

## SCRUTINY BOARD (ADULT SOCIAL CARE)

WEDNESDAY, 6TH MAY, 2009

**PRESENT:** Councillor J Chapman in the Chair

Councillors S Andrew, P Ewens,  
Mrs R Feldman, C Fox, T Hanley,  
A Hussain and E Taylor

**CO-OPTEE:** Joy Fisher – Alliance Service Users and Carers

**IN ATTENDANCE:** Councillor A Blackburn – Member of Scrutiny Board (Health)

### 103 Chair's Opening Remarks

The Chair welcomed everyone to the last meeting of this Board for the 2008/2009 municipal year.

The Chair went on to thank every Member of the Board for their help and contributions during the year as the Board had to work through an extremely robust programme but felt the Board had made some headway with the work and the inquiries the Board had looked at.

The Chair also thanked officers for providing the Board and its Working Groups with relevant information, often at short notice.

### 104 Apologies for Absence

Apologies for absence were received on behalf of Councillor S Armitage, Councillor A Taylor and Sally Morgan, Equality Issues (Co-optee).

### 105 Declarations of Interest

The following interests were declared at the meeting in relation to items:-

- (a) Update on the progress of the Early Implementer
- (b) Performance of Homecare Service Providers (Independent and Indirectly provided).
- (c) Independence Wellbeing and Choice Inspection Action Plan: March 2009

Councillor S Andrew declared a personal interest in the above items as he works for Martin House Childrens' Hospice which also caters for young adults.

Councillor J Chapman declared a personal interest in the above items she has a relative who works in private industry as a homecare worker.

Joy Fisher – Co-optee declared a personal interest in the above items as a service user, as Chair of the Disability People's Organisation and as a Member of Safeguarding Adults Board.

## 106 Minutes - 8th April 2009

### (a) Minute 100 – Performance Management

Dennis Holmes, Deputy Director - Strategic Commissioning gave a brief update on the following performance indicators:

- (i) NI133 – Acceptable waiting times for care packages.

The Officer informed the Board he could only report on the current data as the final figures would not be available until 27<sup>th</sup> May 2009.

Last year it was recorded that 85.3% of people received a service within 28 days of the assessment being completed, with current figures indicating this had increased to 85.6%. While this only represented a slight improvement on the previous year, Members were informed that this should be considered in the context of 1320 safeguarding referrals, compared to 645 similar referrals in the previous year..

- (ii) LK1-SS35 – Adult and older clients receiving a review as a percentage of those receiving a service.

The Officer informed the Board that there had also been a slight improvement in the number of people receiving a review of their needs and associated services. This year 65% had received a review, compared with 62.5% last year.

On a general point, Members requested that, for future performance reports to the Board, information be provided on the actual numbers involved (i.e. numerators and denominators) rather than just percentages.

The Officer informed the meeting that he would pass this request on to the Corporate Team who compile all performance indicator reports.

### (b) Minute 97 – Safeguarding – Strengthening Strategic Partnerships and Implementation of Quality Assurance Processes and Procedures

Joy Fisher, Co-optee reminded the meeting on the response given by Doctor Flynn recommending the advocacy service for service users and requested that the minutes should reflect this response.

## **RESOLVED –**

- (a) That, subject to the following amendment to the last sentence on the fourth bullet point in Minute 97, the minutes be approved as a correct record.

‘Doctor Flynn did recommend advocacy for service users as she believes that advocacy is a vital service, adding that the voluntary

sector could play a crucial part in assisting service users and relatives when recruiting personal assistants’.

- (b) That any outstanding issues referred to above be dealt with by those officers now identified within the minutes.

**107 Annual Report 2008/2009**

The Head of Scrutiny and Member Development submitted a report presenting the draft of the Scrutiny Board (Adult Social Care) contribution to the Scrutiny Boards’ Annual Report.

The Principal Scrutiny Adviser reminded Members that the Scrutiny Boards’ Annual Report would be submitted to Full Council for approval.

Councillor Fox requested some minor amendments to the Dignity in Care section of the report to (a) provide an indication of the number of organisations that had been successful in their applications for funding; and, (b) some examples of the type of improvement works undertaken as a result of the funding.

**RESOLVED –** That the Scrutiny Board (Adult Social Care) contributions to the composite Annual Report be approved, subject to the amendment outlined above and those previously submitted by Members to the Principal Scrutiny Advisor.

**108 Update on the progress of the Early Implementer Project**

Referring to Minute 64, 7<sup>th</sup> January 2009, where Members requested additional background information regarding the project, followed by regular quarterly project update reports on the Early Implementer project, the Director of Adult Social Services submitted a further report on progress made since January 2009. The report detailed the scope of the project, identifying the models in place which were currently being tested by customers who had moved to Self Directed Support.

John Lennon, Chief Officer – Access & Inclusion gave a brief overview of the report and, together with Dennis Holmes, Deputy Director - Strategic Commissioning responded to Members’ questions and comments.

In brief, the main issue raised was in relation to transition work between childhood and adulthood requiring personalisation.

In response, the officer reported that Adult Social Services is currently engaging with the Children’s Services Department to create a new service to support the 14 to 25 age group predominantly for those children who would require Adult Social Care services when they became an adult.

The Chair thanked officers for their attendance.

**RESOLVED -** That the contents of the report be noted and that regular progress reports be submitted to this Board.

## **109 Update Report on the Mental Capacity Act 2005 and the Deprivation of Liberty Safeguards**

The Director of Adult Social Services submitted an update report regarding the implementation in Leeds of the Mental Capacity Act and, in particular the Deprivation of Liberty Safeguards (DoLS).

At the Scrutiny Board meeting held on 12<sup>th</sup> November 2008 Members received a report which detailed the background to both pieces of legislation and relevant background documents, including the Mental Capacity Act (2005), the Mental Health Act (2007) and the Articulate Advocacy Annual Report. Subsequent to this a briefing note was circulated to all Members of Council as requested by this Scrutiny Board. The report presented for today's meeting described in more detail the Deprivation of Liberty Safeguards (DoLS) which came into force in April 2009.

Appended to the report were copies of the following documents for the information/comment of the meeting:-

Appendix 1 – A pictorial outline of the process.

Appendix 2 – A detailed flowchart outlining processes.

The Chair welcomed the following officers to the meeting who outlined the report and responded to Members' questions and comments.

Dennis Holmes, Deputy Director - Strategic Commissioning

David Shields, Programme Manager for the Mental Capacity Act.

Dennis Holmes highlighted the following main issues in relation to:

- The Deprivation of Liberty Safeguards (DoLS) and the creation of two new legal entities managing care homes and hospitals.
- The supervisory arrangements for the six assessments.
- That both the Local Authority and NHS Leeds were now the Managing Authorities and Supervisory Bodies.
- The detailed work the authority had undertaken in conjunction with NHS Leeds to put in place the new structures and processes to support the new statutory requirements.

It was confirmed that the processes in Leeds were in place, were legally compliant and that overall, the systems in Leeds were well placed with resources in place in terms of assessors, best interest assessors and doctors and was well regarded regionally.

In brief, clarification was sought in relation to the following issues:

- The differences between 'sectioning' and the Mental Capacity Act.
- The processes in carrying out the six assessments and their timescales.
- Clarification on how the Mental Capacity Act and the Deprivation of Liberty Safeguards would effect those residential homes/nursing homes where doors were often locked for the safety of some individuals.

- Clarification on how the assessment process would work for those individuals living alone out in the community with no family support and yet they may help due to having a personal problem with alcohol.

Members expressed their concern at the lack of support for those individuals detained under the Mental Health Act and then released into the community. It was felt that this would be a potential item for the successor Board to consider.

The Chair thanked Officers for their attendance.

**RESOLVED -**

- That the contents of the report and the key features highlighted in it, the progress made to implementation and the plans being progressed to raise awareness more widely in the city, be noted.
- That a further update report be submitted later in the year.

**110 Performance of Homecare Service Providers (Independent and Indirectly provided)**

Referring to Minute 33, 15<sup>th</sup> October 2008 where Members requested further updates on homecare services in Leeds, the Deputy Director - Strategic Commissioning submitted a report containing the independent sector's compliance with the National Minimum Standard. The report also advised that the current cost and volume contracts had now come to the end of their initial three year period and that with the exception Jays, the contracts had been extended through a delegated decision by the Director of Adult Social Services on 19<sup>th</sup> February 2009.

Appended to the report were copies of the following documents for the information/comment of the meeting:

- Appendix 1 – Homecare Providers Performance – July/September 2008/09.
- Appendix 2 – Homecare Providers Performance – October/December 2008/09.

The Chair welcomed the following officers to the meeting who outlined the report and responded to Members' questions and comments.

Dennis Holmes, Deputy Director - Strategic Commissioning.  
Mark Phillott, Commissioning Manager.

The main issue raised related to the levels of NVQ Level 2 training for homecare workers and Members raised their concerns that independent providers were not meeting the national minimum standards where 50% of staff should have this qualification.

In response, the Officer informed the meeting that independent homecare providers do not always have the capacity to allow employees to undertake the necessary training as it could have a detrimental effect on the level of

service provided. It was also reported that the local authority were continually trying to work with the independent providers by providing a full training programme for their homecare staff in order to get them up to standard. Members noted that 70% of homecare services were provided through the local authority and that at least 50% of the staff employed have NVQ Level 2 training.

Members were reminded that the requirement for 50% of carers to have the NVQ Level 2 qualification only came into effect in April 2009. There were other obstacles which could also prevented staff undertaking the necessary training, such as a high level of staff turnover in homecare.

Concern was also expressed that although service users were being encouraged to get involved with the assessment of carers, it was recognised that there should be a budget to facilitate that involvement.

Members sought clarification on the average hours carers were expected to work and requested that, where possible, this information be included in the next progress report.

The Chair thanked officers for their attendance.

**RESOLVED -**

- (a) That the report and information appended to the report be noted.
- (b) That any outstanding issues referred to above be dealt with by those officers now identified within the minutes and reported back to Board Members.
- (c) That regular progress report be submitted to the successor Board.

**111 Independence, Well-being and Choice Inspection Action Plan - March 2009**

Referring to Minute 58, 10<sup>th</sup> December 2008, where it was resolved that the Proposals Working Group (ASC) meet on a monthly bases to monitor overall progress of Adult Social Services performance against the objectives set out in the Independence Wellbeing and Choice action plan and to report directly to this Board with any outcomes. The Head of Scrutiny and Member Development submitted an update report.

Appended to the report were copies of the following documents for the information/comment of the meeting:

- (a) Appendix 1 - Leeds Independence, Well-being and Choice Inspection Action Plan: Summary Report March 2009.
- (b) Appendix 2 - Independence, Well-being and Choice Inspection Action Plan: Progress Report March 2009.
- (c) Supplementary information - Minutes of the Proposals Working Group (ASC) meeting held on 30<sup>th</sup> April 2009 (Members noted that this meeting took place after the agenda despatch date).

Dennis Holmes, Deputy Director - Strategic Commissioning gave a brief summary on the report and its appendices and responded to Members' questions and comments.

The Chief Commissioning Officer informed the meeting that as Chair of the Adult Safeguarding Board he had written to the Care Quality Commission Lead Inspector to seek his views in relation to extending some of the timescales for some of the items on the action plan, as it had become evident that some of the timescales could not be met.

The main areas of clarification and discussion related to the attendance figures for Members of the Adult Safeguarding Board and its Sub Groups and the need for continuous monitoring by the successor Board.

The Chair welcomed the positive progress being made in many areas of the action plan, demonstrated through 13 amber indicators progressing through to green, which could help ensure a more positive rating on the next inspection. Although it was also noted there were still some areas of the action plan where further progress was needed.

Referring to Appendix 1 (4.1) of the summary report, Members requested that a more detailed report be submitted on the actions relating to the 'scope out at a high level training requirements and secure resources across agencies.'

The Deputy Director - Strategic Commissioning welcomed the Board's input into the monitoring of the action plan which clearly demonstrated the level of commitment to improve Safeguarding in Leeds.

The Chair thanked Dennis Holmes for his attendance.

#### **RESOLVED –**

- (a) That the report and information appended to the report be noted.
- (b) That any outstanding issues referred to above be dealt with by those officers now identified within the minutes and reported back to Board Members.

Note: Both Councillor P Ewens and Councillor T Hanley left the meeting at 11.30 a.m. during consideration of the above item.

#### **112 Work Programme/Executive Board Minutes and Forward Plan of Key Decisions**

The Head of Scrutiny and Member Development submitted a report inviting Members to consider and approve the draft work programme identifying those issues identified by Members as areas for Scrutiny but which have not been addressed due to time constraints.

Appended to the report were copies of the following documents for the information/comment of the meeting:

- Appendix 1 – The Board’s work programme for the 2008/2009 municipal year.
- Appendix 2 – An extract from the Forward Plan of Key Decisions for the period 1<sup>st</sup> May 2009 to 31<sup>st</sup> August 2009.
- Appendix 3 – Minutes of the Executive Board meeting held on 1<sup>st</sup> April 2009.

The Principal Scrutiny Adviser advised Members that as this was the last meeting for the 2008/2009 municipal year, the work programme only contained items for today’s meeting. However, also listed were those issues identified by Members as areas for Scrutiny, but due to time constraints had not been fully addressed. Members agreed that these items, together with future monitoring/performance reports outlined below, should be referred to the successor Board in the new municipal year.

The issues raised at today’s meeting and/or included in the work programme schedule were:

- A progress report on the transition work between childhood to adulthood in terms of Personalisation.
- A progress report on the Implementation of the Deprivation of Liberty Safeguards.
- A progress reports on Homecare Provision.
- An Update report on Safeguarding.
- Annual Complaints Report
- Continuing Care Implementation
- Valuing People Now
- The lack of support for individuals detained under the Mental Health Act and then released into the community.

**RESOLVED -**

- (a) That the Executive Board Minutes of 4<sup>th</sup> March and 1<sup>st</sup> April 2009 and the Forward Plan of Key Decisions for the period 1<sup>st</sup> April to 31<sup>st</sup> July 2009 be noted.
- (b) That the outstanding issues listed on the work programme, together with future monitoring/performance reports, be referred to the successor Scrutiny Board in the next municipal year.

The Chair thanked Officers for their attendance and for the work carried out throughout the year.

(The meeting concluded at 11.50 a.m.)