

ADULT AND PUBLIC HEALTH SERVICES PORTFOLIO DECISION RECORD 28 JULY 2008

The meeting commenced at 9.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Gerard Hall (Adult and Public Health Services Portfolio Holder)

Officers: Alan Dobby, Assistant Director (Support Services)
Graham Frankland, Head of Procurement, Property and Public Protection,
Sylvia Pinkney, Consumer Services Manger
David Cosgrove, Principal Democratic Services Officer

5. **Adult Social Care Complaint Review Panels** *(Director of Adult and Community Services)*

Type of decision

Non-key.

Purpose of report

The Report outlined the current arrangements with respect to Independent Panel Members who serve on Complaint Review Panels. It also set out the proposed arrangements relating to the Independent Panel Chair as well as entering into a Contract for Independent Panellists.

Issue(s) for consideration by Portfolio Holder

Under the Health and Social Care (Community Health and Standards) Act 2003 and the Local Authorities' Social Services Complaints (England) Regulations 2006, the Council maintained in relation to its adult social care functions, a three stage complaints procedure which is conducted in accordance with statutory regulations and guidance.

Stage 3 of the complaints procedure is known as 'Review Panel' where consideration of a complaint is presented to a Review Panel comprising an Independent Chairperson, an Independent Panellist and an Elected Member. There have been 3 Complaint Review Panels held over the past two years. Recruitment, on a voluntary basis, of Independent Panel Members with the relevant skills and experience to fulfil both the Independent Panel Chair and Independent Panel Member roles has, in the past, been significantly low. Currently, there are only two Independent

Panel Members appointed on a voluntary basis with the Chair and Panellist roles rotating between them.

Stockton Borough Council recruited a pool of Independent Panellists whose services are commissioned on a spot purchase basis to participate in Complaint Review Panels. Currently, Stockton has a pool of 14 persons appointed as Independent Panellists. Stockton has offered other local authorities access to its pool of Independent Panellists. As voluntary recruitment to the Independent Panellist role has, in the past, been significantly low, it is proposed that Stockton's offer of accessing its pool of Independent Panellists is taken up. The Stockton Independent Panellist Contract does not include recruitment to the role of Independent Chair. The two voluntary Independent Panel Members that are currently recruited and serve on Complaint Review Panels have the necessary experience required to Chair Panels and it was proposed that these persons now fulfil the Independent Chair role only.

The cost for a Local Authority to enter into the Stockton Borough Council Contract for Independent Panellists is £625 in the first year and £125 for each year thereafter. In Hartlepool, these costs will be split between Adult & Community Services and Children's Services. When an Independent Panellist is appointed to a Stage 3 Complaints Review Panel, there is also a £25 per hour payment to be made directly to the Independent Panellist. On the basis of equity, consideration has focused upon the issue of payment to the Independent Chair. It is proposed that the Independent Chair should now be paid a flat-rate fee of £150 per Complaints Review Panel hearing.

The Portfolio Holder commented that it was disappointing that no further panel members had been sourced from within the town but the arrangement proposed did ensure that the panels, when required, could be appropriately called.

Decision

That the proposals relating to Independent Panellists and Independent Chair, including the financial implications, are approved.

6. Health and Safety Service Plan 2008/09 (*Head of Procurement, Property and Public Protection*)

Type of decision

Non-key.

Purpose of report

To seek Portfolio Holders approval for the Health and Safety Service Plan 2008/09.

Issue(s) for consideration by Portfolio Holder

The report gives details of the Health and Safety Enforcement Service and

the Service Plan for 2008/09. The Service Plan gives details of the scope of the Health and Safety Service, the demands on the service inspection programmes, resources and review of 2007/08.

The Portfolio Holder noted that the number of inspections undertaken in the previous year had been below target and asked if this had been due to staffing issues. The Head of Procurement, Property and Public Protection commented that there had been a combination of long term sickness and staff moving on to new posts that had affected performance. One post had been filled recently and another was currently out to advert. Around one hundred inspections had been rolled forward into this year. All inspections were rated according to risk and programmed.

Decision

That the Health and Safety Service Plan 2008/09 be approved.

7. Annual Complaints Report 1 April 2007 to 31 March 2008 *(Head of Procurement, Property and Public Protection)*

Type of decision

Non-key.

Purpose of report

To present the third Annual Complaints Report of the Adult & Community Services Department on complaints and representations for the period 1 April 2007 to 31 March 2008.

Issue(s) for consideration by Portfolio Holder

The Annual Report provided information on the complaints and representations framework and drew together information on activity during the reporting period. Complaints relating to Community Services came within the Authority's Corporate Complaints Framework which was also reported to the Culture, Leisure and Tourism Portfolio Holder.

It is a legal requirement in social care that an Annual Report be published on complaints and presented/made available to the Portfolio Holder, staff, the Commission for Social Care Inspection and general public. The report offered an opportunity to demonstrate that learning has occurred from complaints and also consideration of trends emerging through the year's activity within the Complaints Framework.

The Portfolio Holder noted that it was still a very small percentage of service users that had cause to complain and there were robust procedures within the department to deal with the issues raised. It was also good to see that many compliments were also paid by service users to staff. The Portfolio Holder also welcomed the Scrutiny investigation into the care provided through the private care homes within the town. This showed that the Council was taking the issue of the care provided to the elderly and vulnerable members of our society seriously. The Assistant Director

commented that the complaint report could provide some useful background for the scrutiny forum.

Decision

That the Annual Report be received and the proposals for the development of the Complaints Framework be noted.

8. Adult and Community Services Departmental Plan 2008/09 to 2010/11 (*Director of Adult and Community Services*)

Type of decision

Non-key.

Purpose of report

To submit the Departmental Plan for the Adult and Community Services Department to the Portfolio Holder for consideration.

Issue(s) for consideration by Portfolio Holder

The report outlined the key content of the Departmental Plan detailing the vision for the department, key objectives and performance indicators.

The Portfolio Holder welcomed the document and complimented officers on a well written and easy to follow document. The Portfolio Holder welcomed the continued focus on supported living which allowed more elderly and vulnerable people to maintain their independence and stay in their own homes for longer.

The Portfolio Holder questioned how the relationship with the Primary Care Trust had developed in terms of the level of joint working that was now in place. The assistant Director commented that the relationship with the PCT was working very well and staff worked closely with the PCT, often in co-located teams to provide services. While budgets were rarely pooled, there was significant alignment of budgets between the two organisations.

The Portfolio Holder referred to the recent IDeA conference in the town which focussed on the extensive training undertaken by staff in Hartlepool. It was a major compliment to staff that the number and level of training courses taken up was high.

Decision

That the Adult and Community Services Departmental Plan 2008/09 to 2010/11 be endorsed.

9. Hartlepool Vulnerable Adults Protection Committee Annual Report 1 April 2007 to 31 March 2008 (*Director of Adult and Community Services*)

Type of decision

Non-key.

Purpose of report

The Report outlined the Safeguarding Vulnerable Adults activity for 2007-2008 and highlighted the priorities for the coming year.

Issue(s) for consideration by Portfolio Holder

The Report outlined the Safeguarding Vulnerable Adults activity for 2007-2008 and highlighted the priorities for the coming year. The Report identified that physical abuse and neglect remained the most frequent forms of abuse and the most common location of abuse or neglect was within the home of the vulnerable adult. The priorities identified for 2008-2009 included the Production of Public Information and awareness raising within the community.

The Portfolio Holder referred to the different way that the protection of those with mental health issues was dealt with. The Assistant Director commented that issues raised in mental health are often taken through the NHS Care Programme Approach rather than the 'No Secrets' framework. There was a debate as to whether many of the issues raised within Mental Health should be referred through the 'No Secrets' procedure. The Assistant Director indicated that there was also a national review of the 'no secrets' guidance to be undertaken in the near future. The Portfolio Holder indicated that the 'No Secrets' agenda would be another issue worthy of being highlighted during the scrutiny investigation into care homes.

Decision

That the Hartlepool Vulnerable Adults Protection Committee Annual Report be noted.

10. Smoke Free Legislation – One Year On (*Head of Procurement, Property and Public Protection*)

Type of decision

Non-key.

Purpose of report

To update the Portfolio Holder in relation to Smoke free legislation since its introduction on 1st July 2007.

Issue(s) for consideration by Portfolio Holder

On 1st July 2007, England introduced new laws to make virtually all

enclosed public places and workplaces in England smoke free. The primary aim of the legislation was to protect workers and the general public from exposure to the harmful effects of second-hand smoke. Local authorities are solely responsible for enforcing smoke free legislation in England. Since 1st July 2007, we have continued our compliance building work, carrying out enforcement inspections based on risk, and where possible, combined with other regulatory inspections to reduce burdens on businesses.

In Hartlepool we have carried out 979 inspections of premises and vehicles under this legislation, between 1st July 2007 and 30th June 2008. At the time of the inspection 87.2% of these were displaying the correct “No Smoking” signage and 99.9% were found to be smoke free. Hartlepool has not issued any fixed penalty notices or taken any legal action under this legislation. Details of the action taken nationally were set out in the report.

The Portfolio Holder welcomed the report which revealed that Hartlepool was benefitting from being smoke free. The Portfolio Holder considered that some of the impact on businesses had been exaggerated.

Decision

That the report be noted.

11. Food Standards Agency Audit (*Head of Procurement, Property and Public Protection*)

Type of decision

Non-key.

Purpose of report

To inform the Portfolio Holder of findings of the Food Standards Agency’s Audit of the Authority’s controls of Imported Food and Feed Law Enforcement Service.

Issue(s) for consideration by Portfolio Holder

In November 2007 the Food Standards Agency (FSA) informed the Authority that it had been selected to take part in the Agency’s focused audit programme on the delivery of local authority official controls on feeding stuffs including imported feed and food controls. The scope of the audit was official controls implemented and delivered by the local authority in relation to animal feeding stuffs, enforcement, including feed hygiene and imports and food import controls to verify compliance with the Standard, the relevant codes of practice and centrally issued guidance.

A pre visit questionnaire was completed by the Authority one month prior to the on-site visit which took place on the 6 and 7 March 2008. The detailed report of the audit produced by the FSA was attached as Appendix 1 to the report. The report indicated that the authority had implemented up-to-date procedures reflecting recent changes in legislation, and that a risk based

sampling programme had been implemented following the Agency's advice. The report identified no areas for improvements and detailed only five minor recommendations. Improvements planned to address the recommendations had been included in the department's action plan together with the timescales for their implementation. It was reported at the meeting that the actions were either completed, or near completion.

The Portfolio Holder welcomed the report though asked if the division's staffing issues had affected the audit and this area of work in any way. It was highlighted that the long-term sickness absence of the officer specialising in this area had caused some problems but all the necessary inspections had been carried out as programmed.

Decision

That the Food Standards Agency's Audit of the Authority's controls of Imported Food and Feed Law Enforcement Service be noted.

12. Contributions Policy 2008 (*Director of Adult and Community Services*)

Type of decision

Non-key.

Purpose of report

To provide an early update on the impact of the amended Contribution Policy for those receiving non-residential support in the community.

Issue(s) for consideration by Portfolio Holder

Changes were made to the contributions policy (Cabinet 31 March 2008) to make it more consistent and flexible. The new policy was implemented from 14 April 2008. Those service users due for a review of their needs since then have been given an indicative personal budget. A financial contribution has also been calculated based on the size of the support plan subsequently agreed with the service user, and their ability to pay. Those assessed for the first time have followed a similar process.

The results were now available from an early sample of 66 re-assessments under the new policy. On average the increase in contribution is £8.49 per week. This is partly affected by changes in personal circumstances, benefit rates, package etc., and partly a result of the new policy. A total of 29% pay the same or less than before, 36% pay up to £10.00 per week more, and 35% between £11.00 and £30.00 per week more (the capped increase). The larger increases affect those who had previously mainly received non-chargeable services. Further details were set out in the report.

The Portfolio Holder commented that some older people had particular issues when discussing their personal finances and sought assurances that everything was being done to ensure people received the assistance they

should. When discussing, income outgoings should also be taken into account wherever possible. The Assistant Director stated that the department had specially trained officers to deal with these issues who could discuss finances in confidence with service users and where necessary involve family members.

Decision

That the report be noted.

The meeting concluded at 10.05am

PETER DEVLIN

CHIEF SOLICITOR

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