets and service delivery.

5. LEGAL IMPLICATIONS

- 5.1 The Policy Development and Scrutiny Committees fulfil the functions conferred by sections 21 and 32 of the Local Government Act 2000.

Non-Applicable Sections:	Financial Implications Personnel Implications
Background Documents: (Access via Contact Officer)	Minutes of the A&C Policy Development and Scrutiny Committee 2010/11.

Adult & Community PDS Committee

Chairman: Cllr. Judi Ellis

Vice-Chairman: Cllr. Roger Charsley

Introduction

The services scrutinised by the Adult and Community Policy Development and Scrutiny Committee are both universal and targeted. They include Health provision in the Borough; domiciliary, day and residential care; housing, residential standards and advice and signposting advice on all of the above.

The provision of these services covers the complete spectrum from the NHS to a small voluntary charity providing a Luncheon Club.

The membership of the Committee apart from elected members reflects these community partners;

Bromley Primary Care Trust
Bromley Mental Health Forum
Learning Disability Forum
Bromley Council on Ageing
Disability Voice Bromley
Carers Bromley
Bromley Federation of Housing Associations

This broad spectrum enhances the knowledge and experience needed to influence policy development and undertake informed scrutiny.

There were six meetings in this Council year (May 2010 – April 2011) plus a joint meeting with the Public Protection Scrutiny Committee. We also held two Health Scrutiny Working Group meetings and have been involved in meetings to meet the challenges resulting from changes to the PCT and South London Health Care NHS Trust.

Councillors and co-opted members visited residential establishments throughout the year and attended partner provider AGMs and various meetings with Link, South London Health Care NHS Trust, Bromley Mencap, the PCT, Bromley College, Partnership Boards, forums and local Resident Groups.

Work of the Committee

The priorities are established by the Portfolio Holder following a planning day and the Committee monitor and review the various policies as they are progressed. We also monitor the key performance targets and the Budget.

This is a Service with increasing demands and highly successful partnership working. We have looked at the following in terms of scrutiny and policy development;

- Security at Bethlam Royal Hospital
- Supporting Independence in Bromley – regular updates including; Personal budgets, Direct payments, Assistive technology and equipment generally, and reablement.
- Portfolio Plan
- Commissioning arrangement for supported living for people with learning disabilities.
- Empty Property Strategy
- Thyme Out Update
- Health care commissioning
- Safeguarding Adults Annual Report
- Contract Reviews
- Regular Budget Monitoring Reports
- A picture of Health {NHS reorganisation}
- Age concern Bromley Brokerage
- Residential Care
- Day care
- Domiciliary care
- Blue badge provision
- South East London Health Trust
- Beckenham Beacon
- Dentistry
- Cardiac and Stroke care provision

Public Questions

We have had a large number of questions from the public this year and would like to thank the questioners for their continued interest in and support for the work of the Committee.

Conclusion

My thanks go to all Elected Members and Co-opted Members for their dedication and commitment in the last year. This has been a challenging year, with changes in budget provision across the Council necessitating a substantial review of all services and an increased emphasis on preventative measures to enable more residents to continue to enjoy living in their

own home, whether private or managed by a Housing Association or specialist provider. This has been through contracts with partners as well as fresh in-house initiatives and in the case of Extra care Housing New build.

The Committee is directly supported by Anne Watts, Assistant Director, Strategic Development and Philippa Stone, Democratic Services Officer. The Committee continues to receive good quality and timely reports and this has been appreciated by the Members of the Committee. Our thanks go to Anne and Philippa and to all the officers who write the reports and attend the meetings.

The remit of the Adult and Community PDS Committee probably affects every family in the Borough and it is very important that the users voice is included at all stages of policy development and Scrutiny. We would like to thank all the volunteers who sit on sub-groups, Boards and Forums for their involvement and support.

Cllr. Judi Ellis

Chairman, Adult & Community PDS Committee

Agenda Item 19

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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