

SOCIAL CARE & HEALTH SCRUTINY COMMITTEE

Wednesday, 24 January 2018

PRESENT: Councillor G. Thomas (Chair)

Councillors:

S.M. Allen (In place of E.G. Thomas), I.W. Davies, K.V. Broom, W.T. Evans, G.H. John (In place of A. Davies), M.J.A. Lewis, K. Lloyd, A.S.J. McPherson, E. Morgan, B.A.L. Roberts, E.M.J.G. Schiavone and D.T. Williams

Also in attendance:

Councillor J. Tremlett, Executive Board Member for Social Care and Health

The following Officers were in attendance:

A. Bracey, Head of Mental Health and Learning Disabilities
S. Sauro, Performance, Analysis & Systems Manager
K. Pett, Programme Manager- Service Integration and Pooled Funds
C. Richards, Senior Safeguarding Manager
K. Thomas, Democratic Services Officer

Chamber, County Hall, Carmarthen - 10.00 - 11.50 am

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors a. Davies, R. Evans and E.G. Thomas.

2. DECLARATIONS OF PERSONAL INTERESTS

There were no declarations of personal interests.

3. DECLARATION OF PROHIBITED PARTY WHIPS

There were no declarations of prohibited party whips.

4. PUBLIC QUESTIONS (NONE RECEIVED)

The Chair advised that no public questions had been received.

5. DEPRIVATION OF LIBERTY SAFEGUARDS.

The Committee received a report on the implementation of the Deprivation of Liberty Standards (DoLS) introduced in England and Wales in April 2009 by the U.K. Government under the provisions of the Mental Capacity Act 2005. The report outlined recent case law in the Supreme Court in March 2014 and the actions being taken by the Communities Department to mitigate the risks associated therewith including, staffing arrangements, training of both Social Workers and Section 12 Doctors as Best Interest Assessors (BIA's) and increasing the number of staff able to authorise the Assessments within the required time frame.

It was noted that the Law Commission's review of the DoLS system had described it as being "unsustainable and not fit for purpose". Although the review, and its recommendations had been forwarded to the National Government it was not expected to be implemented for some time. Consequently, the current system, together with its challenges and risks, would remain in place until any changes to the legislation were introduced.

The following questions/issues were raised on the report:-

- Reference was made to the Older Peoples' Commissioner for Wales' recent critical publication entitled "A Place to call home: Impact and Analysis' on the quality of care in care homes within Wales. A view was expressed on the importance of the Council providing sufficient staff and resources to meet its obligations to undertake the DoLS's assessment process as efficiently and quickly as possible to ensure the protection of vulnerable people in care

The Senior Safeguarding Manager, in response outlined the DoLS's Assessment process which required 6 Assessments to be undertaken per application, 3 by Social Workers and 3 by approved Section 12 Doctors prior to their signing off. Each person subject to the assessment, or their representative/advocate were also requested to complete a feedback form on how they felt the care home was operating.

In order for the Authority to fulfil its requirements to undertake the assessments within the appropriate time frame, 22 social workers had received BIA training and seven members of staff trained as authorised signatories, in addition to the Head of Service and the Senior Safeguarding Manager. To support the assessment/authorisation process, the division had established a business support unit comprising two full time and one part time member of staff. Best Practice was also being examined across England and Wales on what makes a good DoLS's team with a view to developing a best model for Carmarthenshire and ensuring adequate resources were in place to support each step of the process.

As a result of the investment in training, Carmarthenshire had seen over 95% of DoLS's application received since mid-September 2017 allocated and assessed within the 7 or 21 day timescale. The remaining 5% had not met the timescale due to circumstances beyond the Department's control e.g. family members being unavailable for consultation.

The Department had also made in-roads into processing the assessment backlog which, since October 2017, was being addressed as a separate piece of work. That had reduced from 670 to 550, and plans were being implemented to further reduce that figure.

- With regard to the training of BIA's, that was undertaken in Wales via a three day course followed by two days shadowing of trained assessors. Whilst the situation in England was somewhat different in that training was provided via a University qualified accredited course consideration of amending the Welsh position, which was considered appropriate, to reflect England had been deferred pending the outcome of the aforementioned Law Commission Report.

- In response to a question, the Senior Safeguarding Manager confirmed the cost of undertaking assessments was a statutory cost for local authorities. Those costs would increase if a challenge was made to a DoLS assessment through the legal system, with the full cost thereof having to be borne by the local authority. The possibility of legal challenges occurring and the associated costs had been identified within the Council's Corporate Risk Register.
- Reference was made to the current requirement for a person subject to a DoLS' assessment to have an annual review. Clarification was sought on its necessity if a person's circumstance had not changed over the preceding year.

The Senior Safeguarding Manager advised that it was hoped any new processes arising from the Law Commissions Report would be more scaled and proportionate to a person's circumstances and should those not change then a full assessment every year may not be required.

UNANIMOUSLY RESOLVED that the report be received.

6. ADULT SOCIAL CARE COMPLAINTS AND COMPLIMENTS REPORT 01/04/17 TO 30/09/17.

The Committee received the Adult Social Care Complaints and Compliments report for the period 1st April to 30th September, 2017 summarising the number and type of complaints and compliments received and the service area to which they related.

The following questions/issues were raised on the report:-

- The Performance Review Officer in response to a question on the time frame for the processing and consideration of a complaint outlined to the Committee the two stage complaint process. That involved an acknowledgement letter being sent to the complainant within two working days of its receipt followed by the appointment of an investigating officer who would have 10 working days to investigate and seek to resolve the complaint. If the complaint could not be resolved within that time frame, an extension could be granted in exceptional circumstances, subject to the complainants consent. Following the resolution of the first stage, if the complainant was not satisfied with the outcome, the complaint could then progress to the second stage.
- Reference was made to the comparatively low level of complaints received by the Department and views expressed that, for a variety of reasons, many in receipt of a care service, or their families, may be reticent to submit a formal complaint. It was enquired whether the term 'complaint' and the current definition and process was appropriate to both encourage and capture all concerns and/or dissatisfaction with the level of care provision.
- Reference was also made to the importance of capturing all complaints and compliments to inform current service provision and future policy development. In that regard, concern was expressed that the report, as presented, by only identifying complaints/compliments made for Adult Social Services provided by the authority, did not provide an overarching and comprehensive picture of all complaint related issues within both the

department via other processes of services provided directly by private care homes and domiciliary providers. It was therefore suggested that future reports should include sector wide complaint/compliment data.

- Reference was made to the provision of care packages and to whether in order to gain an insight into people's initial experience of care provision they could be requested to complete a feedback form approximately 6 weeks after commencement of the provision.

The Committee was informed that that information was currently collated by care providers in accordance with CSSIW requirements and also by the Council's Commissioning Team as part of its contract monitoring role and a report thereon could be presented to a future meeting. As part of its return to the Welsh Government, the authority also liaised with service users and would be undertaking an additional survey to compliment that return. It was confirmed the question of issuing feed-back forms for all care packages could be discussed by the Practices and Process Board.

- In response to a question on the late production of invoices for care, the Committee was advised that the situation had been recognised by the Department as an area of concern and was being addressed. It was, however, confirmed that the late production of invoices did not, in the main, result in non-payment.

One of the issues identified in respect of late payment related to dissatisfaction with the level of care provided. In that respect, work was being undertaken to improve communication with care users to explain the level of care to be provided and the cost implications.

- In response to a question appertaining to persistent complainers, it was confirmed all complaints received by the service were considered and investigated.

UNANIMOUSLY RESOLVED:

6.1 That the report be received

6.2 That future complaint and compliment reports incorporate an overarching and comprehensive picture of all complaint related issues captured both within the department and via other processes and those directly related to private care homes and domiciliary providers

6.3 That consideration be given to recipients of care packages provided by the authority being requested to complete feed-back forms on their initial experiences of care provision.

7. SERVICE INTEGRATION, POOLED FUNDING AND REGIONAL GOVERNANCE ARRANGEMENTS.

The Committee received for consideration a report on the work being undertaken under the auspices of the 2014 Social Services and Well-Being (Wales) Act on Service Integration, Pooled Funding and regional Governance Arrangements. It was noted that under the Act, all local authorities were required to establish and maintain pooled fund arrangements in relation to:

- the exercise of their care home accommodation functions (by 6th April 2018)
- the exercise of their family support functions

- Specified functions exercised jointly in response to Population Assessments, where such arrangements were considered appropriate.

In accordance with the above requirements it was noted that The West Wales Care Partnership, established under Part 9 of the Act, had prioritised the establishment of pooled fund arrangements for older people's care homes by the statutory deadline with that approach being consistent elsewhere within Wales.

The Programme Manager advised that subsequent to the report's preparation a number of developments had taken place on which the Committee needed to be apprised. Firstly, the care home pooled fund would initially operate 'Virtually' due to concerns raised on a number of issues incorporating cross subsidy, administration costs on transactions, audit implications and financial traceability of care packages provided across the three counties. Secondly, parallel arrangements were being progressed for the establishment a regional Integrated Family Care Support Team to prevent children going into care. Thirdly, as each of the authorities within the partnership had integrated equipment stores, consideration was being given to whether a regional approach on their provision could be advantageous.

The following questions/issues were raised on the report:

- In response to a question on the establishment of a virtual pooled fund the Programme Manager confirmed that the Welsh Government had been informed of the identified issues. Whilst some regions had decided to operate regional pooled budgets by appointing a host region to which pooled funds would be paid and then returned to the contributing bodies, the West Wales Care Partnership considered that to be a 'paper exercise' and had instead decided to operate a virtual fund. The benefit of that approach would enable the partnership to evaluate and understand data produced during the first year of operation on the level and allocation of available funding and market forces, thereby informing the decision making process and obtaining the best value for council tax payers whilst also examining the value of what the Act allowed partnerships to do. It would also enable discussions to be undertaken with the Wales Audit Office on its concerns around pooled funding.

He also confirmed that should an over spend occur within the pooled budget, that would be borne by the individual overspending authority and not by the region.

- Reference was made to the Welsh Government requirements for local authorities to have joint arrangements for the exercise of their care home accommodation functions and the pooling of budgets to achieve that aim in place by the 6th April, 2018. Disappointment was expressed on both the lack of detail within the report particularly with regard to the arrangement for a virtual pooled fund, which differed from members' interpretations of a pooled budget, and the reason provided for that arrangement. A view was expressed that the required data should be readily available to provide a shadow base budget.
- It was noted that a formal decision paper setting out the detailed provisions for agreement by the partners would be submitted to the committee for consideration at its 5th March meeting. It was suggested that due to the

short time scale between the March meeting and the April deadline, it would be beneficial for the committee to meet prior to March to receive further explanation on the proposals having regard to the potential risk management issues identified within the report.

- Comments were also expressed on how difficult, frustrating and time consuming partnership working could be, particularly when partners had to co-operate within legislative frameworks. Reference was made to the history of partnership working over the previous six years across the region and the impact that may have had for Carmarthenshire's resources both financial and staffing having regard to the lead role it often took in those partnerships. It was suggested that a report be presented to a future meeting of the committee evidencing what benefits, particularly financial, Carmarthenshire had received as a direct result of regional and partnership working over recent years.

UNANIMOUSLY RESOLVED that:

- 7.1 the report be noted**
- 7.2 Arrangements be made for the committee to meet prior to its next scheduled meeting on the 5th March to discuss pooled budgets and the associated identified risks**
- 7.3 A report be submitted to a future meeting of the Committee detailing what benefits, particularly financial, Carmarthenshire had received as a direct result of regional and partnership working over recent years.**

8. SOCIAL CARE & HEALTH SCRUTINY COMMITTEE ACTIONS & REFERRALS UPDATE.

The Committee considered the update report detailing progress in relation to actions, requests and referrals emerging from previous meetings.

UNANIMOUSLY RESOLVED that the report be received.

9. EXPLANATION FOR NON-SUBMISSION OF SCRUTINY REPORT.

The Committee noted the reason for the non submission of a report.

UNANIMOUSLY RESOLVED that the report be received.

10. FORTHCOMING ITEMS

UNANIMOUSLY RESOLVED that the list of forthcoming items to be considered at the next scheduled meeting to be held on Monday 5th March, 2018 be noted.

11. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON THE FOLLOWING DATES:-

- 12. 23RD NOVEMBER, 2017;**

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Committee held on the 23rd November, 2017 be signed as a correct record.

13. 18TH DECEMBER, 2017.

UNANIMOUSLY RESOLVED that the minutes of the meeting of the Committee held on the 18th December, 2017 be signed as a correct record.

CHAIR

DATE