

CARE SERVICES POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 26 June 2014

Present:

Councillor Pauline Tunnicliffe (Chairman)
Councillor David Jefferys (Vice-Chairman)
Councillors Mary Cooke, Peter Fookes, Hannah Gray and
Terence Nathan

Also Present:

Councillor Robert Evans and Councillor Diane Smith

5 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies were received from Councillors Ruth Bennett, Judi Ellis, Charles Rideout and Melanie Stevens.

6 DECLARATIONS OF INTEREST

Councillor Pauline Tunnicliffe declared an interest as a Bromley Foster Carer, Councillor Peter Fookes declared that he was a Trustee of Age Concern Penge and Anerley, Councillor Diane Smith declared she was a Bromley Health Governor and Councillor Robert Evans declared that he was a Member of the CCG Board and a Member of Kings.

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

Three questions had been received from Mrs Susan Sulis and these are attached at [Appendix A](#).

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

No questions had been received.

9 MINUTES OF THE MEETINGS OF CARE SERVICES PDS COMMITTEE HELD ON 11TH MARCH AND 4TH JUNE 2014

RESOLVED that the minutes of the meetings held on 11th March and 4th June 2014 be confirmed.

10 CARE SERVICES PDS CO-OPTED MEMBERS SELECTION
Report C14069

Members were requested to confirm the arrangements for the nomination of Co-opted Membership of the Care Services PDS Committee for 2014 -16. Following the review of ECHS partnership arrangements in 2012/13 it was proposed that the areas being represented by Co-opted Members and the selection process should be examined to ensure they reflected any changes resulting from the review. Officers outlined the proposed new arrangements and timescales.

The suggestions of the groups that would be invited to nominate a representative would be:

Forum	Representing...
Healthwatch Bromley	all groups
Council on Ageing	older people
Mental Health Forum	adults with mental ill-health
Carers Forum	carers of all ages
Experts by Experience (X by X)	adults with disabilities (including learning disabilities)
Young Advisers	young people with disabilities (including learning disabilities)
Living in Care Council	looked after children

Subject to agreement from Care Services PDS Committee, these groups would be asked to submit nominations for a representative and alternate between 30th June and 25th July. These nominations would be considered by the Care Services PDS Chairman with a view to confirming new co-opted members and alternates at the meeting on 24 September 2014.

Members considered an email from Pat Wade, Chairman of the Voluntary Sector Strategic network (VSSN), which had been tabled. Officers explained the aim was to select co-opted members that represented the voice of service users and their carers. Whilst Bromley Advice & Information Network (BAIN) provided free, confidential, independent, information, advice and specialist casework to individuals it was not a forum for bringing together the wider views of disabled people in Bromley. However, it was recognised that other disability groups could be established during the next two years. If this was to happen then the Committee could review its membership again.

Members questioned why Mencap had not been included and officers explained they had entered into dialogue with Mencap; at present they had a number of sub-groups running but were not an overall group and therefore they did not feel they were currently in a position to be co-opted to the Committee.

Officers explained the rationale behind selecting X by X. The group was a user-led organisation for deaf and disabled people and carers in Bromley. Their representation included physical impairments, sensory impairments, mental health survivors, people with learning difficulties or learning disabilities, people with long term health conditions, people living with HIV or AIDS and people who used or had used drug or alcohol services. With such a wide remit officers felt this organisation was in an ideal position to represent a variety of interests on the Committee.

The next stage after the meeting was to approach the relevant groups for nominations. It was possible that some of the previously co-opted members would be nominated back onto the Committee.

RESOLVED that:

- (1) The report be noted.**
- (2) The selected groups are approached for nominations to represent the areas outlined above.**
- (3) The timescales are noted.**
- (4) The selected co-opted members will be appointed for a two year term.**
- (5) The selected members will provide the Care Services PDS with an annual report.**

11 WORK PROGRAMME AND MATTERS ARISING
Report RES14049

Members reviewed the Care Services PDS Committee's work programme for 2014/15 and considered progress on matters arising from previous meetings of the Committee. The report also provided an update on PDS members' visits to day centres and residential homes.

Members noted the request that Council agree that Bromley be represented on the proposed Six Borough Health Scrutiny Committee. They were concerned that this Committee would either replicate the Committee's work or undermine it. Officers reassured them that it would only meet to consider specific issues and it was not being proposed as a standing committee.

Concerns were also raised that if Bromley decided not to participate it would be left in a vulnerable position. The Director explained that it would not have statutory powers, would have to be properly constituted and any decision to participate would need to be ratified by full Council.

The Chairman highlighted a proposal to implement a Care Services Budget Sub-Committee which would provide reports to the Committee in January and September each year. In addition the Chairman explained that as the

portfolio was so large she would like to choose a particular topic that the Committee could consider in greater detail. Two such topics were case reviews or the outcomes of the Looked After Children (LAC) review in conjunction with members on the Education PDS Committee.

She further suggested picking a topic to scrutinise such as Dementia. These items would be included on the agenda for the next meeting.

RESOLVED that the report be noted.

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

The Committee considered the following reports for pre-decision scrutiny.

A) CARE SERVICES PORTFOLIO PLAN PRIORITIES JUNE 2014 - MAY 2015
Report CS14043

The Committee considered the most recent update on progress with the Care Services Portfolio Plan Priorities for 2013/14 and the draft Portfolio Plan Priorities for 2014/15.

The draft 2014/15 Care Services Portfolio Plan developed the four key priorities established in 2013 aimed at ‘supporting improved quality of life through encouraging high aspirations, maximising independence, promoting healthy lives and protecting the most vulnerable’:

Outcome 1: Ensuring the **health and wellbeing** of children, young people and their families, and enhancing quality of life for adults and older people with care and support needs

Outcome 2: Maximising **independence** and reducing the need for care and support

Outcome 3: Ensuring that people have a **positive experience** of care and support

Outcome 4: Ensuring children and young people are **safe within the community**, and adults and older people whose circumstances make them vulnerable are **protected from avoidable harm**

These four priority outcomes were aligned to the national areas covering housing, adults and children’s social care, and reflected the Government’s outcome frameworks for these services. They took account of the new vision for adult social care services as defined by the Care Bill 2013 in which fundamental reforms were proposed as to how the law on adult social care would work, prioritising wellbeing, highlighting the importance of prevention and postponement of the need of basic care and support, and putting people in control of their care and support.

The Chairman highlighted a concern relating to Bromley Foster Carers. She was aware of one carer who had not had a placement for 10 months and was considering leaving Bromley. Officers explained that this was due to the fact that they carer in question being approved for children aged 0-6 years and that this age range was where there was little difficulty in placing children. There were more older children and teenagers who required placements. The Chairman also asked if officers went through the list of foster carers in alphabetical order and was told this is not the case.

RESOLVED that the report be noted and the Portfolio Holder is requested to agree the draft 2014/15 Care Services Portfolio Plan.

B) FINAL OUT-TURN REPORT 2013/14

Report CS14045

Members noted that the final outturn for the controllable element of the Care Services budget in 2013/14 was an underspend of £149,000 compared to the last reported figure of £27,000 underspend which was based on activity at the end of January 2014.

The Vice-Chairman commended officers on the amount of work that had gone into keeping the budget on target. He asked about the invest to save schemes and was informed that some had been delayed.

RESOLVED that

- (1) An under spend of £149,000 on controllable expenditure at the end of 2013/14 is noted.**
- (2) It is noted that the Executive on the 10th June 2014 agreed the net carry forwards as detailed in Appendix 2 to the report.**
- (3) The Portfolio Holder be recommended to approve the final outturn report.**

C) CARE SERVICES PORTFOLIO BUDGET MONITORING 2014/15

Report CS14046

Members considered the Care Services Portfolio Budget Monitoring report. A replacement paragraph 9.2 was tabled. It replaced the original paragraph with the following text:

The contingency for housing that is held centrally is £1.2m and this was identified last year as a pressure. There are unfunded costs placed upon the Council by Central Government for those with no recourse to public funds and there are considerable pressures on our children's placement budgets. As in previous years, senior officers are looking across their budgets for alternative savings but these are increasingly hard to find.

Members were advised to disregard paragraphs 6.7 – 6.10 relating to the Adoption Reform Grant as this would be considered at a later meeting and then forwarded to the Executive.

Officers confirmed that the £449k for meeting existing commitments was still available to be drawn down and that this could be carried forward.

RESOLVED that

- (1) The latest projected overspend of £2,791,000 forecast on the controllable budget, based on information as at May 2014, is noted.**
- (2) The full year effect for 2015/16 of £3,457,000 as set out in section 4 of the report is noted.**
- (3) The carry forward release requests as detailed in section 6 of the report are noted;**
- (4) The comments of the Executive Director in section 9 of the report, including the replacement paragraph of the report, be noted.**
- (5) The Portfolio Holder is recommended to approve the report.**

D) ADULTS TRANSPORT POLICY
Report CS14050

Members considered a relating to the introduction of an Adult Transport Policy. Council funded transport was currently provided to any adult who has been assessed as requiring day activities but there was no policy detailing the circumstances under which Council funded transport will be provided.

The Council proposed to introduce an Adult Transport Policy that ensured:

- People were supported to develop and maintain their independence
- A fair and equitable way of assessing needs and ensuring appropriate transport provision
- Compliance with statutory duties
- Effective use of resources

There were comments relating to the buses being used for all age groups, however this suggestion would need careful consideration with regard to child safeguarding.

There were examples where Council funded transport would not be available to day care service users such as those in receipt of higher benefits who had taken advantage of the Government's scheme to purchase motability vehicles. It was expected that they would use these vehicles to travel to the activity. However, Members noted that some might not be willing to do so.

Eligibility would be based on an assessment, undertaken by the care manager, of the client and carer, with clear rules to avoid any contest.

RESOLVED that

(1) The report be noted

(2) The Portfolio Holder is recommended to consider the report and the associated draft Adult Transport Policy and approve the commencement of a consultation process in relation to the introduction of the Policy.

E) FOSTER CARERS MAINTENANCE PAYMENTS
Report CS14051

Councillor Pauline Tunnicliffe declared a prejudicial interest in this item, vacated the chair and left the room. The Vice-chairman took the chair for this item.

The Foster Carers revised payment structure had been implemented from 1st August 2012, following agreement by the Care Services PDS Committee and the Executive. It comprised two elements - a weekly maintenance allowance, aligned to the Fostering Network's recommended minimum amount, to cover the 'day to day' cost of caring for a child and a professional fee element (reward) of £200 per week per child. The professional fee was the sum paid for the work undertaken by the carer for providing care to the child and the other associated tasks required of a foster carer. An enhanced professional fee for children over the age of 13 and those with challenging or complex needs of £250 per week had been approved in recognition that Bromley had insufficient numbers of in-house carers for these children and carers willing to consider these types of placements were difficult to recruit and should be paid more. In giving its approval the Executive had also endorsed that the revised scheme should be reviewed after three years to ensure that it remained fit for purpose.

The Vice-Chairman extended his thanks to all foster carers. He requested that officers give an indication as to which option would be preferable. Officers suggested option 2 as this would bring Bromley in line with other Local Authorities, however it was noted that other authorities had also reviewed their payment structures.

RESOLVED that the Portfolio Holder is recommended to approve the 2.3% increase to the weekly maintenance element of the fostering allowance in line with the recommendation of the Fostering Network, and a 2.3% increase in the professional fee.

F) FOSTERING SERVICE ANNUAL REPORT 2013/14
Report CS14052

Members noted that the Fostering National Minimum Standards 2011 required the Fostering Agency to produce a report on fostering activity to the Agency Executive and an updated Statement of Purpose on an annual basis.

Officers presented details of activity from 1 April 2013 to 31 March 2014, together with the updated Statement of Purpose.

RESOLVED that the report be noted and the Portfolio Holder be recommended to approve the report and the revised Statement of Purpose.

G) ADOPTION SERVICE ANNUAL REPORT 2013/14
Report CS14068

In line with the Standard 24.6 of the National Minimum Standards 2011, Members considered the annual report of the Bromley Adoption Agency and Statement of Purpose.

RESOLVED that the annual report is noted and the Portfolio Holder be recommended to endorse the annual report and the updated statement of purpose.

H) MARKET POSITION STATEMENT
Report CS14047

As part of the national programme *Developing care markets for quality and choice (DCMQC)* launched by the Department of Health (DoH) last year and the White Paper "Caring for our Future" every Local Authority had a duty to produce a Market Position Statement. Members were being consulted on an initial draft with providers and service users.

The programme was in line with the view that local authorities had a changing role and in time the DoH expected to see a shift to Local Authorities' occupying a role of major procurer to one of facilitator of the whole social care market.

Members raised concerns at the mention of "intervening" and that they were in a position whereby they were being told what to do by central government. The Director shared their concerns.

RESOLVED that

(1) The work so far on the draft Market Position Statement be noted and the Portfolio Holder be recommended to approve that officers enter into consultation with providers and service users.

(2) The Portfolio Holder be requested to agree that a the findings of the consultation, and the resulting final version of the document, be reported back to Members later in the year.

13 PRE-DECISION SCRUTINY OF REPORT S TO THE EXECUTIVE

The Committee scrutinised the following reports prior to their consideration by the Executive on 16th July 2014.

A) PROPOSAL TO EXTEND THE CONTRACTS FOR DELIVERY OF SUBSTANCE MISUSE SERVICES

Report CS14063

Members considered a report which sought approval from the Executive to extend the three contracts with Crime Reduction Initiatives (CRI) to provide an integrated drug and alcohol service for a period of one year from January 2015 until December 2015 as allowed for in the contracts.

Approval of the Executive was also sought to extend the contract with KCA to provide an integrated drug and alcohol service for children and young people for a period of one year from January 2015 until December 2015 as allowed for in the Contract.

Members asked what would happen at the end of the contract and were informed that the services would be the subject of a gateway review.

RESOLVED that the report be noted and the Executive be recommended to approve the extension of the three existing contracts with CRI – Stabilisation and Assessment Service, Recovery Service and Intensive Prescribing Service and the contract with KCA for children and young people’s substance misuse service (BYPASS) from January 2015 until December 2015.

B) ONE SECTION 75 AGREEMENT WITH BROMLEY CCG

Report CS14048

Officers submitted a report which set out the legal framework for how integrated commissioning and joint services between the Council and Bromley’s Clinical Commissioning Group would be administered. The report proposed that all existing and future (e.g. *Better Care Fund*) joint commissioning and joint service delivery be captured under one overarching arrangement – it was proposed to use a single Section 75 agreement as set out in the National Health Service Act 2006. The agreement would set out the principles around governance and financial management under which all these arrangements could then take place and would also contain a list of schedules which captured, at a high level, all the existing agreements in one place.

RESOLVED that the Executive be recommended to approve the proposed approach to administering integrated commissioning and

delivery arrangements under one high level Section 75 agreement and to delegate to the Chief Executive the power to approve the final Section 75 agreement between LB Bromley and Bromley CCG - the agreement to be re- signed and re- sealed on an annual basis.

(N.B. New individual agreements proposed by the Joint Integrated Commissioning Executive will be covered under a deed of variation and will be subject to the standard financial and contract regulations based on the level of funding involved. For example if a new agreement involves funding contributions of over £1m it will be taken through Executive for a decision first.)

C) SECTION 106 FUNDING FOR HEALTH PROVISION
Report CS14067

Officers and Health colleagues at Bromley Clinical Commissioning Group had reviewed how Section 106 funding, which the Planning Division secured specifically for health services, should be processed, to secure the best value and quality health provision for residents. Members considered the report and noted that a number of references in the report were out of date, such as developing the Ravensbourne College site which was now a housing development.

Members requested regular updates on how the section 106 monies were used and also wanted a briefing note for the next meeting on where the 106 funding was sitting in the budget and whose responsibility it was to spend it.

RESOLVED that the Executive be recommended to agree the process for Health partners accessing and utilising specific health related funding made available through Section 106 agreements to delegate to the Executive Director, Education Care and Health Services, in consultation with the Portfolio Holder and Director of Corporate Services, to approve individual health proposals up to £250k and allocate the funding under a formal grant arrangement and to agree that proposals for spending above £250k be delegated to the Care Services Portfolio Holder up to £1m.

D) TRANSPORT GATEWAY REVIEW
Report ES14062

Members considered a report which followed on from an Executive report Adult Social Care – Gateway Review (report no. CS13/017) and the Executive endorsed Commissioning Programme (Report No. DRR13/043), of which Transport was one of the ten services to be reviewed. The report was part of the agreed Gateway Process for determining the best method for the delivery of these services in accordance with the Council's Target Operating Model.

The current Passenger Transport Framework Agreement, utilised by Bromley for the delivery of transport by the Special Educational Needs Transport (SENT) team, was due to expire in August 2015. The current vehicle hire agreement for the delivery of the Passenger Transport Services (PTS) had

been extended to November 2015. The combined delivery of these two services after August 2015 needed to be market tested to ascertain if significant costs savings could be realised by contracting either elements or holistically delivering these services through alternative means.

The issues of sharing larger buses across all service users, adult and children, was raised again but as noted under the Adult Transport item earlier on the agenda there were safeguarding issues to be considered.

Members asked whether it was possible to link with hospital transport. The Portfolio Holder was concerned that without an adult transport policy it was difficult to establish what needed to be done.

The Committee considered the various procurement options.

RESOLVED that the Executive be recommended to approve the tendering of contract(s) for the provision of transport services for adults and children as outlined in paras 3.28 – 3.30 of the report and to agree to the placement of any required Notice of Advertisement in the OJEU, seeking expressions of interest from organisations wishing to tender.

E) CORPORATE PARENTING STRATEGY
Report CS14066

Members were informed that the aim of the multi-agency corporate parenting strategy was to build services around the needs of children and young people in the care of Bromley Council in order to maximise their opportunities and improve outcomes. The vision of the strategy was simply stated: “we want for our looked after children everything that a good parent wants for their child”.

Members were asked to review and comment on the strategy prior to it being presented to full Council on 21st July 2014. They praised the report in that it was easy to read, and they also wanted officers to look at the best practice of other authorities.

RESOLVED that the report be noted and the Executive be recommended to approve the Corporate Parenting Strategy in advance of it being presented to Council in July.

14 QUESTIONS ON THE CARE SERVICES PDS INFORMATION BRIEFING

No questions had been received.

15 HOUSING SERVICES 2014 -15 PRIORITIES
Report CS14044

The Committee received a summary of key performance outturns for Housing in 2013/14 and an update on the current pressures in relation to rising housing need and temporary accommodation.

RESOLVED that

(1) The performance against key priorities in the 2013/14 Portfolio Plan and work plans for service areas be noted.

(2) The priorities for 2014/15 set out in paragraph 3.4 of the report in response to the current housing pressures being experienced be noted.

**16 REPORT ON CONSULTATION ON SHORT BREAKS FOR
DISABLED CHILDREN & YOUNG PEOPLE
Report CS14055**

In September 2013 Members had approved a three month consultation with parents/carers and disabled children and young people on the future commissioning of Short Breaks. The report detailed the responses to the consultation which would inform the Council's commissioning strategy for the future.

RESOLVED that the responses to the consultation on Short Breaks be noted.

**17 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 referred to below as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the Press and public were present there would be disclosure to them of exempt information.

**The following summaries
refer to matters
involving exempt information**

**18 EXEMPT MINUTES OF THE CARE SERVICES PDS
COMMITTEE MEETING HELD ON 11TH MARCH 2014**

The Committee approved the exempt minutes of the meeting held on 11th March 2014.

**19 PRE-DECISION SCRUTINY OF PART 2 REPORTS TO THE
CARE SERVICES PORTFOLIO HOLDER**

The Committee scrutinised the following report for decision by the Care Services Portfolio Holder.

A) GROUP BASED SHORT BREAKS FOR DISABLED CHILDREN AND YOUNG PEOPLE - CONTRACTS EXTENSION

The Committee considered a report requesting an extension to Group based short breaks for disabled children & young people contacts and supported the recommendations.

20 PRE-DECISION SCRUTINY OF PART 2 REPORTS TO THE EXECUTIVE

The Committee scrutinised the following reports on the agenda for the Executive's meeting on 16th July 2014.

A) AWARD OF CONTRACT FOR A COMMUNITY WELL-BEING SERVICE FOR CHILDREN AND YOUNG PEOPLE

Members considered a report outlining an award of contract for a community well-being service for children and young people and supported the recommendations.

B) DIRECT CARE UPDATE

Members considered the direct care update and supported the recommendations.

C) SECTION 106 FUNDING FOR HEALTH PROVISION

Members noted the detailed financial implications of the Section 106 funding for Health Provision report which was considered in part one of the agenda.

21 REFERENCE FROM GENERAL PURPOSES AND LICENSING COMMITTEE: DOMICILIARY CARE

The Committee considered a reference report from General Purposes and Licensing Committee relating to a Domiciliary Care appeal and supported the recommendations.

The Meeting ended at 9.15pm.

Chairman

Appendix A

Care Services PDS Committee

26th June 2014

**3. QUESTIONS FROM COUNCILLORS AND MEMBERS OF THE PUBLIC
ATTENDING THE MEETING**

Questions from Susan Sulis, Community Care Protection Group

**1. 2013/14 FUNDING ALLOCATIONS FOR BROMLEY RESIDENTS'
WELFARE AND CARE NEEDS.**

- (a) The Bromley Welfare Fund had a surplus of approximately £377,647 from 2013/14. What has happened to this surplus?

Reply:

The underspend in 2013/14 was carried forward and will potentially be used in 2015/16 to support the first year when funding is withdrawn from central government.

- (b) How many charities have contracts to provide social care services to Bromley residents, and what was the value of these contracts for 2013/14?

Reply:

We don't record this information formally, so we are only able to provide estimates based on the information we do hold.

Annual expenditure is approximately £18.75m and there are about 100 different providers within care services contracts.

**2. OPEN LETTER FROM 170 PUBLIC HEALTH PROFESSIONALS ON
UK FOOD POVERTY TO THE PRIME MINISTER, PUBLISHED IN
THE LANCET 10TH MAY 2014.**

- (a) Are the Members of this Committee aware of this letter?

Reply:

Yes

- (b) Is the Director of Public Health aware of this letter?

Reply:

Yes

- (c) Does she agree with the views expressed? If not, can she please explain why she disagrees, and the evidence to support her disagreement?

Reply:

This is a factual letter based on the information from the Department of Environment, Food and Rural Affairs (DEFRA) and Office of National Statistics (ONS). I agree with the Faculty of Public Health that the UK nutrition should be monitored and action taken at the national level to improve the overall nutritional status of the nation and consequently Public Health.

3. FINAL OUTTURN REPORT 2013/14 (Item 8(b), PUBLIC HEALTH UNDERSPEND (p.55, para.3.5))

In 2013/14, the Public Health Budget was underspent by £769,000, and has been transferred to a Public Health Reserve, which can be used this year for P.H. activities.

- (a) Can some of this funding be used to investigate and mitigate the effects of food poverty in Bromley on vulnerable residents?

Reply:

This is a matter for the Council's Executive and, from time to time, appropriate uses for any underspends are identified. The money is held in a contingency identified for Public Health purposes and so has to be spent in line with the terms of the transfer.