

ADULT CARE AND HEALTH POLICY DEVELOPMENT AND SCRUTINY COMMITTEE

Minutes of the meeting held at 7.00 pm on 15 March 2023

Present:

Councillor Mark Brock (Chairman)

Councillors Jessica Arnold, Felicity Bainbridge, Graeme Casey, Robert Evans, Mike Jack, David Jefferys, Kevin Kennedy-Brooks and Thomas Turrell

Vicki Pryde and Rona Topaz

Also Present:

Councillor Dr Sunil Gupta FRCP FRCPATH (Vice-Chairman) (*via conference call*)

Councillor Mike Botting, Executive Assistant for Adult Care and Health and Councillor Diane Smith, Portfolio Holder for Adult Care and Health

71 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence.

The Chairman noted that this was the final Adult Care and Health Policy Development and Scrutiny Committee meeting of the municipal year and thanked Members, Co-opted Members and officers for their contributions throughout the year.

72 DECLARATIONS OF INTEREST

In relation to agenda items 9 and 13 (minutes 79 and 83) Co-opted Member, Vicki Pryde declared that she worked for Experts by Experience (X by X), Oxleas NHS Foundation Trust and Bromley, Lewisham and Greenwich Mind. Co-opted Member, Rona Topaz also declared that she worked for Experts by Experience (X by X).

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

No questions had been received.

74 MINUTES OF ADULT CARE AND HEALTH PDS COMMITTEE MEETING HELD ON 24TH JANUARY 2023

The minutes of the meeting held on 24th January 2023 were agreed, and signed as a correct record.

75 WORK PROGRAMME AND MATTERS OUTSTANDING

Report CSD23040

The Committee considered a report setting out matters outstanding from previous meetings and the proposed work plan for 2022/23.

The Chairman noted that the matter related to re-establishing a programme of Member visits was in progress, pending a drop in the number of COVID-19 cases in care homes. With regards to minute 61, information on the average council tax of other boroughs had been circulated to Members, and could now be marked as complete.

RESOLVED that the update be noted.

76 UPDATE FROM THE DIRECTOR OF ADULT SOCIAL CARE

The Director of Adult Social Care gave an update to Members on work being undertaken across the Adult Social Care department.

The Director of Adult Social Care informed Members that since the last meeting, work to consult with the provider market about the Market Sustainability Plan had almost reached completion. It was noted that the Assistant Director for Integrated Commissioning would present a report in relation to this later in the meeting. The Director of Adult Social Care was pleased to confirm that the department were on target to report this to the Department for Health and Social Care (DHSC) as required.

Members were advised that draft guidance had been received from the Care Quality Commission (CQC) regarding the Assurance process, and would begin to be rolled out from April 2023. Internally, a great deal of preparatory work had been undertaken, including carrying out self-assessments; updating policies and practice guidance; working with staff to prepare them for the reintroduction of an assurance process; and gathering evidence that could be shared with the CQC as part of the process when they visited Bromley. Whilst the guidance was still in draft form, any changes were likely to be minimal as the process was rolled out – 6 authorities had initially been trialling the process, with others to follow. It was noted that Bromley was not one of the authorities to be looked at initially. The Assurance process would look at four areas:

- how the Local Authority worked with people;
- how the Local Authority provided support;

- how the Local Authority ensured safety within the system; and,
- leadership.

The CQC would apply their Single Assessment Process, which would look at six evidence categories which the department were preparing for. These were:

- people's experience;
- feedback from staff and leaders;
- feedback from partners;
- observation;
- processes; and,
- outcomes.

From looking at current performance and other data supplied, the CQC would apply a baseline from which to measure. The scoring framework would currently grade local authorities as follows:

- 1 = evidence shows significant shortfalls in the standard of care
- 2 = evidence shows some shortfalls in the standard of care
- 3 = evidence shows a good standard of care
- 4 = evidence shows an exceptional standard of care.

The department would aim to be graded as highly as possible; however they were aware that any new process would take a while to be embedded. The Director of Adult Social Care emphasised that preparation for the Assurance visit must become one of the major focusses going forward, although all the work being undertaken around transformation and reform would stand the department in good stead for this. It was noted that the team were also engaging with the Assistant Director Strategy, Performance and Corporate Transformation, and other colleagues in Children's Services, to take appropriate learning from their experience of Ofsted, although it was hoped that the approach taken by the CQC would be less onerous. The Director of Adult Social Care said that, from her perspective, if they were doing the right things for, and with, the residents of Bromley, the right outcome would be achieved. Staff had been advised that preparation for assurance should not just be about getting the right score – their practice should do this for them and be reflected in the outcome. It was noted that further updates could be brought to the Committee as more detail and learning from those that would trial the process was received.

RESOLVED that the update be noted.

77 PRE-DECISION SCRUTINY OF ADULT CARE AND HEALTH PORTFOLIO HOLDER REPORTS

The Committee considered the following report where the Adult Care and Health Portfolio Holder was recommended to take a decision.

A BUDGET MONITORING 2022/23 - Q3

Report FSD23023

The Committee considered a report providing the budget monitoring position for 2022/23 for the Adult Care and Health Portfolio, based on activity up to the end of December 2022.

The Head of Finance for Adults, Health and Housing advised that an underspend of £57k on the controllable budget was currently projected, which was similar to the figure projected in the last quarter. Key variations were highlighted in Appendix 1B of the report and provided explanatory notes on the movements in each service. Within Assessment and Care Management there had been gross overspend of £174k. This was mainly due to overspends on care packages; there had not been any significant increase in client numbers, so this was mainly related to increased costs, particularly the provision of 1-2-1 support following hospital discharges. Placements that were above the Council's guide rates were another factor that had contributed towards the overspend.

The Head of Finance for Adults, Health and Housing highlighted that, although there had been some significant increases in the spend on care packages, additional funding, specifically for hospital discharges, had been received from the government which had helped to offset this. It was noted that, arising from this, there were potential pressures going into the new financial year, but there were plans to further improve the hospital discharge process and reduce these costs. A Member asked if information on mitigations going into the new financial year could be provided. The Head of Finance for Adults, Health and Housing said that work had been undertaken to look at the single point of access (SPA), and processes were in place to reduce the amount of time spent carrying out Care Act and financial assessments post-discharge. It was suggested that further information could be provided in a future budget monitoring report.

A Member commented that a projected underspend of £57k on the controllable budget was highly commendable. It was noted that the Portfolio had benefitted from funding (£2,314k) from central government, which had helped but, with the additional pressure faced, it was considered that all those involved with achieving this position should be congratulated.

In response to questions regarding the Shared Lives project, the Director of Adult Social Care advised that there had been a number of issues related to staffing within the service. However, there were a number of new placements available, and work was being undertaken to look at how these should be prioritised. Assurance was given that, for every package that went through the funding panel, the opportunity for the Shared Lives project was considered. They were also considering extending the use of the Shared Lives project for people placed outside of the borough. It was recognised that the Shared Lives project was a very good scheme, and it was hoped that it would gather pace with a new manager, and team, in place and new families looking to enter the scheme. Members were advised that further support was also being received from the national programme, Shared Lives Plus.

A Member noted the reference made in the report regarding the Integrated Commissioning Service having a projected underspend of £24k, which was partly due to staffing vacancies. Reassurance was sought in terms of the estimated time for appointing staff to these posts. The Director of Adult Social Care advised that one of the vacancies being carried was due to a member of staff taking on a new role to lead the work around adult social care reforms. The Assistant Director for Integrated Commissioning noted that the issues had been related to the turnover of staff – some had left their posts and there also been some parental leave. Vacancies were never open for more than a month or so, and they looked to fill posts as quickly as they could.

The Chairman congratulated the Head of Finance for Adults, Health and Housing on his recent appointment to Head of Corporate Finance and Accounting – thanks were extended on behalf of the Committee for all of the work he had undertaken.

RESOLVED that the Portfolio Holder be recommended to:

- i.) Note the projected net underspend of £57k on controllable expenditure based on information as at December 2022; and,**
- ii.) Recommend that Executive agree the release of funds from the Central Contingency as set out in section 3.6 of the report.**

78 PRE-DECISION SCRUTINY OF EXECUTIVE REPORTS

A MARKET SUSTAINABILITY PLAN

Report ACH23-011

The Committee considered a report setting out the proposed Bromley Adult Social Care Market Sustainability Plan for agreement. The report also sought agreement on the spending of the Council's allocation of the government's Market Sustainability and Improvement Fund that supported the changes outlined in the plan.

In support of government social care reforms, the Council was required to submit an Adult Social Care Market Sustainability Plan to the Department of Health and Social Care (DHSC). The purpose of this plan was to assess the impact the Council's current fee rates were having on the local adult social care market; and how the Council was preparing for the introduction of legislative change that would give self-funding social care service users a right to ask councils to find their care, and access the same rates that councils paid for the care and support, from October 2025.

The Assistant Director for Integrated Commissioning advised that in December 2021 the government had published a white paper, *People at the Heart of Care*, which outlined a 10-year vision for adult social care. Included in the white paper were proposals for a Fair Cost of Care and Market

Sustainability policy that intended to address the practice of councils paying provider fees for care homes and domiciliary care services that did not adequately cover the cost of these services. The impact of this policy change for the Local Authority was significant due to Bromley having a large and elderly self-funder population, as well as there being a large number of care homes located in the borough. For these reasons the gap between what the Council paid for care and support services, and what local care homes and domiciliary care services charged self-funders, would be greater than that for other areas. The Council would need to put in place additional care assessment and brokerage and placement resources to meet a new demand for support from self-funders. Without government support the cost to the Local Authority of levelling up its fees with that of self-funders could be in the region of £10m per annum.

Members were advised that officers engaged with the local market and had undertaken a cost of care survey of the older people's care homes and domiciliary care agencies based in the borough. The providers were asked to complete a government designed questionnaire on their activities and the actual costs of providing services – there had been a very positive response rate from local providers, with useful data received. The survey results were used to arrive at a median cost of care for the borough for these types of provisions, and to make an analysis of the local market of providers, which would allow the Council to 'move towards' paying a 'fair rate'.

The Assistant Director for Integrated Commissioning advised Members that the Market Sustainability Plan was a requirement of the reform preparations, and had been completed using a template of criteria provided by the DHSC. It provided an analysis of the care market and plans for future years – a key part of this related to supporting people to live in their own homes for as long as possible. It was noted that all domiciliary care had been recommissioned two years previous, and the Local Authority had moved to a model of eight Patch Providers. They wanted these Patch Providers to provide around 60%-70% of the provision across the borough, and the additional funding received from the government would be used to support this coverage. The priorities relating to care homes were around creating a sustainable and affordable care homes market within the borough. They would target those care homes that supported the largest number of elderly people – there were 13 care homes that supported around two thirds of this cohort. Members were informed that funding would also be spent on supporting sustainability for Extra Care Housing (ECH), and looking to increase supply, as this was a good accommodation offer for the elderly frail and those with disabilities.

The Assistant Director for Integrated Commissioning highlighted that this process would be managed over a number of years, with the Council 'moving towards' the target. It was not known if the government grant would be received in future years and therefore care would be needed to ensure that any increase in fees could continue to be met if the grant was withdrawn. Providers would be advised that where the government grant was ended it would affect future fees. Consultations on the plan were taking place with providers in advice of the report going to the Council's Executive.

In response to questions, the Assistant Director advised that the Market Sustainability Plan presented would take the Council towards the requirements from October 2025 – in terms of moving towards increasing fees and targeting specific parts of the market. From 2025, it was anticipated that further government funding would be required to accommodate the changes that needed to be put in place – for example, if self-funders were to approach the Council to access care, additional staff would be needed to undertake both care and financial assessments and identify the care and support required. If further funding was not received it would create a burden for the Council. The Director of Adult Social Care advised that the Programme Manager – Adult Social Care Reforms was leading on a piece of work looking at how they could complete assessments – using IT and providing the opportunity for people to self-assess, which would minimise the additional staff required. Alongside this, they were looking at providing advice to people to check that they had explored all options – different patterns of people going into care homes were being seen, with many funding their own care going in much earlier as they were not aware of other opportunities. They were looking to improve the information offered, reminding residents that alternative support was available and ensuring that a clear steer of what was an appropriate cost of care was provided. It was hoped that this would keep people away from services that used their resources up much quicker, and support more people at home – they could also signpost residents to invest their money more wisely, so their personal wealth was protected, and used when required.

A Member asked for further information regarding how the £150k allocated to support the preparations for the new arrangements would be used. The Assistant Director for Integrated Commissioning advised that this money would be used to support transition, including purchasing new technology to help people undertake self-assessments and access services online. The Director of Adult Social Care said that the Local Authority would also be working in partnership with the Social Care Institute for Excellence – they had been invited to be part of the work they were developing at a national level, and it was hoped some additional benefits would be received. It was noted that only a small element of the grant could be retained for administration.

A Member noted the reference made in the report regarding quality, with 31 out of the 35 providers in the borough having an overall CQC rating of 'good' or better. It was enquired how many of the 31 were rated as 'outstanding'. The Director of Adult Social Care advised that 4 providers were rated as 'outstanding', with 27 providers were rated as 'good'. In response to further questions regarding the steps being taken to help the remaining four providers to improve, the Director of Adult Social Care informed Members that the Local Authority had a Contract and Compliance Team who worked closely with the provider market. As highlighted, there would be some providers whose rating dropped down to 'requires improvement'. If this occurred, everyone who received services from the provider would be reviewed and given the opportunity to move to a different provider, if they so wished. However it was noted that, as personal relationships had often been formed, most individuals/families chose to stay with the provider – this was monitored very

closely and if there were any significant concerns the Operational Services Team would strongly advocate that people changed providers. A block was also put on any new packages of care until the provider performance had improved. The Director of Adult Social Care said she was not aware of any situations where there had not been places available to move individuals that had requested to change providers.

A Co-opted Member enquired if the removal of cross-subsidy would have an effect on those who were currently struggling to fund their care packages. The Assistant Director for Integrated Commissioning said that, as a result of introducing the fair cost of care policy, it was anticipated that there would be a levelling out of costs and those individuals would be paying less of their own money.

RESOLVED that Executive be recommended to

- i.) Comment on and agree the Bromley Adult Social Care Market Sustainability Plan:**
- ii.) Agree the spending proposals for the Council's allocation of the Market Sustainability and Improvement Fund; and,**
- iii.) Delegate to the Director for Adult Services, in consultation with the Portfolio Holder and Director of Finance, the allocation of Market Sustainability and Improvement Funding with reference to the government guidelines and in accordance with principles outlined in the Market Sustainability Plan.**

79 CONTRACT REGISTER (PART 1)

Report ACH23-010

The Committee considered an extract from the February 2023 Contracts Register which was presented to Members for detailed scrutiny. The Contracts Register contained in Part 2 of the agenda included a commentary on each contract to inform Members of any issues or developments. It was highlighted that no contracts had been flagged as a concern during this quarter.

The Assistant Director for Integrated Commissioning noted that the report provided a snapshot as at the 19th January 2023. There were three contracts rated as 'amber'. The first of these was the Integrated Community Equipment Service (ICES), which was presented at the last meeting and had now been awarded. The other two 'amber' contracts were awaiting the decision of the Director of Adult Social Care and were in the process of being finalised.

RESOLVED that the report be noted.

**80 QUESTIONS ON THE ADULT CARE AND HEALTH PDS
INFORMATION BRIEFING**

The Adult Care and Health PDS Information Briefing comprised 3 reports:

- Minutes from the Health Scrutiny Sub-Committee meeting held on 17th January 2023
- Capital Programme Monitoring 2022/23 Q3
- Draft Adult Social Care Strategy 2023-2028

RESOLVED that the Information Briefing be noted.

**81 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.

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

**82 EXEMPT MINUTES OF ADULT CARE AND HEALTH PDS
COMMITTEE MEETING HELD ON 24TH JANUARY 2023**

RESOLVED that the exempt minutes of the Adult Care and Health PDS Committee meeting held on 24th January 2023 be agreed.

83 CONTRACT REGISTER (PART 2)

The Committee noted the Part 2 information within the report.

The Meeting ended at 7.41 pm

Chairman

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