

## **ADULT AND COMMUNITY POLICY DEVELOPMENT AND SCRUTINY COMMITTEE**

Minutes of the meeting held at 7.00 pm on 26 July 2011

### **Present:**

Councillor Judi Ellis (Chairman)  
Councillor Roger Charsley (Vice-Chairman)  
Councillors Ruth Bennett, Peter Fookes, Julian Grainger,  
William Huntington-Thresher, Tom Papworth,  
Catherine Rideout and Charles Rideout

Angela Clayton-Turner, Brian James, Richard Lane, Leslie  
Marks and Lynne Powrie

### **Also Present:**

Councillor Robert Evans (Portfolio Holder)  
Councillor Diane Smith (Executive Assistant)

### **19 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**

Apologies were received from Babul Ali. Councillors Grainger and Papworth submitted apologies for lateness.

### **20 DECLARATIONS OF INTEREST**

Councillor Judi Ellis declared that her father was resident in a care home in Bromley. In relation to item 9a, Councillor Julian Grainger declared that he had a child who had been assessed for being on the autism spectrum with Asperger's syndrome and Mrs Clayton-Turner declared that her adult grandson had been diagnosed with Asperger's syndrome.

### **21 QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

2 questions were received from Mrs Susan of the Community Care Protection Group and these are attached at Appendix 1.

### **22 QUESTIONS TO THE ADULT AND COMMUNITY PORTFOLIO HOLDER FROM MEMBERS OF THE PUBLIC AND COUNCILLORS ATTENDING THE MEETING**

No questions were received.

**23 MINUTES OF THE MEETING OF ADULT AND COMMUNITY SERVICES PDS COMMITTEE MEETING HELD ON 14 JUNE 2011**

**RESOLVED** that the minutes of the meeting held on 14<sup>th</sup> June 2011 be agreed.

**24 MATTERS ARISING FROM PREVIOUS MEETINGS**  
**Report RES11069**

The Committee considered a report providing an update on the progress made on matters outstanding from previous meetings.

Referring to Minute 15, Motion from Council, Councillor Peter Fookes, who had tabled the motion, asked for an update. The Chairman observed that the motion appeared to have been superseded, as the Coalition Government had made significant amendments to the original Government proposals. As the situation with reform of the NHS continued to evolve, the Committee would be provided with regular updates on the development of the Clinical Commissioning Group in Bromley.

Councillor Fookes emphasised that the Motion had highlighted the need for greater Local Authority involvement in the delivery of the NHS proposals. In response, the Chairman noted that greater Local Authority involvement was now planned, but if at any time it appeared that this was not the case the Committee would reconsider the issues and any action that needed to be taken.

**RESOLVED** that the progress made on matters outstanding from previous meetings be noted.

**25 CO-OPTED MEMBERS TO THE A&C PDS COMMITTEE: UPDATE**  
**Report RES11060**

The Chairman welcomed both Mr Richard Lane and Mr Brian James to the meeting.

With the Committee's agreement, Mr Lane would be joining the Committee as Bromley LINK representative with Mr Peter Moore acting as his alternate. Mr James would be joining the Committee as the Learning Disability representative with Mrs Vivienne Leicester continuing in the role of alternate.

Both Members were bringing a wealth of experience to the Committee.

**RESOLVED** that Mr Richard Lane be appointed to the Committee for 2011/2012 as Bromley LINK representative and Mr Brian James be appointed to the Committee as Learning Disability representative.

Following his appointment to the Committee Mr James declared the following interests; he had a son on the autistic spectrum who was in Bromley supported living and attending Bromley College. Mr James also had a 17 year old son who was currently going through transition. Mr James was also a Trustee of Advocacy for All (formerly Bromley and Bexley Advocacy), and an Associate Governor at Nash College. Finally, Mr James's job involved working with homeless women with drug addiction and other social issues although he had no business interests in the London Borough of Bromley.

## **26 PORTFOLIO HOLDER DECISIONS TAKEN SINCE THE LAST MEETING**

The Committee noted the decisions taken by the Portfolio Holder since the last meeting held on 14<sup>th</sup> June 2011.

## **27 PRE-DECISION SCRUTINY OF ADULT AND COMMUNITY PORTFOLIO REPORTS**

The Portfolio Holder welcomed Mr Brian James and Mr Richard Lane to the meeting and stressed the knowledge and experience that both would bring to the Committee's meetings.

Since the last meeting of the Adult and Community PDS Committee, the Portfolio Holder had undertaken a "whistle-stop" tour of the ACS Department. The Portfolio Holder reported that he was acutely aware of the important role played by the Portfolio and the Committee in looking after vulnerable people across the Borough. The Portfolio Holder admitted that he had been surprised at the complexity of the needs of many of the people who relied on the Council's help, and highlighted the excellent work undertaken by officers within the Department.

### **A) IMPLEMENTING "FULFILLING AND REWARDING LIVES" - A COMMISSIONING PLAN FOR ADULTS WITH AUTISM IN BROMLEY Report ACS11040**

In December 2010, the Secretary of State for Health issued statutory guidance to local authorities, NHS bodies and NHS foundation trusts with regard to meeting the requirements of the Autism Act 2009. Local Authorities are required to develop local commissioning plans for services for adults with autism, and review them annually. The plan should reflect the output of the Joint Strategic Needs Assessment (JSNA) and all other relevant data around prevalence. The Portfolio Holder introduced a report which updated Members on the requirements and implications of the statutory guidance and proposed that Bromley's draft commissioning plan be released for consultation.

Members of the Committee raised concerns surrounding the apparent lack of additional financing to deliver the commissioning plan and the reliance on the voluntary sector in providing support to people with autism. Members

suggested that the commissioning plan could raise the expectations of residents with autism in terms of the services that could be provided.

The Committee stressed the importance of the provision of high quality information and the need to ensure that individuals who had been diagnosed as being on the autism spectrum were clearly signposted to all the available support and services.

A Co-opted Member highlighted the pioneering work in the field of autism undertaken by Janet and Bill Burgess across the Borough, starting in the early 1980s, and the many developments in the field that had been built on this work.

The Committee also emphasised the importance of ensuring that employers understood autism and were aware that it was not always a disability but more a “difficulty”. With very minor changes to working practices, employees with autism could make a valuable contribution to the work place and could be highly productive. A Co-opted Member reported from personal experience that it could be very difficult for younger adults on the autistic spectrum to find employment. There was a clear need for additional support to assist people on the autistic spectrum with finding suitable employment. The Committee asked that the wording around employment within the commissioning plan be strengthened to reflect the additional support that was needed.

The Portfolio Holder thanked the Committee for the contributions that had been made and reported that he was minded to release the commissioning plan for consultation.

**RESOLVED that the Portfolio Holder be recommended to release the draft commissioning plan for consultation and refer the draft commissioning plan to the Children and Young People PDS Committee for their consideration in light of the links with transitional arrangements for young people.**

**B) THE PROVISION OF EQUIPMENT AND TALKING BOOKS FOR VISUALLY IMPAIRED PEOPLE**  
**Report ACS11036**

The Portfolio Holder introduced a report setting out the outcomes of the consultation exercise on changes to the provision of equipment and talking books for visually impaired people.

The Committee heard that 155 responses to the questionnaire had been received and the majority of respondents had agreed with the proposed list of equipment outlined in paragraph 3.5 of the report. Paragraph 3.8 of the report highlighted that 42% of respondents disagreed with the proposals for talking books, with the main reason being the perceived superior quality of service provided by the Royal National Institute for the Blind (RNIB). The Joint Strategic Commissioner reported that Officers had investigated this and was

satisfied that there were two viable alternative services available to service users.

The Chairman suggested that it would be prudent for the Committee to review the impact of changes to the provision of equipment and talking books in Summer 2012 to ensure that service users continued to be able to access the services needed, to monitor the impact of the decision and to ensure that Kent Association for the Blind was marketing the services appropriately as service users would require additional support as services were changed.

The Portfolio Holder reported that he would ensure that there was further consultation with BME residents due to the lack of response from that group.

**RESOLVED that the Portfolio Holder be recommended to approve the proposed changes to the provision of equipment and talking books for visually impaired people. Namely;**

- **Items of equipment as listed in paragraph 3.5 of the report are provided free of charge to eligible service users who meet critical/substantial needs under Fair Access to Care Services criteria;**
- **Additional items of equipment not listed can be provided free of charge in exceptional cases, should these be deemed vital in maintaining the service users safety and/or independence; and**
- **The withdrawal of Council subsidy from the RNIB Talking Books service, with new and existing users directed to alternate providers including free local library services and free national providers.**

**C) BUDGET MONITORING 2011/12**  
**Report ACS11037**

The Portfolio Holder introduced the first budget monitoring position for 2011/12 which was primarily based on any overspends/underspends in 2010/11 that followed through into 2011/12 where no additional funding had been set aside in the 2011/12 budget. The report also highlighted significant variations arising in this financial year based on activity up to May 2011.

The Committee considered the cost pressures faced by the Department relating to temporary accommodation. The Director ACS reported that temporary accommodation was becoming increasingly difficult to secure for a variety of reasons. Out-of-Borough temporary accommodation was also becoming increasingly expensive. Officers within the Department would be investigating more radical alternatives to manage the cost pressures surrounding temporary accommodation and where possible, a variety of means would be employed to keep people in their own homes. As well as this a great deal of work on preventing homelessness was being undertaken within the Department. Where some residents were housed out-of-Borough

further difficulties had been identified, especially for families with young children at school.

The Director ACS highlighted that over the coming months the Committee would receive reports outlining the action being taken within the Department to address the cost pressures and minimise the impact on the budget.

The Portfolio Holder reported that the Executive had approved the carry forward referred to in recommendation 2.2.

**RESOLVED that the Portfolio Holder be recommended to:**

- (a) note that projected overspend of £60,000 is forecast on the first budget monitoring report for 2011/12 based on information as at May 2011;**
- (b) note that the Executive is being asked to approve the carry forward the requests in Appendix 2 of the report.**

**28            PROPOSED CHANGES TO OLDER PEOPLE'S MENTAL  
HEALTH IN-PATIENT SERVICES WITHIN OXLEAS NHS TRUST  
Report ACS11034**

The Committee considered a report outlining changes to In Patient Services for older people with mental ill health in Bromley proposed by Oxleas NHS Trust.

Helen Smith, Deputy Director Oxleas NHS Trust and Estelle Frost, Service Director for Older Peoples Services, Oxleas NHS Trust, attended the meeting to further outline the proposals and answer Member's questions.

The main aspects of the proposals included:

- A focus on the support provided to individuals who required in-patient care;
- A focus on relatively short, acute in-patient admissions;
- Addressing under-occupancy and empty beds within the Trust, resulting from people being treated in their homes for longer;
- The closure of Cator Ward, with dementia patients now being treated at Woodlands in Queen Mary's Sidcup;
- The new configuration would provide the opportunity to develop the quality of the service.
- No change to out-patient appointments.

Consultation was being undertaken with as many stakeholders as possible. Mr Richard Lane reported that Bromley LINK had already met with Oxleas to discuss the reconfiguration and whilst it had been a productive meeting, there were still some concerns surrounding the issue of transportation as there was currently no volunteer transport scheme in Bromley. Ms Frost reported that

she believed that the voluntary transport scheme would work well, that some existing volunteer drivers lived in the borough and that there was currently an extensive recruitment campaign on going. As there were around 66 people affected by this, the Trust would be able to work with patients on a family-by-family basis to ensure that needs were met.

Mrs Lynne Powrie highlighted the need to consider assisted transport for older carers and this had been an issue in the past.

The Chairman summarised that the Committee accepted that the service offered to patients would be improved, but emphasised the need to monitor the development surrounding transport to ensure that no residents were disadvantaged as a result of the proposals.

The Director ACS highlighted the increased demand for a number of services by people with dementia. There was a clear need to monitor trends in the care of dementia patients and ensure that any decisions taken were flexible and could be altered to meet future needs. Currently there was an emphasis on caring for patients in their own homes as far as possible, but provision may need to be reconsidered in the future.

The Chairman thanked Ms Smith and Ms Frost for attending the meeting and outlining the proposals to the Committee.

## **29            THIRD SECTOR SCRUTINY: ADVOCACY FOR ALL** **Report ACS11039**

The Committee considered a report outlining the range of services commissioned from Advocacy for All across the Borough and the cost of each contract. The report also detailed projects undertaken by Advocacy for All that were not funded by the London Borough of Bromley.

The report was introduced by the Assistant Director (Commissioning and Partnerships), the Procurement Officer and Mrs Vivienne Lester, Chief Executive Advocacy for All.

Mrs Lester highlighted that in addition to the funding received from the Local Authority, Bromley Sparks undertook a high level of fund raising activities. A Young Sparks group had recently been established to encourage advocacy in young people. Mrs Lester stressed that advocacy was not about giving advice to people, but worked to provide the support needed to enable individuals to make their own decisions. Advocacy for All worked to the Advocacy Charter and believed that the service should be free at the point of delivery.

Members of the Committee commended the professional, high quality service that was provided by Advocacy for All. Following a question from a Member, Ms Lester reported that once individuals were referred to the advocacy

service they were signposted to the advocacy groups that would be most beneficial.

The Chairman thanked Ms Lester for attending the meeting and outlining the services provided by Advocacy for all.

**RESOLVED that the services commissioned from Advocacy for All be noted.**

**30           BROMLEY SAFEGUARDING ADULTS BOARD 2010/11  
              ANNUAL REPORT  
              Report ACS11038**

The Committee considered a report outlining the main issues arising from the Bromley Safeguarding Adults Board (BSAB) Annual report. The BSAB Annual report outlined the work of the Board, including oversight of joint actions to safeguard adults.

The Adult Safeguarding Manager introduced the report and outlined the work that was being undertaken across the ACS Department to ensure that adults across the Borough were sufficiently safeguarded.

A Member suggested that in future it may be helpful for the Committee to be provided with more detail surrounding the 13% of cases that were not dealt with within the required timescales for strategy meetings/discussions to enable the Committee to explore the reasons why referrals could take longer.

A Co-opted Member highlighted capacity issues as on average 1.5 referrals to the service were made per day. The Director ACS acknowledged that capacity could become an issue but current figures demonstrated that 42% of referrals resulted in a substantial issue that required more detailed investigation.

In terms of safeguarding training, the Committee were reminded that a significant proportion of care home providers attended the training provided, and care home and domiciliary care providers also occupied positions on the Bromley Safeguarding Adults Board.

**RESOLVED that the Bromley Safeguarding Adults Board Annual Report 2010/2011 be noted.**

**31           SCRUTINY OF A BUDGET AREA: COMMISSIONING AND  
              PARTNERSHIPS  
              Report ACS11041**

The Committee considered a report setting out the arrangements for commissioning, procurement and partnership support in relation to adult services in line with the Policy Development and Scrutiny Committee's

objective to scrutinise the main areas of spend within Adult and Community Services.

In response to a question from a Co-opted Member surrounding the process used to quality assure contracts, the Assistant Director (Commissioning and Partnerships) reported that regular contract monitoring exercises were undertaken. Other methods such as complaints, visits, and mystery shopping were employed to ensure that contracts were delivering against the contract specification, and at least one meeting a year was held with each contracted provider.

The Chairman highlighted that one of the major roles of the division was to ensure that services were able to adapt to future needs and that sufficient services were in place to meet demand.

**RESOLVED that the report be noted.**

**32            CONTRACTING ACTIVITY IN ADULT AND COMMUNITY SERVICES 2011-12**  
**Report ACS11035**

The Committee considered a report outlining the current contractual activity in Adult and Community Services, setting out the plans for activities to be undertaken in 2011.

The Committee considered the 'gateway review' process and the Chairman clarified that the role of the Committee was to review the provision of services following the award of contracts. A number of ACS contracts were awarded by the Council's Executive, and the Executive and Resources PDS Committee scrutinised this process.

**RESOLVED that the report be noted.**

**33            WORK PROGRAMME 2011-2012**  
**Report RES11070**

The Committee considered its work programme for 2011/2012. Members agreed that they would scrutinise the Physical Disability and Sensory Impairment Budget area at the next meeting.

**RESOLVED that the work programme be noted.**

**34            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.**

**35 EXEMPT MINUTES OF THE ADULT AND COMMUNITY SERVICES PDS COMMITTEE MEETING HELD ON 14 JUNE 2011**

**RESOLVED** that the exempt minutes of the meeting held on 14<sup>th</sup> June 2011 be agreed.

**36 EXEMPT PORTFOLIO HOLDER DECISIONS TAKEN SINCE THE LAST MEETING**

The Committee noted the exempt decisions taken by the Portfolio Holder since the last meeting held on 14<sup>th</sup> June 2011.

The Meeting ended at 9.55 pm

Chairman

# Minute Annex

Public Questions to the Adult and Community PDS Committee: 26<sup>th</sup> July 2011

Questions from Mrs Susan Sulis, Secretary, CCPG

**LGO REPORT NO. 08 019 214 DATED 9<sup>TH</sup> JUNE 2011**  
**INVESTIGATION INTO THE COMPLAINT AGAINST ACS TREATMENT OF AN ELDERLY DEMENTIA PATIENT THEY PLACED IN A KENT CARE HOME, AND THE FAILURE OF THE COUNCIL TO RESPOND TO A RELATIVE'S COMPLAINTS**

**1. Why did the Council:**

**(a) place Mr.'A' in a care home rated poor, and zero rated?**

The Council, in placing Mr B, acquiesced to Mr A's wish for his father to be placed in a care home near to the family, in an out of borough placement, which had been chosen by Mr A. The home was not at that time rated as "poor" or "zero star". During the time that Mr B resided at the home it was inspected and rated as zero star and subsequently improved its rating to 2 star – "good" .

**(b) fail to respond appropriately to his son's complaints between 2007 and 2010?**

It is accepted that these complaints were not fully responded to as swiftly as should have been the case, which is a matter of regret.

**(c) fail to carry out timely careplan reviews?**

It is accepted that the review of Mr B's care was not completed at the time that it should have been, which is a matter of regret. However when a review was undertaken it did not indicate a need to move Mr B. This requirement arose at a later stage and was acted upon in a timely manner.

**2. (a) Will members of this Committee scrutinise the LGO's Investigation in detail in a report to this Committee?**

This matter has been fully considered by the Executive at its meeting on 20<sup>th</sup> July 2011 and it is not proposed that the PDS consider this particular case further.

**(b) When will the reviews of the Council's procedures for reviewing and monitoring care home placements and its complaints procedure required by the LGO be reported to this committee?**

The Executive considered these issues on 20<sup>th</sup> July 2011 and accepted the comments and recommendations made in the report by the Director of Resources, which is available on the LBB website.

This PDS has examined the Council's performance in respect of Reviews of care delivered in Care Homes and the timeliness of our complaints service over the past 12 months. PDS will continue to keep these important areas under close scrutiny in the year to come.