

## **CARE SERVICES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 16 January 2013

### **Present:**

Councillor Judi Ellis (Chairman)  
Councillor Catherine Rideout (Vice-Chairman)  
Councillors Ruth Bennett, John Getgood, David Jefferys,  
Mrs Anne Manning and Charles Rideout

Angela Clayton-Turner, Angela Harris, Leslie Marks and  
Lynne Powrie

### **Also Present:**

Councillor Graham Arthur, Councillor Robert Evans and  
Councillor Diane Smith

## **55 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies were received from Councillors Roger Charsley and Reg Adams.  
Apologies were also received from Brebner Anderson and Brian James.

The Chairman passed on the committee's best wishes for a speedy recovery  
to Brebner, who was in hospital having sustained injuries in a fall.

## **56 DECLARATIONS OF INTEREST**

- Councillor Judi Ellis declared that her father had dementia and was resident in a care home in Bromley and her mother was also a resident in a Bromley Care Home.
- Councillor Diane Smith declared she was on the board of Governors for Bromley Healthcare.
- Councillor Mrs Anne Manning declared that she was the Chairman of the Carers Organisation Group
- Leslie Marks declared that she had a son in a Bromley care home
- Angela Clayton-Turner declared that she had a relative in a Mission Care Home.
- Lynne Powrie declared an interest in item 7c as the Chief Executive of Carers Bromley.

**57 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

No Questions were received.

**58 QUESTIONS TO THE CARE SERVICES PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

4 written questions were received from members of the public and these are attached at Appendix A.

**59 CARE SERVICES PDS WORK PROGRAMME 2012/2013 AND MATTERS ARISING**

Report RES13016

The Committee considered its Work Programme for 2012/13 and progress on the matters arising from previous meetings.

**60 MINUTES OF THE MEETING OF CARE SERVICES PDS COMMITTEE MEETING HELD ON 4TH DECEMBER 2012**

**A number of typing corrections were highlighted and two Amendments, as follows:**

*“Minute 43a - Cllr Mrs Manning had reported that she had written to the MP who in turn had written to the Ian Duncan Smith regarding the issues relating to Foster Carers. There had been a response but it had not offered a definitive answer”.*

*“Minute 44 – Paragraph beginning Mr Kershaw should read It was reported that Mr Kershaw.....”*

The Director updated the Committee in relation to minute 43 stating that this issue related to a very small number of foster cares, less than ten.

**RESOLVED that the minutes of the meeting held on 4th December 2012 be agreed subject to typing corrections and the amendments outlined above.**

**61            PRE-DECISION SCRUTINY OF CARE SERVICES PORTFOLIO  
                  REPORTS**

**A)    DRAFT 2013/14 BUDGET**

The Committee considered a report of the Portfolio Holder's Draft 2013/14 Budget which incorporated future cost pressures and initial draft budget saving options. This had been reported to Executive on 9 January 2013. Members considered the initial draft budget savings proposed.

The Portfolio Holder addressed the committee requesting that they provide comments on the budget for him to feed back to Executive on 6<sup>th</sup> February. The Executive requested that each PDS Committee consider the proposed initial draft budget savings and cost pressures for their Portfolio and the views of each PDS Committee be reported back to the next meeting of the Executive, prior to the Executive making recommendations to Council on 2013/14 Council Tax levels.

There were still outstanding issues and areas of uncertainty remaining. Any further updates would be included in the 2013/14 Council Tax report to the next meeting of the Executive.

Members raised a number of points:

1.        Concerns about the funding of Citizen's Advice Bureau (CAB) in Beckenham and Penge, the suitability of outreach centres and that they may be unable to provide a service to the numbers of people currently accessing it. This issue is also the subject of a motion to full Council.

The Portfolio Holder reported that at the recent CAB AGM there had been a very positive response to the changes that had been made to provide outreach services.

2.        That the proposed changes to Older People's Day Centres was putting the providers in a position where they may be unable to provide a service going forward. This issue was the subject of a report elsewhere on the agenda.

The Chairman and one of the members of the Committee had recently visited a Day Centre where they were looking at a way of extending their service offer to cover breakfast and possibly to open on a Saturday and Sunday.

A fuller breakdown of the attendance figures may have been helpful to understand how many people attended for how many days.

3,        Section 4.3 of the report highlighted the impact of an ageing population. Members were concerned that adequate resources were in place to undertake the required assessment functions. Members also asked what modelling had been undertaken to profile the demands. Officers explained

that it was based on population statistics, past trends and the impact of key service areas already modelled. Consideration was then given to the available funds and how these could be best utilised.

4. Whether there would be any changes following the Kershaw report.

Officers explained that once the report was accepted by the Secretary of State Officers would begin working with the CCG and Kings.

5. The representative for Bromley Council on Ageing reported that at a recent partnership meeting concerns had been expressed that the calculations quoted took account of the potential rise in dementia cases. The suggestions for day centres suggested alternatives which dementia sufferers would not be able to access.

6. Members noted that £1m was set aside in the contingency for the potential impact of the welfare reform. It was agreed that the Committee should receive a paper on the impact of the welfare reform changes and the policy for using discretionary payments to mitigate the impact for key groups of people affected by the changes at its March meeting.

7. Concerns that the report referred to closure of an extra care housing scheme. Officers explained that this was not a specific proposal. The older extra care housing schemes were gradually being replaced as new schemes were available to replace them.

The Chairman asked that the wording was changed to reflect this.

8. In relation to the under spend in reablement the Director was keen to highlight that this was an indication of the success of this service. As the service continued to improve the outcomes for those who were using the service, i.e. more people requiring less intensive support following reablement, it was able to reduce costs.

It was noted generally that the PDS had debated the majority of items in the report previously or were contained elsewhere on the agenda.

**RESOLVED that:**

- 1. The update on the financial forecast for 2013/14 to 2015/16 is noted;**
- 2. The initial draft saving options proposed by the Executive for 2013/14 are noted.**
- 3. The initial draft 2013/14 Budget as a basis for setting the 2013/14 Budget is noted;**
- 4. Members comments on the initial draft 2013/14 Budget, as outlined above, are reported to the February meeting of the Executive.**

## **B) BUDGET MONITORING 2012/13**

Report CS12065

Members considered the budget monitoring position for 2012/13 based on activity up to the end of November 2012.

Forecasts based on the latest activity available showed an overspend of £591,000 on Bed & Breakfast accommodation for 2012/13 after the use of grant funding that was carried forward from 2011/12 of £453,000 and other minor under spends. The projected full year cost pressures were £1,157,000. A sum of £1m had been included in the four year financial forecast for 2013/14. The number of B&B placements was currently fairly stable averaging at around 325 for the last few months although without the “invest to save” initiatives the numbers would have been 475.

The Chairman sought clarification under direct payments (e) as it appeared there was an over spend. Officers explained this was not the case. There were void properties in the Extra Care Housing Schemes as a result of moving people in gradually rather than move everyone at the same time.

In relation to “no recourse to Public Funds”, the committee noted that there could be delays of up to 5 years in assessing the application. In that time the authority had responsibility for the children of those claimants. They wanted more lobbying of the. The Director confirmed that Bromley were regularly in contact with the Border Agency. Members felt that political lobbying may help to speed up the process.

In regard to Children’s social care placements members asked for the figures on the numbers of children placed in residential placements as an outcome from a tribunal. Officers would provide this information outside the meeting.

### **RESOLVED that**

- 1. that a projected under spend of 2,474k is forecast, based on information as at November 2012 is noted;**
- 2. the Portfolio Holder is requested to approve the report.**

## **C) COMMISSIONING STRATEGY FOR OLDER PEOPLE - DAY OPPORTUNITIES AND RESPITE CARE -INVEST TO SAVE.**

Report CS12066

In September 2012 the Care Services Portfolio Holder approved in principle the proposed commissioning strategy for older people’s day opportunity services and respite at home services in which individual choice and control was central and Personal Budgets/ Direct Payments the preferred mechanism to fund the support provided by the Council to eligible individuals.

Transitional arrangements to reach that position were described whereby, from 1st April 2013, all block contract arrangements with older peoples' day opportunities providers and respite at home service providers would cease. At that point all existing users of the services would have continuation of the service guaranteed by their places being spot-purchased by the Council on an individual basis (referred to as "legacy placements"). As clients left the service the value of the spot placement would be withdrawn from the provider.

Future eligible clients coming new to the system from April 2013 would have the value of their service included in their Personal Budget. If the Council managed the Personal Budget on behalf of the service user, the Council could either purchase an individual place at a day centre or another form of respite/ activity according to the individual's choice. Alternatively the service user can take a Direct Payment, which would enable them to purchase either a day opportunities place of their choice or other forms of respite/day activities (e.g. sitting service) should they wish to do so.

Members asked that the detailed arrangements in respect of Legacy Placements, Personal Budget values and future arrangements with providers be worked up and reported in January/February 2013 in order to implement the changes.

Members queried whether the report gave them the details they were seeking. Savings needed to be delivered and Officers explained that they had listened to the views of service users and providers on these services. Existing service users want to continue to use the services, providers had expressed a strong view that they did not want the services to be put out to tender. Therefore they needed to look at the service they provided and ways to develop for the needs of current users and to make it more attractive to future users whose needs and wishes may differ.

Community Links Bromley had worked with a number of providers to assist with business planning and development but only where help was requested. They were unable to intervene if providers did not request their help. Community Links Bromley have now been commissioned to undertake a project to undertake a survey of support needs, run a provider event and deliver a report to officers by April 2013 on future development requirements for providers. Providers were aware that their funding would decrease from October 2013. Officers agreed to provide a list of all the providers who were working with Community Links.

Members then queried how the costs had been calculated. The Chairman was concerned that these would not be sufficient for the providers to offer the services. Officers explained that they had looked carefully at the historical costs and projected service use and had set the personal budget bands at what appeared to be realistic levels. The Chairman added that in conversations with providers they felt constrained. Officers added that this approach protected existing users of services, provided support to providers whilst they change their services and delivered the required level of savings. All the services would need to change substantially but the officers would

work closely with the providers and the process would be subject to close monitoring. The Chairman requested a report back at the end of the year.

**RESOLVED that the Portfolio Holder is asked to recommend approval of the commissioning approach to the Council Executive**

#### **D) CONTRIBUTIONS POLICY**

Report CS12066

Members considered the proposed contribution rates for personal care from April 2013, the revised rate were in response to the domiciliary care services tendering exercise. The Portfolio Holder was asked to approve that consultation be undertaken with service users who had used the former PCT respite care provision, their families and carers about the charges that would be applied when using the new respite service.

In 2003, the Government issued guidance for setting charges for non-residential social care services. That guidance sought to ensure that people who used the services were treated fairly and not asked to make a contribution towards their care that would leave them in financial difficulty or hardship. It also ensured that local authorities could not make a profit from these services, so the maximum charge that could be set was full cost recovery (subject to a financial assessment).

Members noted that as a result of the new framework agreement for domiciliary care the council would generate savings of approximately £1.4m gross of client contributions and £1m net of client contributions, in a full year.

However, it was difficult to estimate how much additional income would be generated from charging service users moving from the former PCT service until the financial assessments were completed. At this stage it was not known how many of the 43 services users would be required to make a contribution towards their care.

Officer's explained that to ensure that the new respite service is fully utilised it is further proposed that we look to sell any vacant respite beds to other local authorities, based on full cost recovery.

**RESOLVED that the Portfolio Holder is requested approve:**

- 1. The new rates for personal care as set out in paragraph 3.11 and 3.17 for 2013/14.**
- 2. Consultation with service users, their families and carers as outlined in paragraphs 3.21 – 3.24.**

## **E) GATEWAY REVIEW ADULT CARE SERVICES**

### **Report CS12060**

In line with the Council's Corporate Operating principle that the Council's services would be provided by whoever offered customers and council tax payers excellent value for money, and in accordance with a gateway review process under Contract Procedure Rules, Education and Care Services had considered options for delivering reablement, extra care housing for older people and learning disability services which were currently provided by in house teams.

It was proposed that extra care housing and reablement services would be tendered in April 2013 in order to establish who is best placed to deliver these services and that further work was carried out to establish the most appropriate model for future commissioning of learning disability services.

The Chairman was concerned that figures in the report seemed to indicate that there were "voids" in extra care housing. Officers explained that one of the requirements of the Mayor's funding was there had to be a proportion of double flats available within schemes, these were not always easy to fill and could lead to some not being occupied.

The Chairman queried the underspend of £19k on re-ablement outlined in the previous budget monitoring report. Officers explained that this projection was due to in year staff vacancies.

### **RESOLVED that the Executive is requested to:**

- 1. agree to proceed to tendering the extra care housing service using the framework which was set up in 2011;**
- 2. agree to proceed to tendering the reablement service; and**
- 3. note that savings will be sought in the in house learning disability service in 2013/14 and that a further report on the most appropriate future commissioning model will be made during 2013.**

## **62 QUESTIONS ON THE CARE SERVICES PDS INFORMATION BRIEFING**

There were no questions on the information briefing.

### **A) CARE HOME QUALITY - ANNUAL REPORT**

### **B) DRAFT LOCAL ACCOUNT - ADULT SOCIAL CARE ANNUAL REPORT**

**63 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 was 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.

**64 EXEMPT MINUTES OF THE CARE SERVICES PDS  
COMMITTEE MEETING HELD ON 4TH DECEMBER 2012**

The Committee noted the exempt minutes of the meeting held on 4<sup>th</sup> December 2012

**RESOLVED** that the exempt minutes of the meeting held on 4<sup>th</sup> December 2012 are agreed.

**65 PRE-DECISION SCRUTINY OF EXEMPT CARE SERVICES  
PORTFOLIO HOLDER REPORTS**

**66 CONTRACT AWARD BROMLEY HEALTHWATCH**

Report CS 12063

The Care Services Portfolio Holder considered the report and agreed the recommendations.

**67 CONTRACT EXTENSION FOR THE SOCIAL CARE DATABASE  
(CAREFIRST)**

Report CS 12068

The Care Services Portfolio Holder considered the report and agreed the recommendations.

The Meeting ended at 9.19 pm

Chairman

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# Minute Annex

## Questions for the Portfolio Holder for Cares Services – 16<sup>th</sup> January 2012

### Colin Willetts – Written Question to Care Services Portfolio Holder

Could the Portfolio Holder tell me:

- i) the number of families currently living in bed & breakfast?
- ii) the number of families who having been living in this type of accommodation for over 6 weeks?

### Response

*In total we had 44 households placed in B&B style accommodation at 31<sup>st</sup> December. 6 out of the 44 were families with dependent children or where a member of the household was pregnant. Of the 6, 4 families have been in B&B accommodation for more than 6 weeks however all of these families have been offered alternative self contained accommodation and are in the process of moving.*

**Sue Soulis, Community Care Protection Group - Written Questions to Care Services Portfolio Holder**

1.(a) Do the tender documents specify that the requirements of the Equality Act 2010; Human Rights Act 1998 & the Freedom of Information Act must be observed by the successful contractor?

**Response:**

Yes.

1.(b) Where can patients and the public view the tender specification, which sets out the duties of the successful Healthwatch tenderer?

*The tender was advertised publically through our electronic procurement system and all the documents were fully visible to anyone who registered an interest in the tender. This option is no longer available as the tender has closed, however we can make copies available if required.*

2. How will the Council monitor and ensure that:-

(a) Healthwatch's performance reaches the appropriate standards and compliance with the relevant Codes of Conduct and Governance, and

(b) that the estimated expenditure of £90,000 annual expenditure of taxpayers money is spent wisely and value for money?

**Response:**

*The Council has agreed to spend up to £145k on Healthwatch Bromley in 2013/14. The performance of Healthwatch will be regularly monitored quarterly by the ECS contract compliance team.*

3. Secret Meetings of Bromley Council's Health and Wellbeing Board.

- (a) What are the dates of the meetings of the HWBB since its inception?
- (b) Why haven't these meetings been publicised?
- (c) Why are the meetings closed to the public?
- (d) Why are the meeting documents confidential, despite FOI requests?
- (e) How can this secrecy and lack of democracy be justified?

**Response:**

*(a) The Board normally meets every two months. The actual dates are –*

*17<sup>th</sup> March 2011, 12<sup>th</sup> May 2011, 14<sup>th</sup> July 2011, 15<sup>th</sup> September 2011, 17<sup>th</sup> November 2011, 19<sup>th</sup> January 2012, 15<sup>th</sup> March 2012, 17<sup>th</sup> May 2012, 26<sup>th</sup> July 2012, 27<sup>th</sup> September 2012, 15<sup>th</sup> November 2012, 17<sup>th</sup> January 2013 and 21<sup>st</sup> March 2013.*

*(b) to (e) At present the Board is meeting in shadow form and we are waiting for the detailed regulations about how Health and Wellbeing Boards will operate to be published. It is expected that, after 1<sup>st</sup> April 2013, when the Board is formally constituted, it will be subject to the same access to information rules as any other Council meeting. Until then there is no requirement for the shadow board to meet in public or to publish its papers and it is considered that holding the meetings in public at this stage may lead to less open and candid discussions. The Freedom of Information Act contains a number of exemptions which allow documents to be withheld and any refusal to disclose documents under the Act requires that one or more of these exemptions are correctly applied.*