

ADULT SERVICES COMMITTEE

MINUTES AND DECISION RECORD

6 OCTOBER 2016

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor Stephen Thomas (In the Chair);

Councillors: Lesley Hamilton, Dr George Morris, Carl Richardson, Sylvia Tempest and John Tennant.

Also present: Emma Joyeux, Hartlepool and Stockton on Tees Clinical Commissioning Group
Judy Gray, Stella and Gordon Johnson - Healthwatch Representatives
Frank Harrison – Years Ahead Forum
Members of the Public – Sue Little and Evelyn Leck

Officers: Jill Harrison, Assistant Director, Adult Services
John Lovatt, Head of Service, Adults
David Ward, Head of Finance, Child and Adult Services
David Cosgrove, Principal Democratic Services Officer

30. Apologies for Absence

Councillor Kaylee Sirs.

31. Declarations of Interest

Councillor Morris declared a personal interest.
Councillor Thomas declared personal interests as an employee of Hartlepool Healthwatch and as the Council's representative on the Tees-wide Adult Safeguarding Board.

32. Minutes of the meeting held on 15 September 2016

Minutes confirmed.

Minutes No. 23 – the Assistant Director informed Members that a site visit to the new Centre for Independent Living would be held on 29 November at 4.00 pm and would be open to Members and regular

attendees. In relation to the name for the new building, the Assistant Director confirmed that, following consultation with service users, carers and staff, it had been agreed to name the new building Hartlepool Centre for Independent Living.

Minute 25 – the Chair indicated that he would wish to write to the CCG on behalf of the Committee seeking details of how they intended to address the lack of nursing care beds available in Hartlepool. The Chair indicated that he would also invite the CCG to attend a future meeting to discuss the issue further with the Committee. This proposal was supported by the Members present.

33. Strategic Financial Management Report – as at 31st July 2016 (*Director of Child and Adult Services and Chief Finance Officer*)

Type of decision

For Information.

Purpose of report

The purpose of the report was to inform Members of the 2016/17 Forecast General Fund Outturn, 2016/17 Capital Programme Monitoring and to provide details for the specific budget areas that this Committee is responsible for.

Issue(s) for consideration

The Head of Finance, Child and Adult Services reported that the Council's overall financial position for the first quarter had been reported to the Finance and Policy Committee on 5 September 2016. In relation to the services managed by this Committee the projected outturn figures were a worst case overspend of £312,000 and a best case overspend of £102,000. It was, therefore, anticipated that the specific reserve of £337,000 for DoLS (Deprivation of Liberty Safeguards) would need to be utilised to cover the additional expenditure in this area. Officers would look to covering the additional DoLS expenditure through in-year savings in order to protect as much of the reserve as possible. Further details would be included in the budget report being submitted to the December meeting.

The Head of Finance also drew attention to the Capital Budget update set out in an appendix to the report.

A Member of the public questioned if the Council was under-charging for day services in comparison to private sector providers. The

Assistant Director indicated that the Council only provided day services for adults with learning and physical disabilities and commented that the recently implemented Fairer Charging Policy had been bench-marked against other authorities in the North East. It was noted that the majority of service users paid for their day services from their personal budgets. The Chair added that there was to be a presentation on personal budgets to the next meeting which would be useful for Members ahead of the budget considerations in December.

Decision

That the report be noted.

34. Adult Safeguarding Performance Report (*Director of Child and Adult Services*)

Type of decision

For Information.

Purpose of report

The purpose of the report was to present adult safeguarding performance information for 2015/16 and Quarter 1 of 2016/17, and to provide a progress update regarding implementation of the Tees-wide Safeguarding Adults Board (TSAB) strategic aims and objectives for the same period.

Issue(s) for consideration

The Head of Service reported that throughout 2015/16, the main focus of the TSAB had been on the implementation of the statutory safeguarding framework introduced under the Care Act 2014. Working with the TSAB, HBC implemented a wide range of activities to ensure local arrangements were fit for purpose and compatible with the new statutory safeguarding arrangements. Hartlepool's Local Executive Group for safeguarding had been responsible for coordinating and providing effective inter-agency working to safeguard local people whose circumstances made them vulnerable, and who were at risk of abuse and neglect.

Linked to safeguarding and protecting adults from abuse or significant harm are Deprivation of Liberty Safeguards (DoLS). The Local Authority continued to be the lead agency and Supervisory Body for ensuring that people, who, for their own safety and in their own best interests, need to be accommodated under care and treatment regimes

that may have the effect of depriving them of their liberty, but who lack capacity to consent, are only 'deprived' following the due legal process.

The Year End Performance Report for 2015/16 was submitted as an appendix to the report and included information on safeguarding activity, categories of abuse and outcomes as well as DoLS activity and local developments / issues.

In 2015/16 there had been a significant increase in safeguarding concerns identifying possible cases of abuse of adults, but a reduction in the number of enquiries that then led to further investigation and action under safeguarding adult procedures when compared to 2014/15. The Head of Service highlighted that although 538 concerns (compared to 430 in the previous year, an increase of 25%) required no specific further action in terms of safeguarding procedures, these concerns were genuine and reported to the Department and, therefore, each was examined and appropriately risk managed.

The report also highlighted the impact of the changes in relation to DoLS, with referrals increasing from 38 in 2013/14, to 648 in 2014/15 and to 1006 in 2015/16 (a further increase of 58% in 2015/16). This had created a significant pressure for Adult Services in relation to staffing, with a new team created to manage the additional work, and budgets, as the costs for legal advice, additional applications to the Court of Protection and access to Section 12 Mental Health Assessments were all borne by the Local Authority. The same issues were being experienced by all Local Authorities in relation to DoLS, as the increased activity was due to the change in legislation.

Performance information for Quarter 1 of 2016/17 was also reported and summarises safeguarding activity from April to June 2016 and highlighted local issues and trends.

The Head of Service went on to outline the developments within the TSAB including the development of a series of sub groups with work plans linking into the overall strategic plan with clear actions and timescales for completion.

The Head of Service reported that since the launch of the Hartlepool Now website in October 2015, there was information available to the public on how to access local help and support with information on over 100 providers. There was also a direct link to the TSAB website, which would assist in raising awareness of the TSAB among the general public and other users. The new Hartlepool Borough Council Website also has a more user friendly interface and easier function navigation. All policies and procedures in relation to Safeguarding and Deprivation of Liberty Safeguards were accessible on the website and had been updated in line with the Care Act 2014 and there was also another direct link to the TSAB website.

The Chair declared a personal interest as the Council's representative on the Tees-wide Adult Safeguarding Board.

The Chair asked if officers expected to see an increase in the number of DoLS referrals through into 2017 and commented on the funding that had come forward from central government. The Head of Service indicated that the numbers were expected to increase. The Government had allocated some funds to support this work in 2015/16 but this had not been sufficient to meet the costs to the Council and had only been one off money. The Vice-Chair commented that this was yet another government change in legislation that, however positive, local authorities had to meet the costs of providing, and which was placing further pressure on service budgets.

A Member questioned what action was taken if after a report, investigation and recommendations, the provider failed to implement those recommendations. The Head of Service indicated that the initial safeguarding meeting will have involved all appropriate agencies such as the home, the department, Police, health service etc, and an action plan developed to resolve the issues. This would include monitoring with appropriate points for review and further sanction should it be needed. Over the last twelve months this has necessitated the use of the Serious Concerns Protocol and new admissions to some care homes have been embargoed until concerns have been addressed. The Care Quality Commission, as the regulator of services, is also involved and takes action if required.

A Member questioned if the department had sufficient staff to cover all the issues around DoLS referrals. The Head of Service indicated that there was only a small team dedicated to this function but there were no waiting lists of cases. Another Member commented that while there had been an increase in reports, which in itself was not bad, action was needed to move towards reducing the number of safeguarding concerns. The Head of Service commented that while wanting to encourage the reporting of any concerns, the first duty of staff was to keep people safe. The department was utilising the Better Care Fund to engage earlier with colleagues in the care sector and to take a more proactive approach. Many of the reports were not of deliberate neglect but had occurred through lack of training or experience. Whenever a review was undertaken, the team would drill down to find the root cause and recommend measures to resolve that.

A member of the public expressed her concern at the potential risk for vulnerable adults being accompanied by carers to withdraw money. The Head of Service advised that the department was working with officers in Trading Standards on issues around financial abuse and officers had met with representatives of the banks and building societies to instigate procedures where they could highlight concerns which could be quickly investigated; Hartlepool was thought to be the only authority in the North East doing this. The Head of Service added that while

prosecutions on financial abuse were extremely difficult, a successful prosecution had been brought by the local authority in the past eighteen months and this remained an area of focus for officers. The Chair and Members expressed their confidence in local authority staff working with vulnerable adults in this regard.

A Member questioned how staff were being supported to meet these new care issues and responsibilities. The Head of Service indicated that staff were having to adapt as people in care were living longer, often with complex needs. The approach was to assure those needs were being met through identifying where there were gaps and putting training in place to fill those gaps. A member questioned if there were issues with retention of staff in homes. The Head of Service commented that, as many staff were on minimum/living wage, there were competing industries offering similar wages often with less personal responsibilities but for many staff in the sector it was a vocation rather than a job. Overall staff retention was not a significant issue for carers, but the Assistant Director stated that there was an issue for nursing homes appointing and retaining qualified nursing staff. It was noted that this was a national issue rather than just a local one.

The Chair commented that there was some concern in relation to the TSAB decision to disband the Local Executive Groups for Safeguarding which had been a useful means of feeding in concerns and issues. The Head of Service advised that alternative mechanisms to involve people were being explored. It was also highlighted that the independent Chair of the TSAB had been invited to attend the January meeting to discuss the work of the Board.

The Chair also commented that in relation to Deprivation of Liberty Safeguards, while the new legislation was to be commended as it placed a spotlight on these very important care issues, it also placed local authorities at a further financial disadvantage when additional financial support was not being provided. The Chair proposed that, following the work of ADASS, and in conjunction with the Leader of the Council, a letter from all North East local authorities be sent to the Secretary of State highlighting these concerns and seeking appropriate ongoing financial support for this very important work. If the support of the other North East authorities was not forthcoming, then a letter would be sent from this Council alone.

Decision

1. That the report be noted.
2. That the ongoing impact of the Supreme Court judgment in relation to Deprivation of Liberty Safeguards and the associated pressures for the department be noted.
3. That the Tees-wide Safeguarding Board Annual Report for 2015/16 be submitted to the Committee, once finalised.
4. That a letter be sent to the Secretary of State seeking appropriate

ongoing financial support to support the local authority role in relation to Deprivation of Liberty Safeguards as proposed above.

35. Adult Social Care User Survey Results (*Director of Child and Adult Services*)

Type of decision

For Information.

Purpose of report

The purpose of the report was to provide the Adult Services Committee with a summary of the results from the 2015/16 Adult Social Care Survey, which contributed to the Adult Social Care Outcomes Framework, identifying how performance compared with previous years and showing comparison data from other Councils in the North East.

Issue(s) for consideration

The Assistant Director, Adult Services reported on the performance and comparison data from the Adult Social Care Survey (for users of social care services) which was submitted as an appendix to the report.

The data showed that Hartlepool's performance was above the national average and above the North East average in all seven indicators. Further analysis of the national position indicated that Hartlepool's performance was second highest in the country for two measures, fourth highest in the country for a further two measures and sixth highest in the country for a fifth measure.

Hartlepool was the best performing authority in the region for four of the seven measures:

- 1A Social care related quality of life;
- 1B Proportion of people who use services who have control over their daily life;
- 1L Proportion of people who use services who have as much social contact as they would like; and
- 3D Proportion of people who use services who find it easy to find information about services (%).

Performance had improved in each of the three remaining measures:

- 3A Overall Satisfaction of people who use service with their care and support (%) – increased from 64.6% in 2014/15 to 67.9% in 2015/16.
- 4A Proportion of people who use services who feel safe (%) –

- improved from 68.8% in 2014/15 to 72.7% in 2015/16
- 4B Proportion of people who use services who say that those services have made them feel safe and secure (%) – improved from 87.9% in 2014/15 to 94.1% in 2015/16 (second best performance in the region).

The Assistant Director commented that this was a very pleasing set of results and confirmed that the results had been shared with front line staff together with a 'thank you' from the Assistant Director. The Chair and Members welcomed the report and requested that a message also be sent from the Committee to staff thanking them for their hard work which was reflected in the survey results. The Chair noted that there had already been some positive press coverage of the survey and requested that there should be similar coverage in the next issue of *Hartbeat*.

Decision

That the report be noted and that a message be sent on behalf of the Committee to staff in the division congratulating them on the positive results reflected in the survey.

36. Any Other Items which the Chairman Considers are Urgent

None.

The Committee noted that the next meeting would be held on Thursday 3rd November 2016 at 10.00 am in the Civic Centre, Hartlepool.

The meeting concluded at 10.45 am.

P J DEVLIN

CHIEF SOLICITOR

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