

ADULT AND COMMUNITY BASED SERVICES COMMITTEE

MINUTES AND DECISION RECORD

26 SEPTEMBER 2019

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

Present:

Councillor: Sue Little (In the Chair)

Councillors: James Brewer, Amy Prince, Carl Richardson, Stephen Thomas, Barbara Ward, and Mike Young.

Also present: Councillors Marjorie James and Ann Marshall.
Edwin Jeffries, Unison
Frank Harrison, Evelyn Leck and Gordon and Stella Johnston.

Officers: Jill Harrison, Director of Adult and Community Based Services
Danielle Swainston, Assistant Director, Joint Commissioning
Neil Harrison, Head of Safeguarding and Specialist Services
David Ward, Head of Finance, Adult and Community Based Services
David Cosgrove, Democratic Services Team

14. Apologies for Absence

None.

15. Declarations of Interest

At the commencement of the meeting Councillor Ward declared a personal interest as a Director of Bringing Communities Together.

During of consideration of Agenda item 6.1 (Minute No. 17 refers)
Councillor Thomas declared a personal interest as an employee of Hartlepool Healthwatch and as a Unison Member and Branch Official.

During of consideration of Agenda item 7.2 (Minute No. 19 refers)
Councillor Thomas declared a personal interest in holding a contract with Sunderland University.

16. Minutes of the meeting held on 18 July 2010

Received.

17. Unison Residential Care Charter *(Director of Adult and Community Based Services)*

Type of decision

Non-key decision.

Purpose of report

The purpose of the report was to seek approval from the Adult and Community Based Services Committee for the Council to commit to the UNISON Residential Care Charter and an additional pledge for the Council's commissioned services.

Issue(s) for consideration

The Director of Adult and Community Based Services reported that Committee had previously committed to the UNISON Ethical Care Charter in relation to homecare services. Following consultation, the Residential Care Charter had been adapted for Hartlepool Borough Council and the final version was submitted for the Committee's approval.

The signing of the Charter would demonstrate the Council's commitment to improving the lives of adults and children who are supported in residential care and an appropriate signing event would be held. In addition the Council recognised the importance of encouraging its supply chain, through social care commissioned contracts, to improve working pay and conditions of employment of the residential care workforce to raise standards of care and improve the lives of people living in 24 hour care. A Pledge for Social Care Commissioned Services was also submitted and it was proposed that this also signed at the formal signing ceremony.

Members expressed their support for Charter and the Pledge. There was some debate around wages paid to workers in the social care sector and how the pledge and the support of commissioned service providers would be key in driving up wages, standards and the public perception of the industry. There was some concern expressed by some that not all workers in the sector received even the national minimum wage. The Director assured members that the department's contract compliance procedures and regulatory inspections by the Care Quality Commission looked at such issues as staffing rotas, recruitment, and training for care workers.

There was debate around some of the contracts offered to care staff and particularly zero hour contracts. The Director stated that feedback from previous work indicated that some workers in this sector did like the flexibility of not having fixed hours. It was important to ensure that staff were offered choice and had some flexibility, while also ensuring that

services are sustainable. The Unison Joint Branch Secretary commented that there were issues in the care industry with how some workers were treated. He was not, however, aware of any friction between employers and staff in that regard in Hartlepool. Unison did support an ending to zero hour contracts with workers getting some assurance on a minimum number of hours or casual work arrangements.

The Director stated that the implementation of the Residential Care Charter and the Pledge for Social Care Commissioned Services would be monitored through routine contract monitoring visits, as reported to the Committee.

Decision

That the Committee agree to the signing of the Residential Care Charter and the Pledge relating to commissioned services as part of a formal ceremony.

18. Annual Report of Adult Social Care Complaints and Compliments 1 April 2018 – 31 March 2019 *(Director of Adult and Community Based Services)*

Type of decision

For information.

Purpose of report

To present to members the Annual Report of Adult Social Care Complaints and Compliments 2018/2019.

Issue(s) for consideration

The Assistant Director, Joint Commissioning advised that a total of 31 complaints had been received during 2018/19 which was an increase of 13 from the previous year. Nine of the 31 complaints were not considered as they were either withdrawn, the individual had not provided consent for someone to act on their behalf in relation to a complaint or it was a service not provided by the Council. 22 complaints had been investigated in 2018/19 with 20 investigations concluded and 2 which remained ongoing and carried forward to 2019/20.

Complaints which were considered complex were usually investigated by someone independent of the Council. Independent investigators had, therefore, been appointed for 9 of the 22 complaints investigated. Of the 20 investigations concluded within 2018/2019 no complainants had approached the LGSCO (Local Government and Social Care Ombudsman) for further consideration of their complaint.

Members welcomed the report and considered the increase in numbers reflected people's confidence in the process. It was highlighted that the report also included a lot of positive feedback. Members noted that there

was an increase in complaints from people receiving home based social care services particularly around late or missed appointments.

The Assistant Director stated that there were always follow-up meetings with any commissioned providers to discuss specific complaints and there was discussion at the regular domiciliary care providers meetings.

Decision

That the contents of the Annual Report of Complaints and Compliments 2018/2019 be noted and that the report be published online.

19. Health and Care Academy (*Director of Adult and Community Based Services*)

Type of decision

For information.

Purpose of report

To update members on the joint work that was underway between social care and health to support the development of a health and social care academy.

Issue(s) for consideration

The Assistant Director, Joint Commissioning reported that, as had been reported to the Committee previously, discussions with the FE College and health partners began in early 2018 on a vision for an integrated training and development pathway that would allow the workforce to develop the skills required. A Memorandum of Understanding had been developed between Hartlepool College of Further Education, North Tees and Hartlepool NHS Foundation Trust and the Council to work together to deliver health and social care focused training.

The aim of the health and social care academy was to provide a progression from NVQ Level 1 through to degree level with ongoing post qualifying training opportunities that ensures that the workforce can meet the changing needs of the population. The report also set out details of the work that was being undertaken nationally to develop social work apprenticeships as an alternative to the traditional degree qualification route. HBC officers had also been working with Sunderland University to support them to develop an apprenticeship pathway at Level 3 and Level 4.

The Council was exploring how this opportunity could be accommodated within current structures as, although course fees can be paid via the apprenticeship levy, the cost of salaries and overheads would need to be funded from Council base budgets.

Members expressed their support for the Academy and considered it an important tool in promoting the role of care workers. Members commented

that a further bid for support for the progression of a 'virtual ward' for training purposes to the Combined Authority should be made. The Chair commented that there was a virtual ward at Brinkburn College which she hoped to visit in the near future and would seek to invite all members of the Committee to the visit.

Decision

That the positive progress made regarding the health and care academy be noted.

20. Strategic Financial Management Report - as at 31st July 2019 *(Director of Adult and Community Based Services)*

Type of decision

For information.

Purpose of report

The purpose of the report was to inform Members of the 2019/20 forecast General Fund Outturn and the 2019/20 Capital Programme Monitoring and to provide details for the specific budget areas that the Committee was responsible for.

Issue(s) for consideration

The Head of Finance, Adult and Community Based Services reported on the overall financial situation for the Council and then specifically the situation for the Adult and Community Based Services department. There was an overall forecast outturn variance of nil for the department, however, it was still early in the year and demand within Adult Social Care can increase over the winter period and the nature of some of the placements could result in a significant increase in costs if there was a change in individual's circumstances or an increase in demand.

Appendix A to the report also identifies some underlying budget pressures within Community Hubs, Leisure Centres, packages of care for Adults with a Learning Disability and costs relating to Deprivation of Liberty Safeguards (DoLS). These pressures were funded in the current year from one-off underspends mainly arising from staff vacancies and incremental drift. Work was on-going to reduce these budget pressures and these areas will be closely monitored as the year progresses. Details of the departments Capital Budget were also set out in Appendix B.

Members questioned the type of financing listed in a number of the capital schemes as 'Mix'. The Head of Finance stated that there would be a number of sources – grant, council funding or borrowing – in varying amounts for the different schemes. Members requested that details of the specific mix of funding be reported to Members so that they could be assured that the schemes had adequate financing. The Head of Finance stated that, as this presentation is consistent across all Committee capital reports this issue would be discussed with the Director of Finance and

Policy. Members also sought details of the S.106 funds that were being used on a specific capital scheme identified in Appendix B (Brierton Sports Hall Techno Gym). The Head of Finance indicated that details would be circulated to Members after the meeting.

Members also discussed the pressures on the department relating to Deprivation of Liberty Safeguards responsibilities and the lack of any long-term funding proposals from central government. The Chair supported the views expressed and commented that central government need to acknowledge there was so much to be done that was being left in abeyance due to Brexit.

Decision

That the report be noted and that the further details of capital scheme funding be circulated to Members.

21. Adult Safeguarding Performance Report (*Head of Service – Safeguarding and Specialist Services*)

Type of decision

For information.

Purpose of report

The purpose of the report was to present to Adult and Community Based Services Committee the adult safeguarding performance information for 2018/19. The information provided an overview of safeguarding activity during this period linked to the requirements of the Teeswide Safeguarding Adults Board (TSAB) and also provided information regarding Deprivation of Liberty Safeguards (DoLS).

Issue(s) for consideration

The Head of Safeguarding and Specialist Services updated the Committee on the continuing work the Council undertook alongside TSAB and strategic partners to ensure that all safeguarding policies and procedures comply with the requirements set out in the Care Act 2014.

The report identified that the number of concerns reported to HBC increased by 10.3% in 2018/19 (compared to a far greater increase of 32.9% in 2017/18) while the number of Section 42 enquiries increased by 133.8% in 2018/19 (compared to a 23.6% increase the previous year). The marked increase in Section 42 enquiries was due to a new reporting process being introduced part way through 2018/19 – these ensured that enquiries undertaken in response to concerns were appropriately captured and ensured a consistent approach was operated across the four Tees Local Authorities.

The Head of Safeguarding and Specialist Services also highlighted that the Law Commission completed a consultation exercise about potential changes to the DoLS system in 2016/17 and discussions had continued

nationally in relation to the proposed amendments. In May 2019 the proposed system known as Liberty Protection Safeguards (LPS), which will replace DoLS, was given Royal Assent. The Act was not expected to come into force until October 2020 in order to give organisations time to prepare for the implementation of LPS and, for the first 12 months following the introduction of the LPS, DoLS will run in conjunction to allow for the changes to take place. Further information will be shared once the Regulations and Code of Practice have been agreed but there was concern that there was no guidance at this time on which to train staff or sight of the new forms that would accompany LPS.

The Committee discussed the increase in concerns and enquiries outlined in the report. There was some concern at the increases but also some reassurance that there was greater awareness and that those reporting felt confident in using the process. Members expressed their concerns at the lack of guidance on the new LPS arrangements and the likelihood that there would be no additional government funding allocated, as had failed to happen with the introduction of DoLS.

Members also sought assurance that work was being done to protect the vulnerable from the many scams that were being targeted upon them. The Head of Safeguarding and Specialist Services stated that there was a close working relationship with Trading Standards and regular press and events raising public awareness. Members were also concerned that there were appropriate safeguards around those transitioning from children's services to adult services as this could be a period of significant upheaval for them and a period they could be extremely vulnerable. The Director stated that this issue had been the focus of debate at the TSAB and advised that the theme for this year's TSAB annual conference (which was being delivered in partnership with local Children's Safeguarding Boards) had been confirmed as understanding exploitation.

Members referenced the quarterly newsletter sent to staff and asked that all Members be included in the circulation.

Decision

1. That the report, including 2018/19 performance information, the ongoing financial pressure in relation to Deprivation of Liberty Safeguards and developments in adult safeguarding over the past twelve months be noted.
2. That Members be included in the circulation of the TSAB quarterly newsletter.

22. Any Other Items which the Chairman Considers are Urgent

None.

The Chair informed the meeting that 10 October was World Mental Health Day and there would be an event at the Borough Hall.

The Chair reminded Members that the next meeting would be held on Thursday 24 October, 2019 at 10.00 am in the Civic Centre.

The meeting concluded at 11.15 am.

H MARTIN

CHIEF SOLICITOR

PUBLICATION DATE: 4 OCTOBER 2019