

SCRUTINY MANAGEMENT BOARD

Minutes of the meeting of the Scrutiny Management Board held on Friday, 16th November 2012 at 10.30am in the Scrutiny Meeting Room Civic Offices, Telford

PRESENT: Councillors D. White (Chair), V. Fletcher, M. Ion, A. McClements, C. Mollett, S. Reynolds, C. Turley.

IN ATTENDANCE: Cllr. L. Clare, Cabinet Member Adult Social Care; Fiona Bottrill, Scrutiny Group Specialist; Stephanie Jones, Scrutiny Officer.

SMB-17 MINUTES OF THE LAST MEETING

RESOLVED- that the minutes of the meetings of the Scrutiny Management Board held on the 14th September 2012 be confirmed and signed by the Chairman.

SMB-18 APOLOGIES FOR ABSENCE

None

SMB-19 DECLARATIONS OF INTEREST

None

SMB-20 HOLDING THE EXECUTIVE TO ACCOUNT

The Chair welcomed Cllr. Liz Clare, Cabinet Member Adult Social Care, to the meeting for the Board's second Holding the Executive to Account Session. Cllr. Clare had been sent a list of questions to address in advance of the meeting.

- The Chair began by asking Cllr. Clare what the biggest challenge was facing adult social care. Cllr. Clare replied that the biggest problem was money. She hoped that the service would remain within budget but doubted that this would happen given the overall budget pressures and in particular the reduction in Continuing Healthcare (CHC) funding by the PCT. Telford & Wrekin PCT had gone from being one of the most generous funders of CHC to one of the lowest over a short space of time which meant the Council was spending an additional £8-9million from the social care budget to offset the reduction. The Council was committed to working with the PCT, and the Clinical Commissioning Group (CCG) going forward, but Cllr. Clare did not believe the PCT was taking responsibility for the healthcare of some patients being discharged from hospital. A case example was given to

illustrate the potential risks of CHC funding being refused. The Council had fought the decision but the PCT had refused to reconsider. Cllr. Clare felt the PCT was distant from the patient and the argument had been about money when the real issue was the care of the patient. The CCG would be inheriting this problem from the PCT and Cllr. Clare felt that they needed to get this right from day one otherwise it would reflect badly on the CCG. The Council's approach had been to tackle issues while the patient was still in hospital so that patients were not discharged until any problems had been sorted out. The Chairman added that Telford & Wrekin PCT had gone from being in the top 5 most generous funders of CHC to the bottom 5 within 2 years and that the issue was with the interpretation of the guidelines for eligibility for funding. The issue affected self-funders as well as the Council. This was being looked at in some detail by the Health & Adult Care Scrutiny Committee.

- Cllr. McClements asked whether other authorities had similar problems with CHC funding, whether the matter had been taken up with other Councils and whether other Councils were considering raising the threshold for social care funding to "critical". Cllr. Clare replied that this was a national problem. The problem had been taken up with partners locally for example Shropshire Partners in Care (SPIC). There were some good elements of the Health & Social Care Act but social care funding was still an issue and there would not be a policy decision until after the next election. The Chairman said that he had met some care home owners who were worried about financial sustainability. He also said that there was an issue with the training of staff carrying out initial assessments in that they took patients' answers at face value regardless of the mental capacity of the patient and that a properly constituted group of professionals was needed to carry out the assessments and that the patient's family should be involved. Cllr. Clare said this was a good idea but that it would require resources and the Chair suggested this could be an "invest to save" opportunity for the Council.
- Cllr. McClements asked what different ways of delivering services to save costs were being looked at because the problem would grow with demographic changes. Cllr. Clare said that adult social care did not just look after older people but looked after younger adults with disabilities some of whom need long term care. The strategy was to move to enablement. Traditionally, care packages were put in place and stayed in place. Now people go through an enablement programme which assessed (or re-assessed) people's needs and helped them develop competencies to look after themselves without the need for unnecessary care packages. This promoted independent living at home and saved money but was not an overnight solution.
- Cllr. Fletcher asked what Cllr. Clare as Cabinet member was doing to challenge the PCT on CHC decisions to ensure patients receive the care they need. Cllr. Clare replied that patients were being kept in hospital. Cllr. Fletcher queried this further because the hospital's ethos was for early discharge and the Council had a responsibility to ensure patients receive the right care. Cllr. Clare said what can happen is that the hospital carries out an assessment before discharge and if the patient is assessed as

needing residential care they are placed in residential care. The care home may then dispute the assessment if they judge the patient needs nursing care and the Council will challenge and put pressure on the PCT to reconsider decisions. Decisions can only be challenged after the event and the Council has been putting pressure on the hospital to put the right people in place to carry out the assessments, and if the Council was not happy with a decision it carries out its own assessment. It was not possible to comment on the outcome of individual cases but out of 10 challenges the Council had been successful in 5. Adult social care needs to be on the assessment team. We have made a decision to bed-block and we have made a decision to pay.

- Cllr. Ion sought clarity on the assessment process and, if an integrated assessment approach was needed, who co-ordinates this. Cllr. Clare explained that the Council has a team at the hospital which identifies patients on admission so that they come into the system early and the team can find out what support the patient has at home so this information can be fed into the assessment. It was hoped that this change in the way of working would eventually eliminate the need for Notification 2 notes issued by wards when patients were ready to be discharged.
- Cllr. Ion said that the Council has a leadership role and asked whether the Cabinet member was satisfied that when an assessment is done there is alignment and a shared understanding across partners. Cllr. Clare was satisfied that this was the case but that there was dissatisfaction about some decisions. Cllr. Ion again asked whether Cllr. Clare could assure members that partners were aligned and with a shared understanding, and Cllr. Clare gave this assurance. The Chair said he was concerned that there was not a proper team in place to carry out initial and repeat assessments and that in his view the teams were in place but not working together and Cllr. Fletcher agreed the system was erratic. The Chairman was concerned that all people should be treated fairly and should get NHS funding where it was needed. Again this was an issue for self-funders as well as the Council.
- Cllr. McClements was concerned about the first assessments for people with dementia. Cllr. Clare said that teams were working well together but that there were issues with the hospital assessments and the Council was putting pressure on to make sure family and friends were involved.
- Members made a number of comments expressing confusion and concerns about the assessment and challenge process arising from the discussion. The Chairman said that the Health & Adult Care Scrutiny Committee was gathering evidence on the assessment process and this would be taken up with partners including the CCG, and Age UK which provides an advocacy service for older people without family or friends.
- Cllr. Fletcher asked for further clarification on how well the Council was challenging decisions. Cllr. Clare said that day-to-day if the Council believed a person needed a level of care then the Council would pay for it because it could not wait for days or weeks for a decision to be made. This

did not happen often, but it did happen.

- Cllr. McClements asked about the checks and balances in place for people with personalised budgets. Cllr. Clare explained that personalised budgets had been introduced about 6 years ago to enable people to choose and buy their care provision and that this seemed to be the future direction of government policy. Personalised budgets were monitored by adult care and assessed to ensure the care met the person's needs. The Council also provided advice to people managing their own budgets but there could be a tendency to refer people to larger agencies. The Chair commented that this could impact on smaller care homes struggling to survive.

Cllr. Ion pursued a line of questioning about the processes for gathering feedback from service users and what it tells us. Cllr. Clare said there was a formal process - questionnaires are sent to service users or people could feedback on-line. There was also a lot of other consultation for example with the Senior Citizens' Forum to get their views. The Council publishes an annual Local Account to report to the public on the priorities, services and performance in adult social care. The Scrutiny Manager undertook to send the link to the report to Committee Members. Cllr. Clare urged members to read the Local Account for 2011/12 which was due to be published on the website. A picture version for people with reading problems would also be available. In terms of what the feedback tells us, Cllr. Clare said that overall satisfaction was above average but below the national average for the speed of dealing with assessments and this issue had been picked up to be dealt with. The Chair made the point that patients and service users may not express dissatisfaction with CHC funding as the Council currently providing the service for people who are not self funding. People using services do not distinguish between the different sources of funding if they are receiving the service they need.

- Cllr. Fletcher asked what ideas the Cabinet member had for income generation. Cllr. Clare said there had already been an increase in the charge for preventative care and savings from Meals on Wheels although she was disappointed that she had not been kept up to date about scrutiny of the Meals on Wheels service. A process was in place to review and monitor finances all the time. Repayment of loan-based home improvement funding was being chased and collected for cases funded under the regional Kick Start programme. Cllr. Clare said she would welcome any ideas from scrutiny for saving money. Overall the financial outlook for was not good and there will be continued budget pressures. Cllr Clare said she is asking the question "What services do we have a statutory duty to provide?". This is a quality of life issue, and there are opportunities to involve whole communities in projects around social care - the BBCs Big Build was an example of how local people and the private sector could work together on projects.
- Cllr. Ion asked how Cllr. Clare worked with Cabinet colleagues and in particular about the working between children's and adult services at Cabinet level. She replied that issues are addressed at informal Cabinet meetings and there is a good relationship and communication between Cabinet members. One role is to keep colleagues informed and the other

is to improve transition arrangements. Adult social care was working more closely with the Transition Team and this was working better but still needed improvements.

- Cllr. Ion asked whether, in the event of a serious case review in Telford & Wrekin, Cllr. Clare would be able to say that there was close alignment between children and young people and adult social care. Cllr. Clare confirmed that she would be able to say this.
- The Chairman wanted to know what had changed with the Council becoming a Co-operative Council and what was being planned to protect non-statutory services. Cllr. Clare said that when she had come into the Cabinet she had found a lot of work was being done with the voluntary sector through service level agreements. Some services could be run as co-operatives – it may be difficult for staff moving to a new company – but this could be a way forward. The TWIGS gardening service was given as an example. Cllr. Clare said that she would not propose that a service became a co-operative to save money - the Council would need to ensure that co-operatives provide people with what they need and want, that there are formal processes and professionals in place and that they are accountable. Cllr. Clare pointed to the excellent Age Concern clubs but was concerned that they did not always reach people who are isolated or in need and felt there was scope for developing these kind of activities. Adult social care had no assets to sell so in terms of generating income would have to look towards services. There were no plans to join up services with other Councils but Telford & Wrekin and Shropshire both worked together with SPIC and had jointly funded training for staff in care homes although there had been an issue with homes releasing staff for training. The Chair commented on the work carried out by Scrutiny last year on autism which identified the need to provide funding for support groups which can provide low level intervention which can save resources in the long term. The Commissioner has been asked to provide an update on this work.
- Cllr. Ion picked up on the example given about Age Concern clubs and asked whether the Council was missing opportunities to work with other organisations and in particular churches. Cllrs. Ion and Fletcher gave various examples of churches working with volunteers to provide free or subsidised meals for homeless or other groups. Cllr. Fletcher said the Diocese was looking at how the churches could interact better with people at home and Cllr. Ion said that mosque leaders had met the clergy at All Saints to discuss using their facilities and working together. Cllr. McClements suggested that Scrutiny and the Council needed to think about co-operative working with the churches. Cllr. Clare replied that where there were opportunities to join up with other organisations, we join up. The Council could provide information about people who may need help and where they are, and could work together with, for example, churches so they could offer help to people in need or isolated. The Lifelong Learning Centre had been awarded Fairshare funding to attract people into the cafe and had branched out into a local Meals on Wheels service. Cllrs. McClements and Ion felt there was a role for ward Members in bringing together local groups, organisations and businesses to work together.

- Cllr. Fletcher asked Cllr. Clare what she felt was her biggest challenge, and Cllr. Clare again said the biggest issue was money – not just today but for tomorrow. The government had deferred a decision on adult social care funding until 2015 but Councils needed clarity so they could plan for the future. Some Council's were looking at equity backed funding, but potentially this could take a long time to recoup as people were living longer. Savings had already been made from cuts to service staff and senior management which had been cut to the bone leaving little scope for further staff savings. There was a lot of pressure on senior management to find money, but there was now a risk that cracks in services would start to appear.

There were no further questions and the Chairman thanked Cllr. Clare for attending the meeting and asked for her feedback on the "holding to account" process. Cllr. Clare replied that she was accountable to Cllr. Sahota as the Leader.

SMB-21 CHANGES TO THE CONSTITUTION AND SCRUTINY HANDBOOK

The Scrutiny Group Specialist summarised the report on changes to the Scrutiny Handbook and Constitution. Changes to the Scrutiny Handbook were required to reflect the new Scrutiny Committee structure and evolving scrutiny practices, and a copy of the Handbook with suggested changes marked as tracked had been circulated as Appendix 1 of the report for Members to consider. Changes to the Constitution were required following regulations related to the process for publishing notice of Cabinet meetings and decisions under the Localism Act 2012 as set out in Sections 5.2 - 5.7 of the report. The regulations would affect the role of the Scrutiny Chairmen and scrutiny arrangements. Further changes to the Constitution would be required once regulations relating to health scrutiny under the Health & Social Care Act 2012 were published in 2013.

Cllr. Fletcher suggested that further changes should be made to the Scrutiny Handbook as follows:

- To include a process for urgent matters to be considered by a Scrutiny Committee
- That the Scrutiny and the Media Protocol should include sending press releases/statements to the relevant Scrutiny Committee members for information prior to release
- That the co-optee expense allowance should be clarified
- That provision should be made for the withdrawal of the co-optee allowance for non-attendance after 6 months.

The Scrutiny Group Specialist sought advice from the Board as to whether the Call-in section of the Handbook should be amended to clarify the role of the scrutiny team in advising Call-in members. This would be limited to advising on the wording of the call-in to ensure the request is clear for voting purposes when the Scrutiny Management Board hears the call-in. This was agreed by

members.

The Scrutiny Group Specialist suggested that the Board may wish to review the criteria for scrutiny suggestions as they were referred to but not included in the Handbook and had not been reviewed for several years. It was agreed that the scrutiny team would draft proposed criteria for the Board to consider at a future meeting.

RESOLVED

- **That further amendments to the Scrutiny Handbook be made as suggested by Cllr. Fletcher, with a further amendment to the Call-in process as agreed, and e-mailed to the Scrutiny Management Board for approval prior to circulation to the Scrutiny Assembly.**
- **That the changes to the Constitution relating to the regulations under the Localism Act 2012 as set out in sections 5.2 – 5.7 of the report be agreed to take to the Council Constitution Committee.**
- **That authority be delegated to the Statutory Scrutiny Officer, in consultation with the Scrutiny Chairman, to take changes in respect of health scrutiny to the Council Constitution Committee.**

SMB-22 UPDATE FROM SCRUTINY COMMITTEE CHAIRS

The Scrutiny Chairmen provided updates of the work and progress of their Committees.

- Cllr. Turley, Chair of the Housing, Economy & Infrastructure Scrutiny Committee left the meeting at the start of this item but had provided a written update which was read out by the Scrutiny Group Specialist
- Cllr. McClements, Chair of the Co-operative & Communities Scrutiny Committee reported that the recommendations in the report on the Management of Community Centres had been presented and agreed by Cabinet in September; the next meeting would monitor the implementation of previous recommendations on the development of a one-stop-shop for businesses and changes to the leisure concessions policy; a review of the Employee Commission and Co-operative Values would be scoped in November; the Committee had worked jointly with the Budget & Finance Scrutiny Committee to scrutinise the proposed Council Tax Support scheme and the Transitional Grant and had fed into the decision making process on both; there were good examples of Members taking responsibility for their own work when 2 had attended meetings of the Co-operative Commission and Employee Commission and had written reports to feed back to the Committee.
- Cllr. Reynolds, Chair of the Budget & Finance Scrutiny Committee reported that the Committee had done a lot of joint working, with the Co-operative & Communities Scrutiny Committee on the Council Tax Support and Transitional Grant, the Children & Young People Scrutiny Committee on value for money of children in care placements and members had attended Audit Committee to monitor Capital Receipts and had reported back to other

Budget & Finance Committee members. The Committee had a heavy work schedule coming up with meetings throughout January to look at the budget proposals and the consultation process, and a meeting in December to review the schools funding formula and the additional savings proposals already released for consultation from the September Cabinet report.

- Cllr. Ion, Chair of the Children & Young People Scrutiny Committee, reported that the Committee had had 3 meetings including a briefing on the findings of the Ofsted inspection which rated safeguarding and looked after children services as adequate and had implications for the work programme. Meetings would be held in non-Council venues relevant to the issues under scrutiny; the September meeting had been held at Shortwood school which enabled members to see a modern infant and primary school and to hear about some of the issues for Head Teachers. The Committee was focussing on an in-depth review of the Children in Care Placement Strategy with three key strands:
 - a) To check that current policies and procedures keep children in the Council's care safe. There had been a good session with some reassuring information, but further lines of enquiry were being pursued with children in care homes outside the borough, social workers and foster carers.
 - b) That the placement strategy provides best value for money. This had been less satisfactory and scrutiny had discovered that information about the unit cost of internal foster care which had been in the public domain for months was not a true cost. This had led to further questioning and clarity on costs was being sought.
 - c) The Council's responsibility (if any) for children placed in the borough by other authorities. The lead officer from West Mercia Police had been invited to a meeting to talk about the role of the police in the context of children in care homes in Telford and Wrekin, the regulatory framework for care homes and the role of the local authority.

A sub-group had been set up to take stock of work and the start to shape recommendations.

Cllr. Fletcher expressed concerns about unregulated private care homes in the borough and the Chairman expressed concern about the number of children coming into care. Cllr. Ion replied that these issues were being looked at by the committee and findings would be taken up with the Cabinet Member and Director of Children's Services.

- Cllr. White, Chair of the Health & Adult Care Scrutiny Committee reported three strands of work:
 - a) Telford was hosting the regional Health Scrutiny Chair's network meeting in December
 - b) The Joint Health Overview & Scrutiny Committee had taken up several key issues with Shropshire including A&E services as there were concerns about the sustainability of 24/7 A&E on two hospital sites, and the Travel & Transport Plan relating to the reconfiguration of the acute services.
 - c) The Health & Adult Care Scrutiny Committee was focussing on the issue of CHC funding as discussed at length during this meeting. A report on

the scrutiny arrangements would be taken to the Health & Wellbeing Board.

SMB-23 SCRUTINY WORK PROGRAMME

The Scrutiny Group Specialist presented the report on the Scrutiny Work Programme which had been circulated with papers for the meeting. The number and type of meetings held in the municipal year to date, the issues considered by the Scrutiny Committees and the schedule of future reviews were shown in the report. The Scrutiny Group Specialist pointed out that there had been more working group meetings than anticipated which, if this continued to be the case, may impact on the number of formal Committee meetings which could be held and the Board may need to revisit the benchmark number of formal meetings (6 per Committee per year) over time.

The Scrutiny Officer raised an issue with managing scrutiny of the welfare reforms as many aspects cut across more than one Scrutiny Committee. The Chairman said it was a matter for the relevant Chairmen to agree between themselves which Committee would lead or join up on work.

RESOLVED

That the work programme be noted.

TIME AND DATE OF NEXT MEETING

The time and date of the next meeting at 10.30am on Friday, 18th January 2013 in Meeting Room 7, Ground Floor, Darby House was noted. Members agreed that they would like Cllr. Shaun Davies to be invited as the next Cabinet member to be held to account at the January meeting.

The meeting ended at 12.30pm.

Chairman:

Date: