

CARE SERVICES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 4 September 2012

Present:

Councillor Judi Ellis (Chairman)
Councillor Catherine Rideout (Vice-Chairman)
Councillors Reg Adams, Roger Charsley, John Getgood,
David Jefferys, Mrs Anne Manning and Charles Rideout

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

Also Present:

Councillor Robert Evans

19 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillor Ruth Bennett and from the Executive Support Assistant, Councillor Diane Smith.

The Chairman welcomed Angela Harris, Chairman of Bromley LINK, to her first meeting of the Committee.

20 DECLARATIONS OF INTEREST

The following declarations of personal interest were made:

- Brebner Anderson as a member of Bromley Healthcare Board
- Councillor Judi Ellis declared that her father had dementia and was resident in a care home in Bromley.
- Angela Clayton-Turner as Chairman of Bromley Mental Health Forum.
- Leslie Marks declared that she had a son in a care home.
- Lynne Powrie declared an interest in item 10 as Chief Executive of Carers Bromley.

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

3 written questions were received from the Secretary of the Community Care Protection Group and these, together with the answers are attached as an appendix to the minutes.

**22 MINUTES OF THE CARE SERVICES PDS COMMITTEE
MEETING HELD ON 19TH JUNE 2012**

RESOLVED that the minutes of the meeting held on 19th June 2012 be agreed.

23 WORK PROGRAMME AND MATTERS ARISING 2012/13
Report CS12037

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

RESOLVED that the report be noted.

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

No questions had been received.

**25 PRE-DECISION SCRUTINY OF REPORTS TO THE CARE
SERVICES PORTFOLIO HOLDER**

The Committee considered the following reports on matters where the Care Services Portfolio Holder or the Executive were due to make decisions.

**A) SUPPORTING PEOPLE SERVICES JOINT FRAMEWORK
AGREEMENT**
Report CS12031

Consideration was given to a report seeking approval to join a new Joint Framework Agreement being set up by Lewisham and Southwark London Boroughs from 1st April 2014. Bromley had already been participating in a framework agreement for Supporting People Services as a secondary authority since 2010 but this framework was due to expire on 31st March 2014. Members were advised that use of this framework had proved extremely beneficial as it had enabled the Council to call off contracts with relatively little additional procurement activity, yet had also made it possible to achieve £264k ongoing annual revenue savings on contracts let using the framework. In addition the pricing information had provided a useful benchmark that could be used in contract negotiations outside of the framework.

The new framework would have most of the previous categories of service but would include new categories such as Health, Children and Young People Services where there would be new commissioning activity during the next few years. The one off cost of joining was £10k but as it could be used to place contracts with an annual value of £1.5m final approval would require to be sought from the Executive.

The Committee particularly noted that in joining the Agreement Bromley was not obliged to use the framework and could still use alternative arrangements. It was therefore agreed to support the proposal and to recommend the Executive accordingly.

RESOLVED that the Executive approve Bromley joining the contract framework agreement for Supporting People Services which is being set up jointly by the London Boroughs of Southwark and Lewisham for a one off cost of £10k.

**B) DEVELOPMENT OF BROMLEY HEALTHWATCH AND NHS
INDEPENDENT COMPLAINTS ADVOCACY SERVICE**
Report CS12027

The Committee discussed a report concerning changes arising from the Health and Social Care Act 2012 which replaced the current system of patient and public involvement in publicly funded health and social care. From the 1st April 2013 local authorities were required to have in place a local Healthwatch organisation to act as the local consumer champion across health and social care. In addition local authorities were also required to secure an independent complaints advocacy service for health to replace the existing Patient Advice and Liaison (PALS) service currently commissioned by the NHS, also by 1st April 2013. The report detailed the requirements for each service and the approach being proposed for Bromley.

Concerning a local Healthwatch it was noted that this would include some of the functions currently undertaken by Bromley Local Involvement Network (LINK). Under the new legislation the local Healthwatch would have to be an organisation in its own right such as a charity or company complying with nationally set standards. There would also be a Healthwatch England to represent local Healthwatches at a national level that would be a committee of the Care Quality Commission. Discussions/workshops had been held with local stakeholders, including Bromley LINK, to discuss how the changes should be introduced in Bromley and 3 procurement options had been considered as detailed in the report. Option (c) was being recommended which was for open competition as this would be transparent and allow for thorough testing of the market. In response to member questions it was confirmed that discussions had been held with Bromley LINK as to how they could contribute to the process. The representative from Bromley LINK explained that they would need a lot of support and did not currently have the skills or manpower to deal with the new arrangements on their own. The Committee was advised that they had been given encouragement to look at the potential for collaboration with other local voluntary organisations towards setting up an organisation that could take part in the procurement process. Councillor Jefferys raised a query on the funding and how the figures quoted added up which the officers agreed to check and report back to him after the meeting.

Members also discussed the new Independent Complaints Advocacy Service which would support people in making complaints about the NHS service that had previously been commissioned by the Department of Health. As this was a relatively low value contract rather than have each individual London Borough provide their own service consideration had been given to entering into a joint contract for the service, either on a Pan London basis or sub-regionally. This would reduce costs for each borough and provide one central provider organisation to develop the process. The London Borough of Hounslow was leading on this project, supported by the London Joint Improvement Partnership, and it was proposed that Bromley should join the London wide procurement arrangements for this service. Members had some concerns that one large organisation might mean that there would be no permanent local access point for complainants to discuss issues. In response officers advised that as the number of enquiries received per year was at a low level (62 per year) it was not warranted but that suitable arrangements could likely be made to ensure there was regular attendance locally to meet with complainants as necessary. The development of a web portal was also being proposed. Councillor Mrs Manning emphasised the need to take account of the fact that not everyone had access to a website or was able to use these facilities. In response to questions around PALS (Patient Advice and Liaison Service) the Committee was advised that these proposals only related to the PCT funded areas of the service not the Hospital side which would continue to function in the same way. A co-opted member asked about the complaints arrangements for Oxleas and whether this was also covered in the new service. The officers agreed to revisit this with the PCT.

The Committee having had a full discussion of the issues raised by the new government arrangements generally supported the proposals for Bromley.

RESOLVED that the Portfolio Holder be recommended to –

- 1) proceed to an open market testing process to appoint a provider to deliver a local Healthwatch organisation;**
- 2) approve the letting of the contract for Bromley Healthwatch for 1 year from 1st April 2013 with the potential to extend for a further 2 years and that authority to extend the contract be delegated to the Director of Education and Care Services in consultation with the Care Services Portfolio Holder;**
- 3) allocate a maximum of £145k to the Healthwatch service for 2013/14 from the funding provided by the Department of Health for Healthwatch;**
- 4) agree that Bromley join the London wide procurement exercise for the complaints advocacy service and to allocate a maximum of £64k for 2013/14 from the funding provided by the Department of Health for independent complaints advocacy to cover the cost of the service;**

5) allocate a maximum of £5k in 2013/14 from the funding provided by the Department of Health for independent complaints advocacy to support the development of an information self help advocacy web portal; and

6) allocate the £15k made available in 2012/13 to resource the commissioning of Bromley Healthwatch and the independent complaints advocacy service.

C) ALLOCATION OF AFFORDABLE HOUSING PAYMENT IN LIEU FUNDS

Report CS12033

Members discussed a report concerning the proposed allocation of Payment in Lieu (PiL) funding which was made up of payments by developers in place of on-site affordable housing provision. The report outlined the legal arrangements for the drawing up of such arrangements and the obligation upon the Council to spend PiL funds on delivering affordable housing. In most cases the funds had to be spent within a limited time period stated in the legal agreement which was usually within 5 years of receipt. If the Council had not applied or spent the funds there was the possibility that the developer could request the repayment of the funds or the percentage unused. Members were asked to consider proposals to allocate the unspent remainder of a PiL payment (£896k) as a matter of urgency to mitigate the likelihood of the developer requesting its repayment. The Council's seven housing association development partners had been informally invited to provide expressions of interest for the utilisation of the above PiL funding. Five of the associations had shown interest and had been invited to formally tender for the funding with a response by the end of August 2012. Details of the assessment criteria were set out in the report, together with the suggested process for selecting schemes by an evaluation panel. The approval of the Portfolio Holder was being sought to agree to delegate authority to the Director of Renewal and Recreation in consultation with the Portfolio Holder to approve these funding allocations.

Attention was also drawn to the future allocations of PiL funding which were either still unallocated, in negotiation but not received or still under negotiation in the planning process and amounted to £9.614m. Members were advised that the forthcoming Bromley Housing Strategy which was anticipated to be ready by Quarter 4 of 2012/13 would include details of a proposed strategic approach to the usage of the remaining PiL funds to support strategic corporate housing objectives. The Chairman thanked the officers for the additional information she had received on the background to the PiL funding. She drew attention to a later item on the agenda concerning the setting up of a Housing Working Party and considered that this report should be referred on to it for discussion concerning the use of future allocations in line with the Council's housing strategy. Councillor Ellis wanted to be assured that a strategic approach was being taken to the allocation of what was quite considerable future funding whilst accepting the need to allocate the smaller amount as soon as possible. The Portfolio Holder indicated his support for

this approach and commented that he had hoped the funds could be used to refurbish desperately needed bed and breakfast accommodation but unfortunately this was not possible as the monies had to be used for building new properties only.

RESOLVED that

1) the Portfolio Holder be recommended to agree to the delegation of authority to the Director of Renewal and Recreation to approve the allocation of PiL funding (£896k) in consultation with the Portfolio Holder taking account of the recommendations of the evaluation panel as referred to in the report ([paragraph 3.10); and

2) the report be referred to the Housing Working Party to consider in more detail the strategic approach to the allocation of the future PiL funding in line with the council's agreed corporate housing programme.

**D) ANNUAL REPORT OF THE BROMLEY ADOPTION AGENCY AND
THE BROMLEY ADOPTION AGENCY STATEMENT OF PURPOSE**

2012 - 2013

Report CS12024

The Committee's attention was drawn to the requirement for Adoption Agencies to produce Annual Reports of their work and activity during the past financial year. More recently the National Minimum Standards Regulation (NMS) 2011 now required the Agency to produce a six monthly report on adoption key functions, activity and with key objectives for submission to the Agency Executive. It was proposed that in future the six monthly report be submitted to the Executive Working Party for Safeguarding and Corporate Parenting with the annual report being presented to the Care Services Portfolio Holder following scrutiny by this PDS Committee. There was also a requirement that reviews of the Statement of Purpose and children's guides be undertaken and these would be included in the annual report.

Councillor Mrs Manning as a member of the Fostering Panel commended the annual report and considered that there were strong similarities between the work of the Adoption Agency and the Fostering Panel and although not required by law would like to see the same review processes applied to Fostering. The Head of Social Care advised that there had been a recent change to the Fostering regulations and there would in future be an Annual Report on the work of the Panel following the same format as the Adoption Agency Annual Report.

In response to a question the Committee was advised that whilst 133 enquiries had been received it was not possible to know exactly how many had then progressed to become adopters as some could follow up their interest with other Boroughs or private agencies. However, the number of prospective adopters approved during the year was 23 which was about the average. The Chairman drew specific attention to the reference in the report

under Adoption Support Services which stated that there was a lack of capacity in the CAMHS services to meet therapeutic needs. She felt it was extremely worrying particularly affecting families with young teenagers who might require urgent support. Members were advised that this was being addressed through a Strategic Review of the Service being undertaken and due to report back later in the year. The Chairman requested that a report on the situation should also come back to this Committee. The Portfolio Holder as a member of the Adoption Panel commented on the lengthy process of adoption cases through the Courts that sometimes took months. Although Bromley's performance had been included in the published league table last October and shown as 130th out of 142 local authorities he was pleased to highlight that there had been significant improvements during the past 2 years (the main dip in performance being during 2008/2009). Members were advised that Bromley was hoping to be part of a pilot programme to speed up Court proceedings which it was hoped would bring about a reduction in the overall time taken for children to be adopted.

The Committee asked for its thanks to be recorded and passed on to the Adoption Panel members for their hard work.

RESOLVED that the Portfolio Holder be recommended to –

- (1) consider and approve the annual report of adoption activity 2011 – 2012;**
- (2) consider and approve the Statement of Purpose 2012 – 2013;**
- (3) consider and approve the Children's Guides;**
- (4) consider and approve the arrangements outlined for the presentation of the six monthly reports to the Executive Working Party for Safeguarding and Corporate Parenting and the annual report to be presented for consideration to the Care Services PDS and Portfolio Holder.**

26 REVIEW OF IMPACT OF REMOVAL OF THE RNIB TALKING BOOKS SUBSIDY ON SERVICE USERS
Report CS12032

At the meeting of the former Adult and Community Services PDS Committee on 26th July 2011 (Minute 27B refers) a report had been discussed recommending the removal of the subsidy for the RNIB Talking Books Service which had subsequently been approved by the Portfolio Holder. Members had requested that a review of the impact of this decision be undertaken during the summer of 2012 and the outcome reported back to the Committee.

Members were informed that consultations had been carried out with the users and detailed in the report were the results which indicated that the withdrawal of the subsidy had not impacted adversely on the majority of those who responded to the review. Comments had been received on the use of

the mobile/home Library service which had been passed to officers in the Library service to contact respondents direct on issues they had raised.

RESOLVED that the outcome of the review be noted.

27 INTEGRATED TRANSITION STRATEGY
Report CS12028

The former Adult and Community Services PDS Committee at its meeting on 27th September 2011 (Minute 44B refers) had commented on the draft Integrated Transition Strategy for young people with difficulties/disabilities which was subsequently approved to go out to consultation. Members considered a report on the outcome of the consultations so far and the 18 month government SEND Pathfinder programme which was launched at the same time for completion by March 2013. The pathfinder would test many of the proposals of the Green Paper – Support and Aspiration: A new approach to special educational needs and disability.

In recognition of the work already being done on transition in Bromley the Department of Education had agreed that Bromley's Pathfinder could be designated a Preparing for Adulthood (PfA) pathfinder. As a result it had been possible to access additional support from the PfA national team. Under the Bromley SEND Pathfinder a Transition Workstream had been set up to take forward both the testing of the Green Paper proposals as well as the wider issues identified in the Transition Strategy and a copy of the Action Plan for this was circulated with the report. The Committee was assured that the comments received in respect of the Transition Strategy would be taken into account as part of the work of the Transition Workstream. Members were advised that no further work would be undertaken on the Transition Strategy pending further reforms by the government and reports would be submitted to both this Committee and the Education PDS Committee on the latest developments. It was agreed that this be reflected in the Committee's Work Programme.

RESOLVED that the revised approach to the Transition Strategy be noted in view of forthcoming legislative changes as well as the outcomes from the SEND Pathfinder.

28 OLDER PEOPLE COMMISSIONING STRATEGY (RESPITE AND DAY TIME OPPORTUNITIES)
Report CS12030

Consideration was given to a report setting out a commissioning strategy for respite care and day opportunities for older people and seeking member's views on the proposals. The background to the current situation was explained in the report and that for the future it was necessary to put in place a consistent approach to the provision of both respite and day opportunities for older people including the development of Personal Budgets and Direct payment for respite care. Personal Budgets were now the accepted way forward for those requiring local authority support to meet their domiciliary and

personal care needs. This principle was also now being extended to day opportunities services, with the value of the day service being included in the Personal Budget of each person placed by the Council, although this did not yet apply to other respite services. Various options had been evaluated for the future commissioning of services and discussions held with both service users and providers, including around the impact of Personal Budgets/Direct Payments. In devising the way forward the Committee was advised that account had been taken of concerns raised during the discussions as well as meeting the Council's policy objectives and the government's directives. It was proposed the new arrangements be applied from the 1st April 2013 when current contracts expired and the detailed practicalities of how this would work were outlined. If these new arrangements were supported then more detailed proposals would be reported back to members in January /February next year.

The Committee debated the report in some detail. Councillor Rideout reported on his concerns in respect of a local resident in his ward who had attended a Day Centre but following a personal assessment had found the cost increase was far too high and she had stopped attending. It had also been alleged that there were other vacancies now at the Centre as a result of these increased charges which he accepted had been supported by the Committee last year. The Commissioning Manager briefly explained the new sessional charging system which was quite complex and related to an individual's ability to pay. He advised that according to recent figures there had not been a large drop in people attending the Centres as a result of the charging policy. The Chairman commented that there was provision for appealing the charges which could be worthwhile considering in this case. There was further discussion on the impact of the withdrawal of the block contracts and the way this would be phased in and other members also had some concerns at the costs to those individuals (referred to as 'legacy' placements). The Commissioning Manager advised that this report was about the principle of the proposals and more detailed financial modelling would be carried out for the next report. Future eligible clients coming into the system would have the value of their service included in their Personal Budget and gradually the number of self funders would increase. Reference was also made to the fact that some providers with small businesses might not easily be able to adapt to the new approach. In response it was explained that as part of these new changes the Council would offer to help those providers and assist in the development of their financial planning, business development and marketing. The Portfolio Holder indicated his general support for the proposals.

RESOLVED that taking into consideration the comments made by members the future direction of travel for day opportunity and respite services as set out in paragraphs 3.11 – 3.13 the proposals be supported in principle and a detailed report be presented back to this Committee and to the Executive in January/February 2013 for formal approval.

29 DRAFT MENTAL WELLBEING STRATEGY 2012-15
Report CS12029

The Committee's views were being sought on the draft Joint Strategy for Mental Wellbeing 2012-2015 as part of the formal consultation process. The purpose of the Strategy was to outline the improvement of the mental health and well-being of people living in Bromley through the development of mental health services for the whole population. It was a joint strategy between the Council, Bromley Clinical Commissioning Group and key stakeholders. A list of other organisations who would be consulted during this month was set out in the report and it was intended that the final version would be presented to the Health, Social Care and Housing Partnership Board in October 2012.

Councillor Mrs Manning reported that she would pass her editorial amendments direct to the officers and felt the document contained a lot of good points although there did not seem to be much input from Oxleas. Another member referred to the statement that Bromley had the highest number of people aged between 65 – 85 years out of any London Borough which was projected to increase but thought that it did not fully address the scale of the problem or the effects on carers. Reference was also made to the need for work to be done in schools. The Strategic Commissioner for Mental Health explained that this was an over arching strategic document looking at priorities that had been the subject of very wide consultations and did not go into detail about all the work that was being carried out by the various services. A detailed Action Plan covering all age groups would be developed to progress the priorities. Referring to the Action Plan the chairman hoped that it would clearly identify priorities particularly mental ill health in adolescents. As had been mentioned earlier there were delays with young people being referred to CAMHS and she felt the need for quicker interventions was very important to help parents and families.

RESOLVED that the timetable for consultation on the strategy be noted and the Strategy for Mental Well Being in Bromley 2012-2015 be endorsed.

30 BUDGET MONITORING 2012/13

The Committee considered a report on the budget monitoring position for 2012/13 based on activity up to the end of July 2012. It was noted that an overall projected underspend of £1,426k in 2012/13 was forecast due to early implementation of savings from efficiencies from tendering although there were still underlying cost pressures. The Chairman complimented the Department on their work to keep down the budget costs. The Portfolio Holder indicated he had no comments to make and noted the budget position.

RESOLVED that the projected underspend of £1,426k forecast for 2012/13, based on information as at July 2012 be noted.

31 CAPITAL PROGRAMME - 1ST QUARTER MONITORING 2012-13 AND FINAL OUTTURN 2011-12
Report RES12147

Consideration was given to the revised Capital Programme for the Care Services Portfolio for the four year period 2012/13 to 2015/16 which had been agreed by the Executive on 25th July 2012. The report also included any detailed issues in relation to the 2011/12 Capital Programme outturn.

RESOLVED that the Portfolio Holder be recommended to confirm the changes agreed by the Executive in July 2012.

32 COUNCIL MOTION - HOUSING NEED
Report RES 1210A

At the last Council Meeting on 25th June 2012 a motion was approved asking the Care Services and Renewal and Recreation PDS Committees to set up a working group to consider housing need in the Borough. The Renewal and Recreation PDS Committee on 10th July 2012 had agreed the establishment of the working group and appointed three members onto it. The approval of this Committee was now being sought to the proposal.

RESOLVED that a Housing Working Group be set up and Councillors Ellis, Getgood and Charles Rideout be appointed to serve on it as representatives from this Committee.

33 QUESTIONS ON THE CARE SERVICES PDS INFORMATION BRIEFING

The Portfolio Holder Briefing comprised seven reports as follows:

- Previous Part 1 Decisions of the Care Services Portfolio Holder taken since the Committee's last meeting
- Bromley Safeguarding Adults Board 2011/12 Annual Report
- Annual Update Report on Bromley Youth Offending Team Partnership 2011/12
- Outcomes from the Ofsted Thematic Inspection of Safeguarding Disabled Children
- Outcomes of the Unannounced Ofsted Inspection of the Local Authority's Arrangements for the Protection of Children
- ECS Contract Activity Report July to December 2012
- LB Bromley Response to the Consultation on Proposed Changes to Health Scrutiny

In relation to the report on Bromley Safeguarding Adults Board 2011/12 Annual Report the Co-opted Member from Bromley LINK asked what safeguarding measures were in place to assess those people with mental ill health suffering from cognitive impairments such as –

- Inability to direct thinking (especially in dialogue situations)
- Difficulty in following a train of reasoning
- Memory recall problems
- Disorientation of temporal and spatial perceptions.

In response officers commented that the safeguarding adults procedures covered people who may be experiencing mental ill health and where appropriate they were supported during all stages of the process by trained and experienced people who provided advice and support. All organisations involved in the Safeguarding Board including mental health service providers were aware of the need to provide support and help. The latest report provided information to demonstrate that people with mental ill health were accessing the procedures.

Members considered the report on the Outcomes of the Unannounced Ofsted Inspection of the Local Authority's arrangements for the Protection of children and additional information circulated at the meeting on the Inspection Judgements. The Chairman had requested this to put into context Bromley's assessment which was 'Adequate' in all four areas against other local authorities. The Committee noted that Bromley had done quite well considering that it was only the third authority in the country, and the first in London to be inspected under the new framework and that the Inspection regime was much more rigorous.

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 QUESTIONS ON THE CARE SERVICES PDS PART 2 (EXEMPT) INFORMATION BRIEFING

There were no questions on the Part 2 Information Briefing.

Chairman

The Meeting ended at 9.25 pm