

CARE SERVICES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 18 June 2013

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillor David Jefferys (Vice-Chairman)
Councillors Reg Adams, Ruth Bennett, Roger Charsley,
John Getgood, Mrs Anne Manning, Catherine Rideout and
Charles Rideout

Brebner Anderson, Brian James, Bebert Longi, Leslie
Marks and Lynne Powrie

Also Present:

Councillor Robert Evans, Councillor Diane Smith and
Brenda Thompson

100 CO-OPTIONS TO THE CARE SERVICES PDS COMMITTEE 2013/14 AND THE APPOINTMENT OF THE HEALTH SCRUTINY SUB COMMITTEE AND THE DISCONTINUATION OF ACCOMMODATION WITH CARE FOR OLDER PEOPLE REFERENCE GROUP

Members confirmed the Co-opted Membership appointments to the Care Services PDS Committee for 2013/14. They also confirmed the membership of the Health Scrutiny Sub-Committee and the decommissioning of the Accommodation with Care Reference Group. The report also referenced the review of partnership arrangements and the subsequent need to look at how co-opted members are selected and which areas they represent.

RESOLVED that:

- (1) That the following non-voting appointments be made to the Care Services PDS Committee for 2013/14:**
 - **Brebner Anderson, Disability Voice Bromley**
 - **Angela Clayton-Turner, Bromley Mental Health Forum (alternate Brenda Thompson)**
 - **Brian James, Learning Disability (alternate Ian Legg)**
 - **Leslie Marks, Bromley Council on Ageing (alternate Maureen Falloon)**
 - **Lynne Powrie, Carers Bromley (alternate Maureen Falloon)**
 - **Bebert Longi Bromley Youth Council (Looked After Children)**

- **Chairman of Bromley Healthwatch (Vacant)**

- (2) **That the membership of the Health Scrutiny Sub-Committee Membership be confirmed as the same membership as the Policy Development and Scrutiny Committee.**
- (3) **The discontinuation of the Accommodation with Care for Older People Reference Group.**

101 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Angela Clayton-Turner and Brenda Thompson attended as her substitute. Councillor Ruth Bennett submitted apologies for lateness.

102 DECLARATIONS OF INTEREST

Councillor Pauline Tunnicliffe declared she was a registered foster carer with a current placement.

Leslie Marks declared that she had a son in a care home funded by LB Bromley and that she is Chairman of the Mobility Forum. Brian James declared that he was a "Shared Lives" placement provider.

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

3 questions were received from Ms Sue Soulis and these are attached at Appendix A.

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

No questions were received.

105 MINUTES OF THE MEETING OF CARE SERVICES PDS COMMITTEE MEETING HELD ON 12TH MARCH 2013 AND THE JOINT MEETING OF CARE SERVICES AND EDUCATION PDS COMMITTEES HELD ON 7TH MAY 2013

RESOLVED that the minutes of the meeting held on 12th March 2013 and 7th May 2013 be agreed subject to the following amendments:

Councillor Evans was present on 12th March 2013.

Minute 73 – Mortality Rates – these would be presented to the next Health Scrutiny Sub Committee in September.

Minute 76 – in terms of recruiting carers for children with complex needs officers reported that there had been little response.

106 WORK PROGRAMME AND MATTERS ARISING

The committee considered its work programme for 2013/14 and progress on matter arising from previous meetings.

The Chairman would be taking part in the scheduled visits on 25th June and 8th July 2013.

A co-opted member wanted to know how the committee intended to get involved in the integration of health and social care for older people. In response officer explained that this would be covered by the Health and Well being Board in July. It was agreed this was the appropriate body to consider these issues.

It was noted that the Health Scrutiny Subcommittee would cover issues relating to the Kings Trust and developments at Orpington Hospital. **EN Matter Arising**

In relation to the trials of Saturday opening for Day centres it was noted that one day centre has piloted Saturday morning sessions and other initiatives to offer services to older people. They will continue to review all marketing activities to ensure that they are increasing the number of people who are using the service.

In relation to the Fostering Annual report item on the work programme there was some confusion as to whether it is the annual report of the Fostering Panel or the Fostering Service that would be considered by the Policy Development and Scrutiny. In conclusion both would be incorporated into the forward programme.

RESOLVED that the report is noted.

107 PRE-DECISION SCRUTINY OF CARE SERVICES PORTFOLIO REPORTS

A) CARE SERVICES PORTFOLIO PLAN PRIORITIES JUNE 13 - MAY 14

A) CARE SERVICES PORTFOLIO PLAN PRIORITIES JUNE 13 - MAY 14

The Portfolio Holder introduced the Draft Portfolio Plan confirming the report detailed progress made throughout 2012/13 and the priorities for 2013/14 including, at a high level, those for Public Health.

Cllr Manning questioned whether, following on from recent news headlines, reference should be made in the plan to the attacks on young people. The Assistant Director, Children's Social Care explained that in the main these types of abuse would usually be dealt with by parents and health services and only those young people with social and emotional issues would be referred to Care Services.

Cllr Getgood advised that he is receiving more contact from ward members who are unhappy with the level of support they receive from Care Services, and should more monitoring be included. The Executive Director of Education, Care and Health confirmed that complaints had never been lower and invited Committee Members to refer any complaints received. The Care Services PDS receive regular reports on the quality of care home and domiciliary care services.

Cllr Jefferys questioned whether, in addition to referring throughout the plan to working with the Clinical Commissioning Group (CCG), reference should be made to working with the Care Quality Commission (CQC). The Executive Director for Education, Care and Health responded that clarity is awaited around the proposals from David Behan.

RESOLVED that:

- 1. The report is noted.**
- 2. The Portfolio Holder agreed the priorities and actions outlined in the 2013/14 Care Services Portfolio Plan.**

B) HOUSING SERVICES 2013/14 PRIORITIES

Officers presented an update report which provided a summary of the key performance outturn for 2012/13 and detailed the current housing pressures being faced regarding rising housing need and homelessness and the key priorities in place for 2013/14 aimed at directly tackling the rising statutory homeless pressures.

The level of statutory housing need and homelessness has risen dramatically during recent years, predominantly in response to complex economic factors and the ensuing impact on housing markets.

Early indications from both housing association temporary accommodation providers and private landlords and agents are that they are reluctant to continue to work with the Council to take referrals when universal credit is introduced due to the increased financial risk in terms of no longer receiving benefit payments direct. In many cases, providers are asking for an increased risk share from the Council or increased management fees in order to

continue to provide temporary accommodation. This means that the, already falling, local supply of temporary accommodation and suitable private rented housing is likely to fall further placing further strain on Council budgets.

Officers reported that the department had lobbied Lord Freud about this issue and had a further meeting with him where it would be raised again.

Members queried whether tenants could be given a month to pay the rent themselves and if that fails the payments revert to going direct to the landlord. Officers agreed to raise this issue.

To support the new social housing fraud act, the Government has also made additional funding available for local authorities to tackle social housing fraud. Bromley has successfully bid for £200K over the next 2 years to work with Greenwich fraud team and housing association partners to tackle any incidents of social housing fraud in their stock within the borough, thus ensuring best use of the available stock to meet housing need.

In relation to fraud Members asked if Bromley had any of its own fraud officers. Officers explained that at present the team had one manager and two officers was based in the Greenwich fraud team (covering Bromley). However, all officers were being trained to identify potential fraud cases which would then be passed to the Greenwich fraud team to investigate.

A further report outlining the incidence rates for fraud would be presented to a future meeting of the committee.

In relation to the “bedroom tax” Officers reported that it was too early to tell what the overall impact would have on the team’s workload, although there had already been an increase due to concerns on the bedrooms issue and the benefit caps.

The committee commended the housing team on their work under such difficult circumstances.

RESOLVED that:

- 1. the performance against the key priorities in the 2012/13 Portfolio and work plans for these service areas is noted.**
- 2. the priorities as set out in paragraph 3.4 for 2013/14 in response to the current housing pressures being experienced as detailed in the body of this report are noted.**
- 3. the proposal to draw down of the successful grant funding bid of £200K over the next 2 years to work with housing associations with stock in the borough to tackle social housing fraud is supported.**

C) REVIEW OF PARTNERSHIP ARRANGEMENTS - NEW APPROACH

This report outlined the findings, outcomes and recommendations from the review of partnership arrangements that were supported by the London Borough of Bromley's Education, Care and Health Services department.

The purpose of the review was to ensure that the partnership arrangements in place across the Borough for education and care services were fit for purpose, had an outcome focus, provided best value for money, removed duplication, and strengthened the voice of service users.

The Portfolio Holder provided a revised recommendation to replace the fourth recommendation "to continue to ensure that the Bromley parent Voice, Bromley Youth Council and the Carers Forum continue to provide effective engagement with the service users and the carers to enable them to shape the service planning, development and review, and to explore further ways of engaging other service user groups"

In light of the above members were advised to disregard appendix 6 of the report.

Members felt the revised recommendation clarified the situation. They asked whether any savings would be realised from the proposed changes. The Director explained that the rationale was always about ensuring the best services for residents and not just about savings. However, it was estimated that the proposed changes could make a 50% saving.

Officers clarified that where appropriate some groups would be ending before March 2014. The Director explained there had been a ~~lot~~ of significant consultation on the proposed changes to ensure that organisations affected were clear about the timescales for the proposed changes.

The Chairman requested that an update report would be brought to the Care Services Policy Development and Scrutiny Committee in March 2014 to review the new framework following implementation.

Co-opted members expressed their disappointment that there was very little representation from the voluntary sector on the Health and Wellbeing Board (HWBB). The Director explained that there would be a representative from Healthwatch and one other voluntary sector representative on the HBWW which was double the requirements of the statutory guidelines for HWBB.

The Voluntary sector co-opted members felt that they would no longer have equal representation. The Chairman responded that voluntary sector representatives were always welcome to observe any of the meetings, including HWBB, and their views and opinions were always appreciated. The Portfolio Holder re-iterated this and added that the new structure was not to minimise voluntary sector input but to expand it. The new structure was built around a new way of working that was "fit for purpose".

Concerns were raised about people with mental health needs and ensuring they had the volunteers had the help and knowledge to be able to support them. Under the new structure there was concern that volunteers would have the funding to offer the service needed by this vulnerable group.

Members also wanted to ensure that carers were still supported. They welcomed the move to having a carers forum but were concerned that there was no mention of young carers in the report.

The Portfolio Holder concluded saying that the production of the report and recommendations had been dealt with sensitively. The object of the exercise was to look for a more efficient way of working.

RESOLVED that

- 1. For the Executive Director for Education, Care and Health Services to become the accountable link between the Borough's Health and Wellbeing Board and the new partnership arrangements;**
- 2. To bring together the partnership arrangements into a single, coordinated framework;**
- 3. To create Stakeholder Conferences for adult services and for children services to meet twice a year to actively involve partner agencies and service users in shaping business planning and priorities for the future;**
- 4. To continue to ensure that the Bromley Parent Voice, Bromley Youth Council and the Carers Forum continue to provide effective engagement with service users and their carers to enable them to shape service planning, development and review, and to explore further ways of engaging other service user groups.**
- 5. To transform some partnership groups to task and finish groups with clear terms of reference focused on delivering projects and tasks identified as priorities for the Borough;**
- 6. To encourage particular existing partnership groups to look at options of becoming user led self-funding bodies;**
- 7. To provide appropriate financial and officer support (as necessary) to partnership bodies within the new framework by refocusing the support that are currently provided to those that are to be disbanded; and**
- 8. To routinely review the effectiveness of the partnership arrangements prior to the commencement of each financial year.**
- 9. The Portfolio Holder is asked to recommend that the Children's Services Stakeholder Conference performs the function of the Borough's Children's Trust Board to the Council Executive.**

D) FINAL BUDGET OUTTURN REPORT 2012/13

Officers provided the final outturn figures from the 2012/13 budget. The Committee noted the under spend of £4.6m. The Chairman expressed concerns and officers explained that part of under spend £2.6m was from savings taken early, £400,000 from efficiencies in Domiciliary Care and £1m savings for 2013/14.

RESOLVED that:

- 1. the under spend of £4,610,000 on controllable expenditure at the end of 2012/13 is noted.**
- 2. the Executive will be requested to agree net carry forwards totalling £110,000 as detailed in Appendix 2.**
- 3. The Portfolio Holder is requested to approve the final outturn report 2012/13.**

108 UPDATE ON THE TRANSITION STRATEGY

A report was presented to the Care Services Policy, Development and Scrutiny (PDS) Committee in September 2012 updating on the Integrated Transition Strategy for young people with learning difficulties/ disabilities and that the strategy would be put on hold pending impacts of the emerging findings from the Special Educational Needs and Disability (SEND) Pathfinder.

Reports would be submitted in future to both the Care Services PDS Committee and the Education PDS Committee informing on further reforms by the government on the SEND pathway. It was agreed that this be reflected in the Committee's Work Programme.

One co-opted member of the committee said that whilst he welcomed the initiative he was concerned that a strategy was being developed that would "cliff edge at the age of 26".

Officers explained that education up to the age of 25 was not a statutory right and would be dealt with on a case by case basis. The strategy was developed to identify risk and manage expectations. The service would start targeting young people at the *age of 14 and help them to think about their future and put the Education Health and Care (EHC) plan in place.*

Members wanted assurance that the service would be proactive rather than reactive. It needed to be effective. Concerns were also raised about the lack of actions for social interaction

Officers explained that they hoped the new strategy would improve this; the legislation and code were very clear on the changes and concerns had been expressed nationally which had brought about the new legislation and

guidance. The system is undergoing major changes and the EHC plans will be “owned” and signed off by the young people and their families. All the work undertaken had been as a result of parental consultation.

RESOLVED that the report is noted.

109 TACKLING TROUBLED FAMILIES - UPDATE

The Committee received an update on the Bromley Tackling Troubled Families Programme.

Previous reports to CYP PDS in March 2012 and Care Services PDS in June 2012 described the Government programme “Tackling Troubled Families” and how this would be implemented in Bromley. This is a payment by results initiative focusing on local authorities supporting households who:

- were involved in crime and anti-social behaviour (ASB),
- had children not in school, training or employment,
- had an adult on out of work benefits or
- caused high cost to the public purse.

The Tackling Troubled Families (TTF) programme is coordinated through the Bromley Children Project and delivered through a number of work streams. These are cross cutting across council departments and agencies and require an integrated approach to working with partners. These include the Anti-social Behaviour Unit, Youth Offending Team, education support to children not attending school through the Education Welfare Service and services that support families not in work. This aims to ensure a multi-agency approach to families with multi faceted problems, build on systems and structures already in place and further develop innovative interventions with troubled families.

Bromley received the ring fenced grant allocation for Bromley for 2012/13 which totalled £535,200 and includes the contribution to cover: -

- the initial identification of families,
- the coordination of the programme,
- the 80% upfront “attachment fee” in relation to 136 of the 163 families that Bromley has committed to work with in year 1 of the grant.

Of total grant allocation of £535,200 for 2012/13 following agreement of the Executive £270,120 has been drawn down leaving £265,080 unallocated. Members were provided with a breakdown of the proposed expenditure for 2012/13 and actual expenditure in year.

Members asked officers about how the Families were identified. Officers explained that the Tackling Troubled Families Team (TTF) a small team of 5

FTE who were working with the agencies above to identify families who would meet the criteria (as outlined above). This included working with the Education Welfare service to go into homes and encourage children to attend school. Officers reported that the first year targets had been met.

Members requested a list of outcomes to be circulated to members via email. Officers also agreed to bring back an update report in due course.

RESOLVED that the report is noted.

110 QUESTIONS ON THE CARE SERVICES PDS INFORMATION BRIEFING

No questions were received on the Information Briefing.

A) ANNUAL CORPORATE PARENTING REPORT 2012/13

B) ANNUAL ECS COMPLAINTS REPORT 2012/13

111 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.

112 EXEMPT MINUTES OF THE CARE SERVICES PDS COMMITTEE MEETING HELD ON 12TH MARCH 2013

The Committee noted the exempt minutes of the meeting held on xxx.

RESOLVED that the exempt minutes of the meeting held on xxx be agreed.

113 CONTRACT AWARD - SUPPORTED EMPLOYMENT

The Portfolio Holder considered the award of the supported Employment Contract and agreed the recommendations.

114 CONTRACT AWARD - TENANCY SUPPORT

The Portfolio Holder considered the award of the Tenancy Support contract and agreed the recommendations.

115 CONTRACTS AWARD SPOTS - COMMUNITY BASED SERVICES

The Portfolio Holder considered 2 contract award spots following the setting up of the Learning Disability Framework Agreement for Supporting Community Based Support Services and he agreed the recommendations.

APPENDIX A

The Meeting ended at 9.00 pm

Chairman

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Minute Annex

COMMUNITY CARE PROTECTION GROUP PUBLIC QUESTIONS TO 18TH JUNE 2013 CARE SERVICES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE.

1. OPERATION OF BROMLEY COMPLAINTS PROCEDURE IN RELATION TO BROMLEY CONTRACTORS (ref. item 11, Questions on the Care Services PDS Information Briefing).

- (a) What was the Council's procedure for dealing with formal public complaints regarding Shaw Trust, the Host Contractor for Bromley Link, that were not resolved under the official LINK's complaint's procedure?

There are no formal public complaints regarding Shaw Trust outstanding. Bromley Link dealt with all the complaints which were addressed to the organisation according to their own governance procedures. It is not always possible to resolve complaints to the satisfaction of all parties.

- (b) What will be the Council's procedure for the new Healthwatch Bromley contract with Community Links?

The Council is monitoring the Healthwatch Bromley contract on a quarterly basis.

2. INFORMATION ON THE TENDERING PROCEDURE FOR CONTRACTS FOR THE PROVISION OF NHS INTERMEDIATE CARE BEDS.

- (a) Why is the contract split into 2 phases, the second, for 22 beds starting 1 month after the first, for 20 beds?

To reduce the risks during handover of services and dovetail in with the end date of the existing contract with Missioncare which ends in November 2013? This is also to ensure that we do not transfer inpatients all together from both current location (Orpington Hospital site and Elmwood Nursing Home) to a new site/s (depending on outcome of procurement). This will allow the new provider/s or existing provider/s (depending on outcome of procurement) to receive patients through a staged process.

- (b) When and where were the tenders advertised?

Supply 2 Health on two occasions (approx 15th Jan - initial market testing notice and then approx 21st March Formal Tender advert)

- (c) Are NHS bodies, or Bromley Healthcare included on the Select/Approved List?

They are many organisations which included NHS bodies, Community Interest Companies and private organisations that have provided a first stage bid. We cannot name them at this point due to procurement rules and regulations.

- (d) What are the contract programmes?

I do not understand this question, please kindly clarify.

3. SECURITY, TRANSPARENCY, AND FREEDOM OF INFORMATION REGARDING THE DOCUMENTS FOR THE HEALTH & WELLBEING BOARD.

- (a) At what meeting of the HWBB was the policy of secrecy agreed?
- (b) On which individual's recommendation?
- (c) Now that the secret discussions have been completed, why do the documents need to remain secret?
- (d) How is a blanket exemption for all agenda documents, including agenda frontsheets, justified under Section 36 of FOIA?

REPLY:

Prior to 1st April 2013, the Health and Wellbeing Board was non-statutory and existed only as a shadow board. As such, it was for individual local authorities to determine how they wished to pilot this work and there was no statutory obligation to hold these meetings in a public forum.

The decision to meet in closed session, not secret, was taken by the then Chairman of the Health and Wellbeing Board in order to allow an open and frank discussion between the Council and its partners, and to allow confidence to build with this new arrangement.

Section 36 of the Freedom of information Act (prejudice to the conduct of public affairs), which refers to inhibiting free and frank discussion, applies to circumstances such as these. Previous agendas and papers of the Shadow Health and Wellbeing Board were prepared on the basis that they were for the participants in the meeting and not for general public circulation, and are therefore not required to be disclosed.

Susan Sulis
Secretary, Community Care Protection Group