



## **SCRUTINY BOARD (ADULT SOCIAL CARE)**

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**Meeting to be held in Civic Hall, Leeds on  
Wednesday, 9th September, 2009 at 10.00 am**

***(A pre-meeting will take place for ALL Members of the Board at 9.30 a.m.)***

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### **MEMBERSHIP**

#### **Councillors**

J Chapman (Chair) - Weetwood;  
P Ewens - Hyde Park and Woodhouse;  
Mrs R Feldman - Alwoodley;  
C Fox - Adel and Wharfedale;  
A Gabriel - Beeston and Holbeck;  
T Hanley - Bramley and Stanningley;  
J McKenna - Armley;  
V Morgan - Killingbeck and Seacroft;  
F Robinson - Calverley and Farsley;  
A Taylor - Gipton and Harehills;  
E Taylor - Chapel Allerton;

#### **CO-OPTEEES**

Ms Joy Fisher – Alliance Service Users and Carers  
Sally Morgan – Equality Issues

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*Please note: Certain or all items on this agenda may be recorded on tape*

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**Principal Scrutiny Advisor:  
Sandra Newbould  
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# A G E N D A

Item No	Ward/Equal Opportunities	Item Not Open		Page No
1			<p><b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b></p> <p>To consider any appeals in accordance with Procedure Rule 25* of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded.)</p> <p>(* In accordance with Procedure Rule 25, notice of an appeal must be received in writing by the Chief Democratic Services Officer at least 24 hours before the meeting.)</p>	
2			<p><b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b></p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p><b>RESOLVED –</b> That the press and public be excluded from the meeting during consideration of the following parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows:-</p> <p><b>No exempt items or information have been identified on this agenda.</b></p>	

Item No	Ward/Equal Opportunities	Item Not Open		Page No
3			<p><b>LATE ITEMS</b></p> <p>To identify items which have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes.)</p>	
4			<p><b>DECLARATIONS OF INTEREST</b></p> <p>To declare any personal / prejudicial interests for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct.</p>	
5			<p><b>APOLOGIES FOR ABSENCE</b></p> <p>To receive any apologies for absence.</p>	
6			<p><b>MINUTES - 29TH JULY 2009 AND 20TH AUGUST 2009</b></p> <p>To confirm as a correct record the minutes of the meeting held on 29<sup>th</sup> July 2009 and the Special meeting on 20<sup>th</sup> August 2009.</p>	1 - 14
7			<p><b>PERFORMANCE REPORT QUARTER 1 2009-10</b></p> <p>To receive and consider a report from the Head of Policy, Performance and Improvement which provides key Adult Social Care performance data for quarter 1. Furthermore to consider the year end position for 2008/09, data provided at the request of the Scrutiny Board (Adult Social Care) meeting on 29 July 2009.</p>	15 - 26
8			<p><b>UPDATE REPORT ON MENTAL CAPACITY ACT 2005 &amp; DEPRIVATION OF LIBERTY SAFEGUARDS</b></p> <p>To receive and consider a report from the Director of Adult Social Services which provides the Board with an update on the MCA and DoFL Safeguards and how this legislation had been implemented in Leeds.</p>	27 - 46

Item No	Ward/Equal Opportunities	Item Not Open		Page No
9			<p><b>ADULT SOCIAL CARE SELF ASSESSMENT 2008/09</b></p> <p>To receive and consider a report from the Deputy Director Adult Social Care – Strategic Commissioning which provides information submitted to the Care Quality Commission as part of the performance assessment.</p>	47 - 54
10			<p><b>INQUIRY REPORT, MAJOR ADAPTATIONS FOR DISABLED ADULTS - FORMAL RESPONSE</b></p> <p>To receive and consider a report from the Head of Scrutiny and Member Development which updates the Board on the response from the Director(s) and Executive Board.</p>	55 - 82
11			<p><b>TERMS OF REFERENCE - INQUIRY INTO 'SUPPORTING WORKING AGE ADULTS WITH SEVERE AND ENDURING MENTAL HEALTH PROBLEMS'</b></p> <p>To receive and consider a report from the Head of Scrutiny and Member Development which sets out the draft terms of reference, scope of the inquiry and the proposed submission of evidence.</p>	83 - 86
12			<p><b>SCRUTINY BOARD (ADULT SOCIAL CARE) - WORK PROGRAMME</b></p> <p>To receive a report from the Head of Scrutiny and Member Development which outlines the Scrutiny Board's work programme for the remainder of the current municipal year.</p>	87 - 138
13			<p><b>DATE AND TIME OF NEXT MEETING</b></p> <p>Wednesday, 7<sup>th</sup> October 2009 at 10.00 am with a pre-meeting for Board Members at 9.30 am.</p>	

# Agenda Item 6

## SCRUTINY BOARD (ADULT SOCIAL CARE)

WEDNESDAY, 29TH JULY, 2009

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

Councillors P Ewens, Mrs R Feldman,  
C Fox, A Gabriel, T Hanley, J McKenna,  
V Morgan and E Taylor

### 15 Chair's Opening Remarks

The Chair welcomed all in attendance to the July meeting of the Scrutiny Board (Adult Social Care).

### 16 Declarations of Interest

Councillor J Chapman declared a personal interest in the following items on the basis that she had a relative who worked in private industry as a homecare worker;

- Agenda item 8, Leeds Strategic Plan Performance Report for Quarter 4 2008/09 (Minute No. 21 refers);
- Agenda item 9, Leeds Safeguarding Adult Partnership Board Report 2008/09 (Minute No. 22 refers);
- Agenda item 10, Independence Wellbeing and Choice Inspection Action Plan: May 2009 (Minute No. 23 refers); and
- Agenda item 11, Personalisation – Update to Terms of Reference and Appointment of co-opted Member to the Personalisation Working Group (Minute No. 24 refers).

A further declaration of interest was made at a later point in the meeting (Minute No. 21 refers).

### 17 Apologies for Absence

Apologies for absence were submitted by Councillors F Robinson and A Taylor; and Co-opted Member, Sally Morgan.

### 18 Minutes - 17th June 2009

Subject to an addition under Minute No. 4, Apologies for Absence, to reflect the fact that Councillor Gabriel had submitted her apologies to the meeting.

**RESOLVED** – That the minutes of the meeting held on 17<sup>th</sup> June 2009 be confirmed as a correct record.

## **19 Matters Arising from the Minutes**

### Minute No. 10 – Determining the Work Programme 2009/10

It was reported that further work had been undertaken to incorporate suggested work areas. Terms of reference would be brought back to the Scrutiny Board meeting in September 2009.

### Minute No. 12 – Inquiry into Major Adaptations for Disabled People – Draft Report

The Board was advised that the final inquiry report was being presented to Executive Board in August. The outcome would be reported at the Scrutiny Board meeting in September 2009.

## **20 Leeds Local Involvement Network (LINK) - Annual Report (2008/09)**

The Head of Scrutiny and Member Development submitted a report which presented the 2008/09 annual report of Leeds Local Involvement Network (LINK).

The Chair welcomed to the meeting, Joy Fisher, co-chair of LINK, and Emily Wragg, LINK Co-ordinator, to present the report and respond to Members' questions and comments.

The Board was informed that LINK played an important role in addressing some of the issues experienced by service users. It was reported that LINK had established a work programme focussing on a range of issues, including:

- Communication;
- Equality – how partner organisations interact;
- Maternity services;
- Access to GP's;
- Services for people with learning difficulties; and
- Services for people with mental health needs.

The Chair invited questions from the Board and in brief summary, the main areas of discussion were:

- Clarification about how LINK was financed. It was reported that LINK was funded by the Department of Health up to 2011.
- Acknowledgement that there was a need to provide a detailed financial breakdown, which it was agreed would be provided prior to the Scrutiny Board meeting in September 2009.
- It was requested that the finalised work programme be submitted to a future meeting of the Scrutiny Board.
- Members noted an amendment to page 20 of the report that the '£27,964 spent during the transitional period from April to September 2009 prior to the

Host organisation being appointed' should in fact have read from April to September 2008.

- Clarification that membership of the Steering Group was open to all service users. It was agreed to forward details about how to join to the Principal Scrutiny Adviser.

## **RESOLVED –**

- (a) That the report and information appended to the report be noted; and
- (b) That a detailed financial breakdown and finalised work programme be circulated to members of the Scrutiny Board.

## **21 Leeds Strategic Plan Performance Report for Quarter 4 2008/09**

Further to Minute No. 100 of the meeting held on 8<sup>th</sup> April 2009, the Head of Policy, Performance and Improvement submitted a report which presented the quarter four performance results for Adult Social Care.

The following information was appended to the report;

- Adult Social Care Action Tracker Summary (Quarter 4 2008/09);
- Health and Wellbeing Action Trackers (Quarter 4 2008/09); and
- Adult Social Care Performance Indicator Report (Quarter 4 2008/09).

The Chair welcomed Councillor Harrand, Executive Member (Adult Health and Social Care) and the following officers to the meeting;

- Dennis Holmes, Deputy Director, Strategic Commissioning, Adult Social Care; and
- Marilyn Summers, Senior Performance Manager, Planning, Policy and Improvement.

Marilyn Summers, Senior Performance Manager, presented the report and updated the Board with revised performance information as follows;

PI Ref: LSP-HW2b(ii) (the percentage of staff employed by independent sector registered care services in Leeds that have received some training on protection of vulnerable adults that is either funded or commissioned by Leeds Adult Social Care) – Confirmation that the information had been provided and the data quality column had been amended from red to green;

PI Ref: NI125 (achieving independence for older people through rehabilitation/intermediate care) – Confirmation that the full year result had been revised from 84.6 to 91.9;

PI Ref: NI130 (social care clients receiving self directed support per 100,000 population aged 18+) – Confirmation that the full year result had been revised from 155.7 to 163.03;

PI Ref: NI 136 (people supported to live independently through social care (all adults)) – Confirmation that the information had been provided and the full year result was 3,988;

PI Ref: NI145 and NI146 (adults with learning difficulties in settled accommodation / adults with learning difficulties in employment) – Confirmation that the information had been provided and the data quality columns had been amended from red to green; and  
PI Ref: CP-OP51 (reduce the number of older people who are admitted to residential and/or nursing care per 10,000 population aged 65 or over) – Confirmation that the information had been provided and the full year result was 71.

Key performance issues were highlighted and in brief summary the main areas of discussion were:

- Concern about the absence of data in relation to NI149 and NI150 (adults in contact with secondary mental health services in settled accommodation / adults in contact with secondary mental health services in employment). It was advised that the data was collated by the Partnership Foundation Trust and had not yet been provided. The Board was informed that the data would be available at the end of the month.
- Concern that some of the information and data was meaningless - Members emphasised the importance of being provided with figures as well as percentages.
- Concern that members of the public were unable to make sense of the information provided. It was acknowledged that there was a need to provide further explanation on some of the information provided.
- Concern about data that was not due to be reported being highlighted in red. Members suggested highlighting the data in grey, as was the case with the Independence Wellbeing and Choice Inspection Action Plan.
- Concern about the lack of progress made in relation to NI132 and NI133 (timeliness of social care assessments (all adults) / acceptable (DH) waiting times for care packages). The Deputy Director, Strategic Commissioning, reported on competing demands, particularly in relation to safeguarding. It was advised that 10 practitioners had recently been appointed to undertake work on safeguarding which had freed up capacity within the social care team. In relation to waiting times, it was reported that there had been some issues relating to equipment and major adaptations that were being resolved.
- Confirmation that the format of the report was in the process of being reviewed and a new template was currently being piloted in two directorates. The Chair requested that consideration should also be given to producing a 1 page summary sheet highlighting key areas of concern, etc. It was agreed that the Proposals Working Group reviewed the proposals at its September meeting and reported back to the Board.

**RESOLVED** – That the contents of the report be noted.

(Councillor Gabriel declared a personal interest in this item on the basis of her employment with NHS Partnership Foundation Trust).

(Councillor J McKenna left the meeting at 10.35 am during the consideration of this item).



## 22 Leeds Safeguarding Adult Partnership Board report 2008/09

The Director of Adult Social Services submitted a report which presented the 2008/09 annual report of the Leeds Safeguarding Adult Partnership Board.

Dennis Holmes, Deputy Director, Strategic Commissioning, Adult Social Care, and Chair of the Leeds Safeguarding Adult Partnership Board attended the meeting and responded to Members' questions and comments.

In brief summary, the key highlighted points were:

- Members asked for information about what tangible benefits the Leeds Safeguarding Adult Partnership Board had brought to residents who may have been subject to abuse. Members noted the appointment of a new Head of Safeguarding, Hilary Paxton and progress made in relation to training and development. It was reported that a range of senior statutory body representatives had attended the Board meetings.
- Members highlighted the increase in referrals and queried the resource implications of this. It was advised that whilst safeguarding was a priority area, further additional resources were not envisaged.

**RESOLVED** – That the report and information appended to the report be noted.

## 23 Independence Wellbeing and Choice Inspection Action Plan: May 2009

The Head of Scrutiny and Member Development submitted a report which provided the Board with information relating to the performance of Adult Social Services against the objectives outlined in the Independence Wellbeing and Choice Action Plan.

Appended to the report was the following information;

- Minutes of the Proposals Working Group Meeting held on 20<sup>th</sup> July 2009; and
- Leeds Independence, Wellbeing and Choice Inspection Action Plan Summary Report May 2009.

Members expressed concern that action against 24.3 of the Action Plan (a new process for identifying investment and measuring the quality and impact of workforce development will be introduced in the 2009/10 planning cycle. New reporting process will be introduced) had not been completed on time. The Board was advised that action had not been completed due to other dependencies identified within the report. It was agreed that Graham Sephton, Deputy HR Manager, would be asked to provide the Proposals Working Group with a summary report outlining some of the main issues.

**RESOLVED** – That the report and information appended to the report be noted.

## 24 **Personalisation - Update to Terms of Reference and Appointment of Co-opted Member to the Personalisation Working Group**

The Head of Scrutiny and Member Development submitted a report which updated the Board on the revised terms of reference for the inquiry and invited the Board to agree the appointment of a further Member to join the Personalisation Working Group.

The terms of reference were appended to the report for Members' information.

The Chair welcomed to the meeting, John Lennon, Chief Officer – Access and Inclusion, Adult Social Care, to present the report and respond to Members' questions and comments.

The main areas of discussion were:

- Acknowledgement of the scale and scope of the transformation agenda, particularly in relation to the Government Office target that 30% of social care users signed up to an individual budget by 2011 (Currently 5.6.% in Leeds).
- Issues around affordability and flexibility, especially in terms of enabling users to maintain their independence.
- The need to ensure that an appropriate range of services were available, particularly in terms of influencing providers to offer services outside of traditional commissioning to meet individual needs.
- Confirmation that there was an option for users to revert back to their original care package.
- Clarification about what steps had been taken to ensure that advice about the range of services on offer was unbiased. Members discussed the range of support services on offer, particularly the Social Care Management resource.
- Clarification about whether individual budgets met the needs of all users. Members were advised that work was being established to assist those with complex needs, particularly the early implementer scheme and development of a resource allocation system.
- Concern about the closure of day centres, particularly as the closures reduced the choices available to individuals. It was agreed to arrange a special meeting on Thursday 20<sup>th</sup> August 2009 to look into this matter further.
- Concern about whether internal structures remained robust enough.

### **RESOLVED –**

- (a) That the report and information appended to the report be noted;
- (b) That the terms of reference may incorporate additional information, subject to the Scrutiny Board or Working Group identifying any further scope for inquiry within the area of personalisation;
- (c) That Councillor Kendall be co-opted to serve on the Personalisation Working Group; and

(d) That a special meeting be scheduled to take place on Thursday 20<sup>th</sup> August 2009 to look at the future of day service provision and the issues around the closure of day centres.

## **25 Scrutiny Board (Adult Social Care) - Work Programme**

A report was submitted by the Head of Scrutiny and Member Development, which detailed the Scrutiny Board's work programme for the remainder of the current municipal year.

Appended to the report for Members' information was the current version of the Board's work programme, an extract from the Forward Plan of Key Decisions for the period 1<sup>st</sup> August 2009 to 30<sup>th</sup> November 2009, which related to the Board's remit, together with the minutes from the Executive Board meeting held on 17<sup>th</sup> June, 2009.

The Principal Scrutiny Adviser, Sandra Newbould, provided the Board with an update on the work programme as follows:

- The Board had agreed to schedule a special meeting on Thursday, 20<sup>th</sup> August 2009 at 2.00 pm (pre-meeting for Board Members at 1.45 pm) to look into issues around the closure of day centres.
- Performance Report for Quarter 1 2009/10 – revised position to be reported at Scrutiny Board meeting in September 2009.
- Road safety for mobility scooters users – information to be circulated to the Scrutiny Board.
- LINK to provide the Scrutiny Board with a detailed financial breakdown and finalised work programme. Information to be forwarded to Board Members via e-mail.
- Volunteers were required for Members to serve on the Mental Health Working Group. Meeting dates to be agreed.
- Due to demands on the Scrutiny Board's workload, Proposals Working Group to meet every 2 months after September.

**RESOLVED** – That subject to the comments raised at the meeting, the work programme be approved.

## **26 Dates and Times of Next Meetings**

\* Thursday, 20<sup>th</sup> August 2009 at 2.00 pm with a pre-meeting for Board Members at 1.45 pm

Wednesday, 9<sup>th</sup> September 2009 at 10.00 am with a pre-meeting for Board Members at 9.30 am.

\* Special Meeting

(The meeting concluded at 12.20 pm).

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## SCRUTINY BOARD (ADULT SOCIAL CARE)

THURSDAY, 20TH AUGUST, 2009

**PRESENT:** Councillor J Chapman in the Chair  
  
Councillors P Ewens, C Fox, A Gabriel,  
T Hanley, J McKenna, F Robinson and  
E Taylor  
Co-optee: Ms J Fisher, Alliance Service  
Users and Carers

Apologies Councillors Mrs R Feldman, V Morgan and  
A Taylor and Sally Morgan (Co-optee).

### 27 Declarations of Interest

The following personal declarations of interest were made in respect of Agenda item 6 – Older People’s Day Services and Day Services for People with Learning Disabilities (Minute No. 29 refers):-

- Councillor Chapman, as she has a relative who works in a private sector care home.
- Councillor Ewens, in her capacity as a Board Member on the Management Committee of Cardigan Centre and, in that capacity, who is also a member of Older Active People.
- Councillor Gabriel, in her capacity as an NHS employee.
- Councillor Hanley, in his capacity as a Director of Bramley Elderly Action.
- Councillor McKenna, in his capacity as a part-time care worker with Armley Helping Hands.
- Councillor Taylor, in her capacity as an NHS employee.
- Ms J Fisher, in her capacity as a member of the Safeguarding Vulnerable Adults Group and Carer Reference Group.

### 28 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors Mrs R Feldman, V Morgan and A Taylor and from Sally Morgan, Co-optee on equality issues.

### 29 Older Peoples Day Services and Day Services for People with Learning Disabilities

Draft minutes to be approved at the meeting  
to be held on Wednesday, 9th September, 2009

Further to Minute No. 24, 29<sup>th</sup> July 2009, the Chair welcomed Members and officers to this special meeting of the Board, which had been arranged to look at the issue of day services for older people and people with learning disabilities and, in particular, proposals which might lead to the closure of six existing day care centres – Bramley Lawn, Doreen Hamilton, Holbeck, Otley, Woodhouse and Naburn Court.

Present at the meeting and responding to Members' queries and comments were:-

- Sandie Keene, Director of Adult Social Services
- Dennis Holmes, Deputy Director (Strategic Commissioning)
- Kim Maslyn, Interim Head of Service, Adult Social Care

Sandie Keene, Director of Adult Social Services, gave the Board a presentation on the reasons why the service was introducing the proposals. This covered the financial position in Adult Social Care Services and increased demographic profile in the City. The need to continue delivering efficiencies and modernise the service was highlighted. The background to the national shift away from more traditional, buildings-based services, such as those provided at day care centres, was explained. Utilising direct payments and personal budgets, the aim was to offer a more personalised service, with an emphasis on people exercising control and choice in the provision of services to meet their personal needs. Often this was via Neighbourhood Networks and community based, universal services and facilities, which also assisted integration within the wider community.

This fundamental shift in emphasis meant that in future, local authorities could concentrate on providing, or commissioning, services for those with the greatest needs, including specialist services, rather than having to promote general services for all. In Leeds, this was evolving into the development of services for people suffering from dementia, re-enablement services, specialist BME services, services aimed specifically at carers, and other initiatives such as the development of Well-being Centres and an increase in the number of outreach workers. Day services for those with specialist needs were currently over-subscribed.

There would always be a need for some specialist day care centres, and no-one with eligible need who required this service would be denied it. Everyone who currently received day care services would be offered an alternative placement. However, currently there was over-provision of places in Leeds and rationalisation was necessary, which would almost inevitably lead to the closure of some existing day care centres and the transfer, after consultation, of their users to other, similar facilities.

The Council had embarked on a widespread consultation campaign, including extensive individual consultation with service users and their carers, which

was due to expire at the end of September. Although certain assumptions had been made, based on statistical evidence, the condition of centres and the geographic spread of day care centres across the City, that the six named centres would no longer be required for that purpose, the Director emphasised that no decisions had yet been made. Following the consultation period and the collation of the results, a further report would be submitted to the Executive Board on 4<sup>th</sup> November 2009.

Following the presentation, the Chair opened up the meeting for Members' questions. In brief summary, the main areas of discussion were:-

- Allegations that staff at the affected day care centres had been instructed not to talk to Members.

The Director made it clear that she had issued no such instruction. Reference was made to the formal protocol on Member/officer relations contained in the Council's Constitution. It was agreed that this allegation should be examined separately outside of the meeting.

- The consultation exercise - In response to a Member's query, the Director re-emphasised that no decisions had been taken regarding the future of the six day care centres in question. Yes, consultations were currently taking place in respect of these centres, but if, as a result of the exercise, other possible options emerged involving other centres, then all possible options would be thoroughly evaluated. Similarly, if the proposed consultation period was found to be inadequate, then it could be extended. In respect of the six named day care centres, the Director emphasised the detailed consultation which would take place with existing service users and their carers to ensure that their needs were taken into account, and the attention to detail, such as ensuring that wherever possible, friendship groups and staff contacts were maintained in any possible transfer of users between centres. Existing service users would also be informed of the possibility of direct payments and personalised services, and would be able to participate in 'taster' sessions.

In response to a question regarding Member consultation, it was reported that the Area Committees affected by the proposals would be consulted. Other Member briefings were taking place, including Local Members. Details of the consultation had gone to all Members, and this was being followed up by a weekly briefing. Members of the Scrutiny Board suggested a drop-in and/or Members seminar for further debate.

The Director acknowledged a point regarding the practical difficulties of consultation with people with learning disabilities and the need to utilise carers and advocacy services in these cases.

- Concern was expressed at the possibility of cases of abuse not being so readily picked up if more people were engaging personal and professional carers and less people were attending day care centres.

This possibility was acknowledged by the officers, who stated that a robust and stringent monitoring and quality assurance system would be required. Of course, it was also true that service users were open to the possibility of abuse at day care centres. The Board was advised that only 2% of abuse referrals received were via day care centres, and of those, 18% of the alleged cases had actually occurred within a day care centre.

- Had social workers actually stopped referring people to these day care centres now, which meant that, in effect, it became a self-fulfilling prophecy?

The Director responded that there were a number of National Policy initiatives which impacted on the use of day services. Firstly the requirement since 1992 to prioritise resources on those with the greatest need. Secondly the recent drive for more personalised and inclusive services which is resulting in Direct Payments, Individual Budgets and better access to universal services such as libraries and leisure. Examples were given of the work the Directorate was doing with City Development to develop a wellbeing centre at Holt Park alongside the potential development of extra care housing in the area.

A criticism and a suggestion that statistical information was being used selectively, or manipulated, to ensure a certain outcome was firmly rejected by the Director. However, the Department would give further consideration to the way in which information was presented to see if a consistent approach was possible.

- In response to a specific question regarding the future of the Holbeck Day Care Centre and the regeneration plans for the area, the Director stated that these aspects, and demographics, would be considered in consultation with the Director of Environment and Neighbourhoods as part of the exercise. However, it had to be acknowledged that the Centre was currently greatly under-utilised, and an alternative existed at the Springfield Centre. Whether the building might be suitable for alternative use was another issue.
- Otley – In response to a question regarding a time lag between the possible closure of the Otley Day Care Centre and the provision of an alternative facility at the Holt Park Centre, the Director stated that the individual needs of all 14 current service users at Otley would be assessed, in consultation with them and their carers, and individual packages developed which met their needs. Again, the Otley Centre was vastly under-utilised and the building condition was not good for the purpose.



- The Director undertook to supply Members with the demographic information regarding where service users at the various day centres actually lived, as well as details of the consultation process and a point of reference to enable Members to raise their concerns individually.

Joy Fisher was offered a separate meeting, if necessary, with John Lennon, Chief Officer, Access and Inclusion, to discuss engagement around citizenship and advocacy.

The Director also undertook to supply Members with details of the numbers of, and reasons for, people refused day care services in the past 12 months, and also how many people had started using day care services, broken down into categories such as mental health, learning disabilities, etc.

The Board also requested to be supplied with a copy of the consultation questionnaire currently being used as part of the consultation process.

- Reference was also made to an email from a carer addressed to the Leader of the Council, and this was referred to the Director for consideration.

The Chair concluded by thanking the officers for the information provided and the manner in which they had responded to Members queries and comments.

#### **RESOLVED –**

- a) That the reports and presentation be received and noted.
- b) That an update report be submitted to the Board at its meeting on 7<sup>th</sup> October 2009.
- c) That further consideration of this matter also be given at the Board meeting to be held on 14<sup>th</sup> November 2009, when the report to the Executive Board meeting on 4<sup>th</sup> November will be available.

### **30 Date and Time of Next Meeting**

Wednesday 9<sup>th</sup> September 2009, at 10.00am (Pre-Meeting at 9.30am).

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Originator: Marilyn Summers

Tel: 395 0786

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**Report of the Head of Policy, Performance and Improvement**

**Meeting: Adult Social Care Scrutiny Board**

**Date: 9<sup>th</sup> September 2009**

**Subject: Performance Report Quarter 1 2009-10**

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**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**Executive Summary**

1. This report discusses the key performance issues considered to be of corporate significance identified for specific services related to Adult Social Care as at 30<sup>th</sup> June 2009. The issues discussed in this report have been identified because performance in these areas impacts upon one of the following, the delivery of our corporate priorities, performance against the National Indicator set which will be reflected in our CAA judgement or the lack of assurance relating to data quality.

Leeds Adult Social Care quarter 1 performance shows an overall improvement on last year's out-turn. The benchmarking information which is currently available shows that in a number of areas Leeds Adult Social Care performance is among the best nationally.

Adult Social Care held its Annual Review Meeting (ARM) during Quarter 1 with the Care Quality Commission (CQC). The meeting was positive and there was alignment between the view from Adult Social Care and that of the commission. Overall strengths related to the proportion of people being successfully supported to remain independent within the community and engaged in both their own support, as well as being involved in the development of services. Areas which require further improvement include the need to extend self directed support and timeliness of service provision and reviews

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to present the key areas of under performance at the end of Quarter 1 (1<sup>st</sup> April – 30<sup>th</sup> June 2009).

## **2.0 Background Information**

- 2.1 This 'highlight report' has been prepared in readiness for the Accountability process, which included the CLT meeting on 18<sup>th</sup> August, Leader Management Team on 20<sup>th</sup> August 2009 and the Scrutiny Boards in the September cycle.
- 2.2 The issues discussed in this report have been identified because performance in these areas impacts upon one of the following, the delivery of our corporate priorities, performance against the National Indicator set which will be reflected in our CAA judgement or the lack of assurance relating to data quality.

## **3.0 Main Issues**

### **3.1 Adult Social Care Performance Issues**

- 3.1.1 Leeds Adult Social Care quarter 1 performance shows an overall improvement on last year's out-turn. The benchmarking information which is currently available shows that in a number of areas Leeds Adult Social Care performance is among the best nationally. This relates particularly to NI 125, the proportion of people achieving independence through rehabilitation or intermediate care and NI 131, the proportion of hospital discharges which are delayed. Success in these indicators evidence effective working relationships with partners in health.
- 3.1.2 A number of indicators relate to core business processes in care management. These include timeliness in relation to the completion of assessments, reviews and the provision of services following assessment or review. These indicators have shown a year on year improvement; however, available benchmarking data show that there is some way to go to compete with the best performing authorities. Adult Social Care is implementing a number of strategies to address these issues. Resources have recently been deployed in social work to focus upon safeguarding work thus allowing social work teams to provide a more responsive service and there is an 'end-to-end' project which will improve timeliness of performance by moving professional social work staff into Contact Leeds thereby enabling earlier access to assessments and services. A robust plan is in place and being implemented to meet challenging targets in relation to NI 130, which relates to increasing the proportion of people who have self directed support. Interim plans to tailor existing processes to meet the requirements of this measure are being put into place and starting to show some results, whilst new processes are being developed to be rolled out across adult social care from 2010.
- 3.1.3 NI 145 and 146 relate to the proportion of people with learning disabilities in secure accommodation and in employment respectively, of all those who have been assessed or reviewed by adult social care. These indicators were introduced for collection in the second half of last year. Work is being undertaken to ensure that the collection of this information is embedded into mainstream assessment and review processes and practice. Available benchmarking data show a wide range of figures across authorities suggesting that other councils are undergoing a similar experience.
- 3.1.4 Consideration is being given to the inclusion of data relating to safeguarding activity and performance in subsequent quarterly reports. Options are in the process of being explored and proposals will be forthcoming.
- 3.1.5 Adult Social Care held its Annual Review Meeting (ARM) during Quarter 1 with the Care Quality Commission (CQC). The meeting was positive and there was alignment between the view from Adult Social Care and that of the commission. Overall strengths related to the

proportion of people being successfully supported to remain independent within the community and engaged in both their own support, as well as being involved in the development of services. Areas which require further improvement include the need to extend self directed support and timeliness of service provision and reviews inline with plans outlined above.

## **3.2 Data Quality**

3.2.1 We are currently undertaking a review of the criteria used to inform the data quality judgements that are included in Accountability reports for each performance indicator. The process that we are using to drive these changes is the one that has been successfully adopted by our core city benchmarking partner, Sheffield City Council.

3.3.2 Our objective is to work closely with directorates and partners in order to adopt a more robust, consistent and over-arching approach that provides a wider based data quality judgement. This will be an improvement on our current process which is mainly focused on completion of the data quality checklists alone.

## **4.0 Implications For Council Policy And Governance**

4.1 Effective performance management enables elected members and senior officers to be assured that the council is making adequate progress and provides a mechanism for them to challenge performance where appropriate. Effective performance management also forms a key element of the organisational assessment under the Comprehensive Area Assessment introduced in April 2009. The CAA examines and challenges of the robustness and effectiveness of our corporate performance management arrangements.

4.2 Our approach to performance management could improve policy making and decision making by making better use of the existing information in relation to the services the council provides either on its own or in partnership.

## **5.0 Legal And Resource Implications**

5.1 There are no specific legal or resource implications of this report.

## **6.0 Conclusions**

6.1 This report and the attached appendix highlights the key concerns in relation to Adult Social Care performance and data quality. As set out above Adult Social Care is implementing a number of strategies to address these issues. In addition, Adult Social Care are actively seeking to compare performance on a range of indicators with that of other authorities to ensure that Leeds continues to improve.

## **7.0 Recommendations**

That the Adult Social Care Scrutiny Board note the Quarter 1 performance information and highlight any areas for further scrutiny.

## **Background papers**

None

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# Accountability Reporting Guidance

Column Title	Description	
PI Type	<p>The PI Type column describes which basket each indicator belongs to. A basket is a set of indicators which we use to report on progress relating to different plans or frameworks, such as the Leeds Strategic Plan.</p> <p>Leeds Strategic Plan Government Agreed - These indicators show progress against the Leeds Strategic Plan and also form our Local Area Agreement.</p> <p>Leeds Strategic Plan Partnership Agreed - These indicators are the locally agreed priorities included in the Leeds Strategic Plan.</p> <p>Business Plan - These are indicators that form part of the Council Business Plan.</p> <p>National Indicator - These indicators are part of the set that are used to measure local government performance.</p> <p>Local Indicator - These are local key indicators for Leeds set by specific service areas.</p>	
Reference	Each indicator has a unique reference number.	
Title	This is the title given to the indicator.	
Service	The service column identifies which team within the Council is responsible for service delivery, monitoring the performance and data quality of each indicator.	
Frequency & Measure	<p>The top line in this column identifies how often we collect this information. This may be every month, every three months (quarterly) or once a year (annually). We only report annual indicators at the end of quarter 4 (after the end of March).</p> <p>The second line in this column identifies what measure we use to check on progress. For example, we might measure this result in the number of days or weeks we should take to finish something, such as a planning application. In another case, we might measure the percentage, such as the percentage of enquiries we respond to within five minutes.</p>	
Rise or Fall	The good performance column identifies if the results should go up or down to show whether we are doing well. For example, if this is set to rise, you would expect the figures to increase.	
Baseline	The baseline column provides a base result for the indicator against which progress can be measured. This is usually based on performance at a specific time in the past. E.g. a previous year.	
Last Year Result	This column displays the result at the end of the previous financial year (31 March 2009).	
Target	This column shows the target we have agreed for this financial year.	
Quarter	This column identifies the result at the end of the quarter.	
Predicted Full Year Result	Directorates use this column to show how well they expect to do at the end of the year. They forecast this position depending on the current performance of each indicator. This figure may change each quarter depending on the performance over time of the indicator. We use this figure as one method to inform whether an indicator is red, amber or green.	
	The green light shows that the Directorate predicts this indicator <b>WILL</b> meet its target. The Directorate uses current performance information to make this forecast.	
	An amber traffic light shows that the Directorate predicts this indicator will not meet its target. However, the performance for this indicator is still acceptable and will not result in significant problems. The Directorate uses current performance information to make this forecast.	
	The red light shows that the Directorate predicts this indicator <b>WILL NOT</b> meet its target at the end of the year. The Directorate uses current performance information to make this forecast.	
Data Quality	To know we can rely on the information in these reports, it has to be of good quality. Directorates use this column to identify indicators where they have concerns about the quality of the information or data in the report. If a Directorate has Some or Significant concerns regarding Data Quality there will be an explanation in the comments field.	
	No Concerns indicates that the Directorate has signed off the data as accurate.	No Concerns
	If Some Concerns has been chosen, the Directorate has concerns about the data and are working to ensure it is accurate and reliable.	Some Concerns
	If Significant Concerns has been chosen, the Directorate thinks that the quality of the data may not be good or that maybe they have not got the correct data.	Significant Concerns
Comments	The comments for each indicator should explain why performance varies. They should also highlight if there are any problems with the quality of the data and what steps the Directorate is taking to improve it. This section will also focus on what will be done to improve the actions and state what outcomes they have achieved.	

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Performance Indicator Type	Reference	Title	Service	Frequency & Measure	Rise or Fall	Baseline	Last Year Result	Target	Qtr1	Predicted Full Year Result	Data Quality
1 Leads Strategic Plan - Government Agreed	NI 130	Social Care clients receiving self directed support per 100,000 population aged 18+	Access & Inclusion	Quarterly %	Rise	97.7 per 100,000	163 per 100,000	15.0%	4.7%	15.0%	No Concerns with data
As at the end of June 894 people had received direct payments during the year. It is anticipated that the target will be met by the year end with a greater number of people in receipt of self directed support. Benchmarking data shows that authorities who are achieving excellence in this area have around 30% of people in receipt of self directed support which in Leeds would equate to approximately 5000 people.											
2 Leads Strategic Plan - Government Agreed	NI 132	Timeliness of social care assessments (all adults)	Access & Inclusion	Quarterly %	Rise	80.9%	84.0%	88.0%	86.0%	86.0%	No Concerns with data
Quarter 1 figures for this indicator show that of 1,411 assessments, 1,214 were completed within 28 days of referral. Performance is improved on the 2008/09 position and the authority is making good progress towards achieving it's target of 88% for 2009/10. Available benchmarking data suggests that the best performing authorities are achieving results over 95% against this indicator. Improvements are anticipated in this area as more resources have recently been deployed in social work to focus upon safeguarding work thus allowing social work teams to provide a more responsive service.											
3 Leads Strategic Plan - Government Agreed	NI 141	Percentage of vulnerable people achieving independent living	Strategic Housing and Commissioning	Quarterly %	Rise	59.77%	76.39%	71.00%	83.77%	71.00%	Some Concerns with data
Quarter 1 performance is significantly above target (71%) and can be attributed to the more intensive approach to contract management that has been adopted by the Supporting People service since the beginning of 2008/09. The IT systems used to report performance are well established and have been subject to external audit. In line with external audit guidance, the performance submissions of 25% of service providers are quality assured on a quarterly basis. Any issues of concern with data quality are addressed with the service provider. Predicted year end performance is a cautious estimate of performance in the remaining three quarters of the year.											
4 Leads Strategic Plan - Partnership Agreed	NI 123A NI 123B	16+ current smoking rate prevalence (City Wide) 16+ current smoking rate prevalence (10% SOA)	PCT PCT	Quarterly %	fall	N.A.	23.04%	23.30%	N.A.	N.A.	Checklist completed, no concerns highlighted, but additional supporting comments required. Checklist completed, no concerns highlighted, but additional supporting comments required.
Quarter 1 results will be available in August 2009 from NHS Leeds. The data checklists have been requested from NHS Leeds who collect the data.											

Performance Indicator Type	Reference	Title	Service	Frequency & Measure	Rise or Fall	Baseline	Last Year Result	Target	Qtr1	Predicted Full Year Result	Data Quality
5	NI 133	Acceptable (DH) waiting times for care packages	Social Services for Older People	Quarterly %	Rise	85.0%	85.3%	92.0%	87.8%	90.0%	No Concerns with data
<p>As of 2009/10 the definition for this indicator has been slightly amended to include anyone aged 18 or over (formerly it just measured those aged 65+). First quarter performance shows an improvement on 2008/09, with services being provided within the target 28 days following assessment completion on 756 out of 861 occasions, and the authority is making good progress towards achieving its target of 92% on this indicator. Available benchmarking data suggests that the best performing authorities are achieving results over 95% against this indicator. Interim measures are in place to identify where there are issues relating to the availability of services and to address these, whilst a broader review of issues relating to service accessibility and availability is being undertaken.</p>											
6	NI 125	Achieving independence for older people through rehabilitation/Intermediate care	Access & Inclusion	Quarterly %	Rise	91.9%	91.9%	90.0%	89.0%	90.0%	No Concerns with data
<p>This is based on data for April-June 2009. Of 73 discharges recorded during this time 65 were still living at home or in an associated placement setting 3 months later. The figures show Leeds to be amongst the top performing councils for this measure based upon available benchmarking data.</p>											
7	NI 135	Carers receiving needs assessment or review and a specific carers service	Access & Inclusion	Quarterly %	Rise	13.9%	22.3%	25.8%	21.0%	22.5%	No Concerns with data
<p>The data shows an anticipated 3,308 carers will be supported by the end of the year. Available benchmarking data suggests we are mid-ranking among those authorities whose data is available.</p>											
8	NI 145	Adults with learning disabilities in settled accommodation	Learning & Disabilities	Annually %	Rise	18.2%	17.9%	65.0%	6.0%	50.0%	Some Concerns with data
<p>The first quarter information is based on 96 users who were shown as being in stable accommodation. There are data quality issues which need to be addressed to ensure that this information regarding tenure is collected during reviews. It is anticipated that the figure will increase significantly throughout the year as records for which accommodation data is more consistently recorded. This is a new indicator introduced Sept 2008. Available benchmarking information show a very wide of scores which indicates that other councils are experiencing similar issues in embedding collection of this data.</p>											
9	NI 146	Adults with learning disabilities in employment	Learning & Disabilities	Annually %	Rise	2.4%	2.4%	N.A.	0.7%	5.0%	Some Concerns with data
<p>During the first 3 months of 2009/10 there were 11 people identified as being in employment at the time of their assessment or review. Procedures are being put in place to make the recording of this information more systematic and it is therefore anticipated that the figure for this indicator will rise throughout the year. This is a new indicator introduced Sept 2008. Available benchmarking information show a very wide of scores which indicates that other councils are experiencing similar issues in embedding collection of this data. A plan is being developed with includes a range of actions to improve access to employment for people with learning disabilities as an integral part of the transformation of services.</p>											

Performance Indicator Type	Reference	Title	Service	Frequency & Measure	Rise or Fall	Baseline	Last Year Result	Target	Qtr1	Predicted Full Year Result	Data Quality
10 National Indicator	NI 131	Delayed transfers of care	Leads PCT	Quarterly Number	Fall	5.24	4.48	3.68	3.84	3.84	No Checklist Received
<p>The figures represent an average of 23.3 delayed discharges per week. Performance is significantly improved on 2008/09 levels, when the annual average number of weekly delayed discharges was 27.2. Available benchmarking data suggests we are amongst the best performing councils with regard to this indicator. The data checklist has been requested from health partners who collect the data.</p>											
11 National Indicator	NI 142	Percentage of vulnerable people who are supported to maintain independent living	Strategic Housing and Commissioning	Quarterly %	Rise	99.00%	98.78%	99.00%	97.70%	99.00%	No Concerns with data
<p>Contracts Officers continue to work with services to ensure good performance and positive outcomes for service users. Performance data is used to identify poorly performing services and robust work is then carried out through the contract management process.</p>											
12 Local Indicator	BV-56	Percentage of items of equipment delivered within 7 working days.	Access & Inclusion	Quarterly %	Rise	90.00%	95.20%	94.00%	94.60%	95.00%	No Concerns with data
<p>For the period April-June 2009 there had been 7,447 items of equipment and adaptations issued, of which 7,044 were provided within 7 days of the decision to supply them being made.</p>											
13 Local Indicator	LKI-SS23	Percentage of people receiving a statement of their needs and how they will be met	Access & Inclusion	Quarterly %	Rise	93.0%	99.3%	99.0%	99.2%	99.2%	No Concerns with data
<p>The figures indicate an ongoing high level of performance against this measure which shows that good practice has been firmly embedded in frontline practice.</p>											
14 Local Indicator	LKI-SS35	Adult and older clients receiving a review as a percentage of those receiving a service.	Access & Inclusion	Quarterly %	Rise	62.8%	69.6%	80.0%	65.1%	75.0%	No Concerns with data
<p>This figure shows that 2,966 people had been reviewed. Performance shows an improvement on last year however further work is required. A plan is in the process of being implemented to extend the proportion of reviews undertaken. Specific areas in which improvement is required have been identified and a range of more flexible approaches which meet the needs of a range of groups and circumstances are being put in place.</p>											

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Updated 2008/09 Year End Results

Appendix 2

Performance Indicator Type	Reference	Title	Service	Frequency & Measure	Rise or Fall	Baseline	Last Year Result	Target	Full Year Result
1 Leads Strategic Plan - Government Agreed	NI 130	Social Care clients receiving self directed support per 100,000 population aged 18+	Access & Inclusion	Quarterly Number	Rise	97.7	97.7	127	163.0
2 Leads Strategic Plan - Partnership Agreed	NI 136	People supported to live independently through social care (all adults)	Access & Inclusion	Annually Number	Rise	70.4	N.A.	72.7	3,904
3 Leads Strategic Plan - Partnership Agreed	NI 123A	16+ current smoking rate prevalence (City Wide)	Leeds PCT	Quarterly %	Fall	N.A.	N.A.	N.A.	23.04
4 National Indicator	NI 125	Achieving independence for older people through rehabilitation/intermediate care	Access & Inclusion	Quarterly %	Rise	N.A.	N.A.	N.A.	91.90%
5 National Indicator	NI 135	Carers receiving needs assessment or review and a specific carers service	Access & Inclusion	Quarterly %	Rise	16.20%	16.20%	19.30%	22.30%
6 National Indicator	NI 147	Care leavers in suitable accommodation	Children and Young People's Social Care	Annually %	Rise	94.20%	N.A.	95%	92.60%
7 National Indicator	NI 145	Adults with learning disabilities in settled accommodation	Learning & Disabilities	Annually %	Rise	N.A.	N.A.	N.A.	17.90%
8 National Indicator	NI 146	Adults with learning disabilities in employment	Learning & Disabilities	Annually %	Rise	N.A.	N.A.	N.A.	2.40%
9 National Indicator	NI 138	Satisfaction of people over 65 with both home and neighbourhood	Social Care Commissioning	Survey %	No	N.A.	N.A.	N.A.	82.8%
10 Local Indicator	BV-56	Percentage of items of equipment delivered within 7 working days.	Access & Inclusion	Quarterly %	Rise	90%	90%	92%	95.20%
11 Local Indicator	LKI-SS35	Adult and older clients receiving a review as a percentage of those receiving a service.	Access & Inclusion	Quarterly %	Rise	62.50%	62.80%	76%	69.60%

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**Report of the Director of Adult Social Services  
Scrutiny Board (Adult Social Care)**

**Date: 9 September 2009**

**Subject: Update Report on Mental Capacity Act 2005 & Deprivation of Liberty  
Safeguards**

**Electoral Wards Affected:**

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

**Executive Summary**

The Board has received two previous reports, on the 12<sup>th</sup> November 2008 and 6<sup>th</sup> May 2009, on the Mental Capacity Act 2005 and subsequently the Deprivation of Liberty Safeguards (DoLS) requirements which form a substantial element of the overall legislation.

Responsibilities are placed upon Local Authorities to lead the process of implementation across the whole community and particularly in relation to health and social care. The processes introduced by the Mental Capacity Act and its Deprivation of Liberty provisions are supported by extensive and comprehensive Codes of Practice which were attached to the previous reports and are described within those reports.

In addition, members were provided with the 2007/08 Articulate Advocacy (providers of the Independent Mental Capacity Advocacy – IMCA – service for Leeds) annual report which provided extensive casework examples of the use of this legislation in practice. The 2008/09 report is appended to this report for further reference by Members.

Arrangements have been put in place, jointly with NHS Leeds, to meet the requirements of both pieces of work. The Department of Health has recognized that there is an ongoing requirement to oversee implementation issues with regard to this work and has made Area Based Grant (ABG) funding available to the Local Authority to support this task until April 2011.

At the same time both the Department of Health ( via regional Government Office representatives) and the Care Quality Commission have asked for data concerning the local progress on the implementation of the Act and its associated requirements. It is anticipated that such requirements will become integrated into the overall performance management arrangements for the Local Authority and its partners over time.

This report updates Members on progress in implementing the Act in Leeds.

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to update Members of the Scrutiny Board with regard to implementation in Leeds of the Mental Capacity Act 2005 (MCA) and the Deprivation of Liberty Safeguards (DoLS).
- 1.2 Members received two comprehensive reports on 12 November 2008 and 6<sup>th</sup> May 2009 which outlined the statutory requirements in respect of both pieces of legislation. Attached to the reports were relevant background documents including the MCA Code of Practice, the DoLS Code of Practice, the Mental Health Act 2007 and the Articulate Advocacy Annual Report 2007/08.
- 1.3 Subsequent to this, a briefing note was circulated to all Members of the Council, providing general information of the Act and associated issues.

## **2.0 Background Information**

- 2.1 The Mental Capacity Act is a wide-ranging piece of legislation aimed at protecting the interests of the most vulnerable people in our community who are judged to lack the mental capacity to make significant decisions in relation to their own life and circumstances.
- 2.2 As well as setting new duties for Local Authorities, as described in the original report, there is also a role in the co-ordination of implementation. This has been overseen by a Local Implementation Networks Board (LIN), since December 2006, chaired by the Deputy Director, Strategic Commissioning. A key requirement has been to work in close partnership with all organisations affected by the provisions of the Act, including NHS Leeds (formerly the PCT), the Acute Hospital Trust, Partnership Foundation Trust, Advocacy providers, and the Police with the support of LCC Legal Services. All of these have been represented on the Implementation Network Board.
- 2.3 The provisions of the Mental Capacity Act have been in place since April and October 2007. The DoLS introduced on 1 April 2009 are designed to prevent arbitrary decisions that deprive vulnerable people of their liberty by providing processes of application, assessment, authorisation and review when it is necessary to deprive a person of their liberty and provides them with representation and rights of review. The Safeguards apply in very specific circumstances, in Registered Care Homes and Hospitals, and regardless of whether a person is placed publicly or privately.

## **3.0 Main Issues**

- 3.1 To briefly re-cap, the DoLS create two new legal entities, Managing Authority (Care Homes/ Hospitals), who provide care and must request authorisation to deprive the liberty of an individual who is deemed to lack capacity, and Supervisory Body, who must organise assessments and issue authorisation of the outcome if the assessment requires them to do so.
- 3.2 Supervisory Bodies (SB) must arrange for the 6 stage assessment which is required to be carried out. This includes an Age Assessment, Mental Health Assessment, Mental Capacity Assessment, Best Interest Assessment, Eligibility Assessment and a No Refusals Assessment. The Mental Health Assessment must be carried out by a registered medical practitioner, the others by a Best Interest Assessor (BIA).



- 3.3 In discharging their responsibilities as a Supervisory Body, Local Authorities and Primary Care Trusts (the source of medical practitioners) need to ensure sufficient Assessors are available, ensure the Assessors have the necessary skills, qualifications and training to discharge the role, appoint the Assessors and ensure there is no conflict of role. Approved training courses have to be undertaken by both BIAs (mainly Social Workers) and Mental Health Assessors (medical practitioners) to ensure they have a thorough understanding of the legislation and their responsibilities.
- 3.4 These Safeguards are in addition to, and do not replace, other safeguards in the Mental Capacity Act. However, the Safeguards do expand the role of the Independent Mental Capacity Advocate (IMCA) and establish a role of Responsible Persons Representative for those who are totally unsupported but affected by these Safeguards. The Court of Protection has jurisdiction in relation to these Safeguards.
- 3.5 The MCA is based on 5 key principles which are:
- A presumption of capacity
  - The right of individuals to make their own decisions
  - The right not to be treated as lacking capacity merely because of unwise or eccentric decisions
  - The need to ascertain what is in the best interest of the individual
  - Least restrictive interventions.
- 3.6 The main provisions of the Act (detailed in previous reports) include:
- Establishment of an Independent Mental Capacity Advocacy (IMCA) Service to support persons who lack capacity.
  - Two new criminal offences – ‘ill treatment’ or ‘willful neglect’.
  - Capacity defined.
  - Best Interest checklist.
  - Actions in connection with care/treatment to protect carers from liability.
  - Lasting Powers of Attorney (LPAs).
  - A new Court of Protection which has jurisdiction over the whole Act.
  - New Office of the Public Guardian to supervise Deputies and Powers of Attorney.
  - Court Appointed Deputies.
  - Advance decisions about refusing medical treatment.
  - Research issue guidelines.

#### **4.0 Implementation in Leeds**

- 4.1 As outlined in the previous reports coordination of implementation has been overseen by the Local Implementation Network Board (the LIN) since December 2006 under the arrangements set out at paragraph 2.2.
- 4.2 Since the last report the work programme, Terms of Reference and the work of both the LIN and the MCA/DoLS Implementation, Development and Monitoring (IDM) sub group have been updated to more accurately describe their continuing respective roles in rolling out the implementation and monitoring it's effective use. It is an ambitious programme which continues to require Adult Social Services to provide leadership and support to the partnership over the medium term. The revised terms of reference for the groups will be adopted in the autumn following ratification by partners.

- 4.3 The MCA, as previously highlighted, is a wide ranging piece of legislations aimed at protecting the interests of the most vulnerable people in our community but also providing additional rights for those not able to make their own decisions all the time.
- 4.4 Some examples of the areas of work in 2009/10 which appear in the work programme include:
- Development of an enhanced Communication Strategy, designed to continue to alert both staff and public to the overall requirements of the mental Capacity Act.
  - Development of a Workforce Development and Training Strategy and Implementation Plan to deliver effective and consistent training/development across all organizations in the City, including staff employed by Contact Leeds, in relation to the principles/requirements of both MCA/DoLS.
  - Ensuring sound links are in place in relation to other important initiatives which are being implemented to better protect vulnerable people, most notable ensuring that the closest links are maintained with colleagues engaged with the design of adult safeguarding systems in the City.
  - Ensuring that Performance Management, Quality Assurance and data management/reporting arrangements are in place to inform improvement and enable accurate/timely returns to be produced/submitted to relevant parties (e.g. Department of Health, Care Quality Commission (CQC), senior management, Inspectors etc.).
  - To Undertake an Equality Impact Assessment on the implementation to date.
- 4.5 Since the last report to the Scrutiny Board the DoLS have been implemented in Leeds. It made both practical and economic sense for the Local Authority and NHS Leeds to agree all processes and have joint responsibility for implementation as both organisations are both Managing Authorities and Supervisory Bodies.
- 4.6 The main achievements to date have been set out in summary below:
- Structures are in place for Supervisory Bodies to discharge their statutory responsibilities. This includes a number of appropriately trained Best Interest Assessors (BIAs) and Mental Health Assessors (MHAs), agreed processes for dealing with authorisation applications (referrals). Additional staffing to support the processes as well as the establishment of a communication centre for Managing Authorities/enquiries to contact for specialist advice.
  - In addition, information on DoLS authorisation processes and briefing notes has been provided to staff at Contact Leeds so that they can more appropriately deal with enquiries.
  - An expanded IMCA Service and a Responsible Person's Representative service has been commissioned from Articulate Advocacy.
  - 4 full day events for Care Homes/Hospitals (the Managing Authorities) have been undertaken which described the safeguards and their implications/new responsibilities. These were attended by over 350 delegates from the City and included both the Councils own directly provided units as well as independent sector organisations. A further event is planned for December 2009 to consider emerging issues arising out of the implementation to date.

- Additional targeted briefing sessions have taken place with staff within Local Authority Care Homes, ASC and other directorate service areas within the Council, independent sector Care Homes, PCTs including GPs, YAS and a number of voluntary sector organisations.
- Codes of Practice and all other relevant information have been widely circulated to Managing Authorities across the City.
- Financial agreements have been reached with NHS Leeds with the ABG budget outlined in Section 5.
- Monitoring and reporting arrangements have been agreed including inclusion of data on the Council's ESCR system.
- Links with the Department of health regionally, through the Yorkshire and Humber Improvement Partnership (YHIP) have been maintained. The Department of Health has required very regular (fortnightly now – originally weekly) reporting of activity data which has been adhered to.
- CQC regionally requested a full report on the Directorate's progress in implementing MCA/DoLS which was submitted in July 2009. This has been reflected in their regular business meetings with the Directorate as an area of interest for them.

4.7 DoLS activity @ 29<sup>th</sup> July 2009 was as follows:

<b>Supervisory Body</b>	<b>No of Authorisation referrals approved</b>	<b>No of Authorisation referrals not approved</b>
Leeds City Council	5	5
NHS Leeds	1	3

Number of additional enquiries received = 28

## **5.0 Financial Implications**

5.1 Specific Grant funding has been made available to both the Local Authority and Health community in Leeds since 2006 to support the introduction of the new legislation and all its statutory requirements. The Grant has three specific elements: The first element is for Authorities to use in relation to the procurement of the IMCA service; the second in relation to ensuring the training needs of staff are addressed; and the third recognises the overall management costs of introducing this scale of legislation.

5.2 The grant amounts are:

2006/07	£94,000
2007/08	£212,000
2008/09	£344,000
2009/10	£433,000
2010/11	£416,000

5.3 In addition, within the annual budget of NHS Leeds, £103,000 has been made available over the two years 2007 – 2009 to support the specific implications for the wider Health community.

5.4 The expenditure of the two funding streams has been co-ordinated by the LIN Board to ensure that the maximum benefit is derived and that the potential for duplication is eliminated.

5.5 The actual expenditure in relation to the DoLS service will be considered by both organisations on a 6 monthly basis and any action indicated will be coordinated by the LIN Board.

## **6.0 Legal Implications**

6.1 The legal implications are set out in Section 3 of this report. Legal Services have been fully involved with all aspects of the implementation of the Mental Capacity Act and associated DoL safeguards.

## **7.0 Conclusions**

7.1 The provisions of the Mental Capacity Act 2005 are wide ranging and requires that awareness of the provisions are raised not only in statutory and voluntary organisations but across the general public and all communities across the City.

7.2 The revised work programme recognises the challenges ahead and is very much in line with the Department of Health recognition that this will take many years to fully embed within practice. All indications from both the Department of Health and the CQC is that arrangements in Leeds have been robust and effective. In particular, the close partnership work with NHS Leeds has delivered efficiencies in implementation and a sound basis for the work going forward.

7.3 Whilst the number of DoLS applications have been lower than estimated, this is a very similar picture nationally. Whilst it has been a slow start numbers do seem to be increasing and will continue to be closely monitored for the foreseeable future. As indicated in this report we plan to undertake a series of initiatives commencing in the Autumn to assure ourselves that the managing Authorities understand the new requirements placed upon them.

7.4 The Mental Capacity Act is a wide ranging legislative instrument the use of which is becoming more widely understood as case examples are reported in the local and national media. Attached to this report is the annual report of the Articulate Advocacy organization which manages the IMCA service under contract to the local Authority. Their report, once again, provides vivid examples of the Act in operation.

## **8.0 Recommendations**

8.1 Members are invited to consider the content of this report, to note the key features highlighted within it.

8.2 Members are invited to recognize the progress that has been made in implementing the Act and it's associated requirements and to receive the examples of this progress highlighted in the Articulate Advocacy annual report

8.3 In view of the very recent introduction of the DoL safeguards, Members are invited to request a further update report in 9 months time, when a full year of DoLS activity data will be available for consideration.

**Background Documents referred to in this Report:**

- IMCA Annual Report 2008/09
- CQC/ Government office returns

**Previously Circulated Documents:**

- Mental Capacity Act 2005/MCA Code of Practice
- Mental Health Act 2007
- DOLS Code of Practice
- IMCA Annual Report 2007/08

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# Leeds Independent Mental Capacity Advocacy Service (LIMCAs)

## Annual Report 2008-09

**A**RTICULATE  
ADVOCACY **cic**

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■ PLEASE NOTE: The names and other identifying factors in case examples have been changed to protect individuals’ confidentiality; the dilemmas have not.

## Crunching the numbers

**PROCESSING** data quickly and efficiently is essential to an effective and highly-responsive IMCA service.

In two years, Articulate Advocacy has made great progress in developing data management systems which allow individual cases to be tracked day-by-day, ensuring that enquiries are answered, referrals taken on and IMCAs assigned as quickly as possible.

Data processes designed by Articulate Advocacy also allow reports to be completed speedily and then forwarded to those involved.

The automated systems have also been created so that figures can be fed into the Department of Health’s national database as necessary without compromising confidentiality or breaching data protection legislation.

Articulate Advocacy has built on software that was already in operation, so making best use of existing resources and building on staff familiarity with those systems.

Such data systems are due to be extended in 2009-10 to improve further information handling.



# Speaking up for those without voices

## A director's introduction:

BY THE very nature of their circumstances, people who need Independent Mental Capacity Advocates deserve services of the highest ethical standards, but who watches to make sure that everyone is doing their best by these most vulnerable of individuals?

Over the past two years Articulate Advocacy has developed an IMCA service which is widely respected amongst health and social care professionals, while simultaneously remaining strongly assertive in upholding the rights of every individual.

Local authorities, the National Health Service, the government agencies who commission IMCA services are all acting on behalf of society more generally or the Leeds community more widely.

## Broader dimensions

However, IMCAs face particular dilemmas - because not only are they working to provide a voice for each person who does not have the capacity to make decisions themselves, but because there is also a broader, social and political dimension to trying to ensure that the care available for such individuals is of the best possible standard.

The first two years of providing an Independent Mental Capacity Advocacy service for Leeds have been exciting and a challenge; setting up new organisations and providing extra facilities always are.

Although Articulate Advocacy will be continuing to provide that service for another three years, the period of innovation is by no means over.

Preparing for the introduction of safeguards surrounding the deprivation of liberty placed demands on everyone during the last year.

This year will no doubt reveal the true effects of this latest protection for highly vulnerable people.

**Ralph Porter**  
Chair

### An IMCA's tale

"I'd been seeing one elderly lady who was living in a care home for quite sometime when on one visit, when I had a pen and a pad in my hand, she suddenly reached for them.

"Only then did we discover that she could communicate clearly - in writing - and she did clearly have the capacity to make decisions for herself.

"She reminded us that no one should take conventional means of communication, such as speaking or making gestures, for granted."

## On the board

ARTICULATE ADVOCACY now has three directors - Ralph Porter, Gwyneth Christie and Paul Seccombe.

Ralph is a long-serving chair of Leeds Advocacy, a charity set up in 1989 to provide services for people with learning disabilities in the city. Gwyneth Christie has served as a trustee for many years and Paul Seccombe has worked for the organisation since its early days. He has been its chief executive since 2006.

# Facts and figures: 2008-09

## *Referral causes and reasons*

CAUSES OF INCAPACITY <sup>1</sup>	2008-09	2007-08
Learning disabilities	31%	17%
Dementia	29%	50%
Cognitive impairment	13%	15%
Mental health problems	11%	16%
Acquired brain damage <sup>2</sup>	6%	
Other causes	3%	2%

PILOT PROJECT PROJECTIONS		
Learning disabilities		36%
Dementia		32%
Other causes		32%

REASONS FOR REFERRALS	2008-09	2007-08
Changes of accommodation	52%	68%
Serious medical treatment	15%	13%
Care reviews	13%	10%
Safeguarding (adult protection)	10%	3%
Other concerns	20%	6%

1. Totals may not equal 100% as some individuals may meet two or more criteria or lose capacity more than once. 2. This category includes alcohol-related and road injuries.

## Uptake trends

TWO years is not long in which to collect data. However, some trends and other events have become apparent in this time.

For example, in July 2008, there was a marked increase in the number of people with mental health problems requiring IMCAs because they were facing changes in accommodation. The requests for IMCAs came mostly from those working in Leeds Adult Social Care and the Primary Care Trust's Joint Care Management Team (PCT JCMT).

This second year of operation has revealed that the demands for IMCA services from particular client groups are now nearer the pilot project projections from 2006, with the greatest need

coming from people with learning disabilities, slightly ahead of the needs of those with dementia. The proportion of people with dementia referred to the IMCA service also decreased noticeably in 2008-09.

Data analysis now shows the involvement of IMCAs in helping people with acquired brain damage - including those affected by alcohol use - as being recorded separately.

A separate analysis of IMCA response times in February 2009 revealed that referral forms being issued in response to emergency requests for IMCAs were taking four days to be returned. After that, all the eligible referrals were assigned IMCAs within two working days.



WHILE most of LIMCAs' work during 2008-09 has involved vulnerable individuals who were already known to health and social care services, IMCAs really come into their own when younger people find themselves without capacity, without family or friends.

Most months, IMCAs are assigned to work with individuals needing serious medical treatment who have neither the capacity themselves nor the family or friends who could make decisions in those individuals' best interests.

*The youngest person requiring IMCA support during the year was just 16 years old*

## Demographics

THE vast majority of individuals receiving support from IMCAs remains white and British. The relatively smaller number of referrals received from across Leeds' ethnic communities appears to reflect the respective sizes and family structures evident in such population groups.

Articulate Advocacy employs sessional advocates from these communities specifically to ensure that the IMCA service is as culturally appropriate and sensitive as it can be.

## Personnel

A SMALL group of dedicated, specially-trained Independent Mental Capacity Advocates has continued to work for Articulate Advocacy in Leeds.

Staff turnover has been low; the few IMCAs who have left did so mostly because they were moving away from the area for other reasons.

Since the services were introduced, training for IMCAs has been organised directly by the Department of Health. This is now being formalised, with the introduction in England of recognised City & Guilds qualifications, an approach which not only adds to such individuals' skills but provides a further guarantee for the people of Leeds that IMCA work meets the vital professional standards expected in the 21st century. The assessment and validation process has taken some time, but every IMCA working for Articulate Advocacy should have completed this by October 2009.

Some IMCAs are also undertaking additional training so they will be qualified to undertake Deprivation of Liberty work (see pages 6-7). This training should also be complete ahead of the January 2010 deadline.

## Liaison and development

Articulate Advocacy is also working closely and informally with the Advocacy-Network Leeds and Action for Advocacy on tailoring aspects of national advocacy qualifications to meet specific local needs and circumstances.

A key manager now regularly attends meetings of the Safeguarding Adults Board in Leeds and liaises closely with the Advocacy-Network Leeds organisation to monitor and ensure high standards of advocacy.

# Liberty - and professional dilemmas

ALTHOUGH the original contract between Articulate Advocacy and Leeds city authorities to provide the Independent Mental Capacity Advocacy service was due to end at the end of March, advocates who could have been transferred to an alternate provider had to be prepared during the year for a major law change that came into effect on April 1st, 2009.

The change to legislation regarding the **Deprivation of Liberty** is one of the most significant developments for those caring for vulnerable individuals for many years.

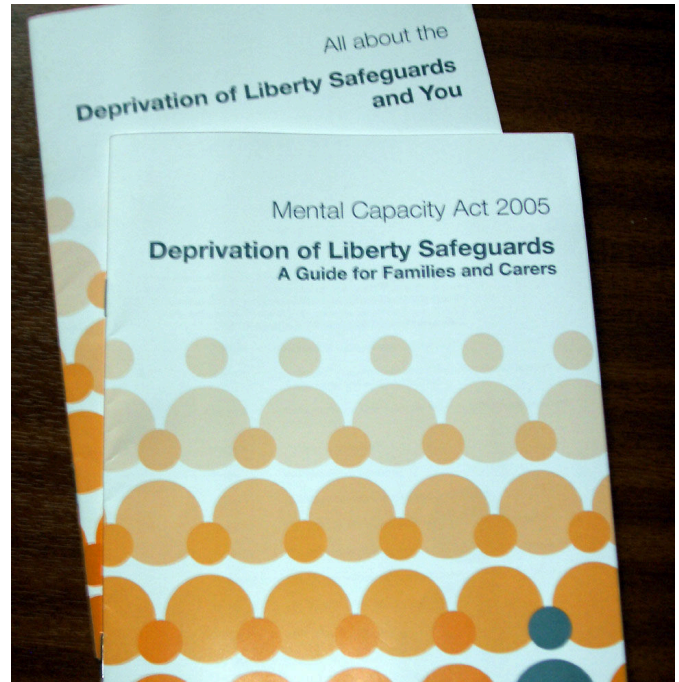
The updating of the law came about because the European Court of Human Rights made a ruling regarding a man with autism and learning disabilities and who could make decision for him about staying in hospital. The Court ruled that because hospital staff had to make the final decision about whether he should stay there or be cared for at home, he had been deprived of his liberty.

Now, safeguards have been enshrined in law for England and Wales to make sure this cannot happen again. The move is the latest stage in the evolution - some may call it a revolution - in the way society relates to those whose mental ability is impaired. The use of acronyms has not changed, however; these measures have already become known, even officially, as "MCA DOLS".

This is the latest in a steady stream of changes which began with the introduction of IMCAs themselves two years ago.

With special extra training to make sure they are fully aware of the safeguards and how they can be brought into use, IMCAs act as a vital part of the continual "check and balance" aspect of such procedures to protect vulnerable people.

Traditionally, to lose one's liberty under mental



health laws, a person had to be "sectioned", a process that involved a doctor and social worker. The Deprivation of Liberty safeguards replace a long-standing way of working for many professionals.

In the run-up to the change, many local authority purchasing and commissioning bodies as well as providers of social and health care services drew up guidelines and advice for their staff.

One county council said: "People likely to be affected by these proposals are mainly those with learning disabilities, or elderly people with dementia, but also a minority of other people who lack capacity to consent to where they received care or treatment."

This view mirrors the findings of Independent Mental Capacity Advocates in Leeds. When IMCAs started work in the city, they discovered they were primarily dealing with two distinct groups of people: those who were known by health and social care providers, because they had histories of illness or disability, and those who were

running into contact with “the system” for the first time.

Now some people whose medical histories have included dealings with mental health services are having their situations reviewed. For those with some existing conditions, the process will be little more than a formality. For others, it is more complex.

IMCAs employed by Articulate Advocacy have been briefed to expect difficulties at first. “The philosophical dilemmas will be immense,” said one.

Those dilemmas are most intense in the age-old conflict between the public good, personal safety and individual liberty. Politicians may have debated whether the safety of many is more important than the freedom of one, but now the question faces frontline care staff.

Medical and social care professionals, many of whom have spent long years training and developing their professional expertise, will face more direct challenges. IMCAs are now legally empowered to ask consultants or senior social workers to justify their decisions. If they don’t like what they hear, and they don’t think that the professionals’ judgement has been in the best interest of the individual, they have ultimate recourse to the Court of Protection.

As one senior social worker has told IMCAs working for Articulate Advocacy, “it is not a badge of honour to have to call upon the deprivation of liberty safeguards for anyone”.

For Articulate Advocacy, the involvement of IMCAs as qualified, but still lay, independent individuals in such processes is a measure of how seriously the protection of highly-vulnerable people is now taken and how measures are in place to try to ensure their best interests really are met.

## The Bournemouth legacy

BOURNEWOOD, a psychiatric hospital in Surrey, has become synonymous with the debate about the deprivation and restriction of liberty.

In 1997, a 49-year-old man with autism called Mr L, was detained at the hospital after becoming distressed at a day centre. As he had admitted himself voluntarily, he was kept there for his own “best interests” under the unclear provisions of common law, despite claims from his carers that he was well enough to live at home.

The consequent legal battle went through the High Court to the European Court of Human Rights in 2004. Judges there said the common law concept of “necessity” was too arbitrary and lacked the safeguards accorded to those “sectioned” under the 1983 Mental Health Act.

Nine years after Mr L went into hospital, the “Bournemouth gap” remained as wide as ever, with campaigners rejecting Department of Health proposals in May 2006.

While this represented a lingering dilemma for health and social care professionals, the later addition of public outcry for more action provided a greater incentive for change.

The political temperature had been raised as long ago as 1992 - as a reaction to a killing at a London Underground station. The stabbing of Jonathan Zito by a man with paranoid schizophrenia provoked calls for people with mental illnesses and histories of violence to be compulsorily detained and treated.

However, Mr Zito’s widow Jayne was determined that politicians should respond and she led a long campaign for a law change. In 1998, she said: “To minimise the risk to themselves and others, there has to be legal powers in place and if needs be, they have to be removed from the community. It raises issues of civil liberty but we can’t allow these patients to pose a threat to themselves and the general public.”

In 2006, then Health Minister Rosie Winterton announced measures that would be added to the Mental Capacity Act 2005 and amend the 1983 Mental Health Act. These proposals said that everyone involved would have to act in the best interests of a person in care, that the detention criteria would be strengthened, that everyone would have the right to someone independent to represent their interests and that challenging detention decisions would become easier.

# Safeguarding - protecting adults

SAFEGUARDING became a major topic of public and political debate in 2008 - when the death of “Baby P” hit the headlines.

Outrage seems louder and more passionate when children are involved - but the same dangers, primarily abuse and neglect, can face vulnerable adults.

For some individuals such as Asif (see page 11), a young person’s sexual needs, complex family dynamics and having siblings who were also vulnerable meant that the involvement of an IMCA was essential in trying to identify and meet his best needs when the time came for a move to new accommodation.

IMCAs are needed in such circumstances because family members may not be the best people to do this, even though they may consider themselves to have life-long knowledge of a vulnerable person’s interests and wishes. And, as the *No Secrets* guidance from the Department of Health demands, and however socially challenging it may be, safety has to take priority over confidentiality.

When this happens, care professionals face added potential difficulties in dealing with resentment from family members who may feel indignant about being excluded. They may feel slighted simply because of they are being denied the opportunity to take part in making a decision that they consider very important or they may feel aggrieved because they feel they are being maligned.

By working with other health and social care professionals in such circumstances, IMCAs can bring greater independence and objectivity to such decision-making processes.

IMCAs, like the health and social care professionals with whom they work, are specially trained in issues surrounding abuse, neglect and safeguarding. Articulate Advocacy works within the *Safeguarding Adults* national standards for adult protection, developed by the Association of Directors of Social Services (ADSS) and involving the Association of Chief Police Officers (ACPO), the Commission for Social Care Inspection (CSCI), Public Guardianship Office (PGO) and the Department of Health.

## What is safeguarding?

SAFEGUARDING - in terms of mental capacity and IMCAs - primarily focuses on making sure that vulnerable adults are not abused or neglected or abuse others.

People without capacity may face greater risks than others of dying, serious physical injury or illness, serious deterioration in their physical or mental health, or serious emotional distress.

Sometimes, although they may be nearest, a person’s family or friends may not show that they have an individual’s best interests at heart, so an IMCA can be involved instead.

Alternatively, a person who does not have capacity may be abusing or threatening others. In these circumstances too, families and friends could have wishes which are not in the best interests of the individual concerned so, again, an IMCA may be called in.

When this happens, IMCAs have formal meetings with decision makers and carers to check whether someone meets the legal criteria of having capacity or not.

As people’s conditions vary, they may have capacity one week, but not the next.

**OF THE safeguarding cases requiring Articulate Advocacy IMCAs in 2008-09, the majority involved people with learning disabilities. However, IMCAs were also provided for people with mental health problems, cognitive impairment and acquired brain damage.**

**The eldest person involved was aged 93, while the youngest was just 21. Fascinatingly, none was born between late 1933 and autumn 1952. Otherwise, the age range appears reasonably evenly distributed from 1952 onwards. Fewer safeguarding cases involved people older than 75, but this appears to be in line with predicted life expectancy figures.**

**Quite why fewer people born during the depression of the 1930s, the Second World War and the post-war “baby boom” have required such services may merit further academic investigation.**

## Bottling it all up

FOR Helen, contact with the IMCA service began when staff at her local off-licence noticed just how much wine she was buying. They knew the high-flying well-paid executive had a 13-year-old daughter who could be vulnerable because of her mother’s drinking.

Indeed, as an IMCA discovered when they got involved, questions had to be answered about whether Helen had the capacity both to look after herself and her daughter.

For Ernest and Elsie, alcohol had also become a problem. Being made redundant in his late 50s and facing a forced early retirement he hadn’t wanted affected Ernest. He started drinking more and more. So too did Elsie, his wife of more than 20 years.

Over time, the amount they were drinking affected both their physical and mental health. After

## How safeguarding works

ANYONE can raise fears for another person’s safety. Neighbours, friends and family can all contact authorities such as health and social services or even the police if they think someone is in danger.

When that happens, councils now have **safeguarding systems** in place. After a duty officer takes the first call, a dedicated social worker is assigned to each particular case. Teams that could include other care professionals, health workers, doctors, voluntary organisations and the police, come together to assess the information and, if necessary, to take action to protect the person in potential danger.

The first priority is that person’s wellbeing. Once this is established, possible action over neglect or other offences may be considered.



assessments, neither husband nor wife was found to have the capacity to look after themselves or each other. Their personal medical conditions varied, but neither could help make decisions about where or how the other would live, so an IMCA became involved.

Now, ways have been found which let all these individuals recover – in circumstances which are best for them and for those around them.

## What decision makers had to say . . .

- It was very helpful to have a full and objective report to draw on.
- (The IMCA's) involvement allowed the client's needs to be met rather than the organisational needs.
- The IMCA was very committed and crucial to our decision and the feedback from the family was that they were very happy too.
- It was useful having someone to look at the situation from the service user's point of view only.
- It's an excellent service – which makes decision-making much easier.
- I don't think the service user was interested in any reports; he made his own informed decisions once he regained capacity.
- (The service) was very useful as the service user was in hospital in Leeds and I was in North Yorkshire; so I relied upon the IMCA to obtain the client's wishes and views.
- The IMCA became too involved.
- Within hospitals, the IMCA role should be publicised more, so that NHS staff respect what they advise.
- The IMCA should be available immediately when needed, not one or two days later.
- (IMCA) involvement was useful in this case to move it forward; the report was necessary to show that the procedure was adhered to.
- The service was excellent.

## Anticipated developments

NOW that Articulate Advocacy has been awarded the contract to provide the IMCA service for Leeds for another three years, we can continue to ensure that we strive to provide the highest-quality service for very vulnerable individuals.

All decision-makers are sent feedback forms and their comments are reviewed regularly. These are taken into account in individual assessment and supervision sessions with IMCAs and in monitoring the effectiveness of processes and procedures.

Following such feedback, extra attention was paid in 2008-09 to responses times - both between receiving initial enquiries and the return of referrals forms and then between this and the allocation of IMCAs and contact with service users. This year, efforts will be made to accelerate the return of referral forms from the health care sector and such data will continue to be monitored regularly and closely.

We are also aiming to develop a web-based referral system for health and social care professionals - which may also reduce referral times even further.

**Paul Seccombe**  
Chief Executive

## Acknowledgements

The board and managers of Leeds Advocacy and Articulate Advocacy cic - would like to record thanks to the Leeds Adult Social Care commissioning body and the MCA Stakeholder Group for their help and advice and to the many health and social care professionals with whom the organisation and individual IMCAs have worked during this second year of an evolving and positive working relationship.

Report conceived and written by Adam Christie, Modus Operandi Communications (0113 294 1212), photographs © Chris Aspinall 2009.



## Young and vulnerable

Asif is a young man with learning disabilities who lives with two siblings who also have learning disabilities. They receive home care but an IMCA became involved when Asif needed to move.

Asif wants to continue living with his siblings and says he has a girlfriend, but his carers have been unable to find out who she is. After psychological assessments, Asif was then considered not to have the capacity to consent to sexual contact, so safeguards were put in place.

Concerns involving a parent and another sibling had been raised in the past, so making them

ineligible for involvement in making decisions about Asif's best interests.

Safeguarding meetings usually consider all the factors, but the nature of the additional difficulties confronting Asif meant that the IMCA faced a further dilemma – being able to discuss his specific circumstances and best interests confidentially with others involved in his care.

The IMCA's work then included checking Asif's capacity assessment, considering all the family dynamics, his sexual needs and other referrals involving parents and his siblings.

## Mental Capacity and advocacy - explained

WHAT happens to any of us when we are too ill to make decisions for ourselves? What happens if we don't have any family or friends who could help health and social care professionals decide what is best for us?

As people live longer, families break up, and we move around, or as we try to find work or develop our careers, more of us find ourselves on our own at times of emergency or trauma.

The Mental Capacity Act 2005 set out to provide safeguards for people in such circumstances - by clarifying what we mean by "mental capacity" (when and how we are able to take decisions and communicate our wishes to others) and then make sure that there is someone else - an independent "advocate" - on hand to find out more about our lives, how and where we live and not only establish our interests, but work with health and social care workers to ensure that we get looked after as well as possible. This was the second year of these legal obligations.

Such Independent Mental Capacity Advocates - IMCAs - are trained individuals, usually employed by charities or similar agencies working outside the National Health Service and social services. They work within carefully set guidelines and have to provide comprehensive reports about what they do. They work alongside doctors, nurses, social workers and those running nursing and care homes to make sure that any decisions about, for example, medical treatment and where we live are thoroughly thought through.

IMCAs are called in at set times during the decision-making process if someone without a family or friends has dementia, learning disabilities or cognitive impairment.

The Leeds Independent Mental Capacity Advocacy service (LIMCAs) has been run since January 2008 by a community interest company called Articulate Advocacy under contract from the NHS and Leeds City Council.

**Articulate Advocacy CIC**  
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## Report of the Deputy Director Adult Social Care – Strategic Commissioning

### Scrutiny Board (Adult Social Care)

Date: 9<sup>th</sup> September 2009

Subject: Adult Social Care Self Assessment 2008/09

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#### Electoral Wards Affected:

All

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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### Executive Summary

As part of the emerging performance management methodology deployed by the Care Quality Commission (CQC) introduced in 2008/09, Authorities with Adult Social Services responsibilities are required (by Mid May each year) to submit a self assessment of their overall performance in relation to improving outcomes for people. The self assessment is completed on two templates prescribed by CQC which are organized under the 7 outcome domains. The templates provide the opportunity for Authorities to (for the first time) offer written descriptions of their activity in the previous financial year as well as requiring the (separate) presentation of prescribed activity data (which had formed the focus of previous assessments). CQC provide an extensive guide to help Authorities come to a view about how well they are improving outcomes and against which they can reflect their self assessment.

Authorities are also required to self assess their leadership and commissioning capabilities as part of this process. All the information provided is then reviewed by CQC officers, subject to further enquiry through an Annual Review Meeting (ARM), subject to regional and national moderation before being published in November. This assessment by CQC of Adult Social Services Authorities feeds directly into the overall Council assessment (the Corporate Area Assessment) – CAA) where adult social services provide some of the critical determinants of that assessment. Currently this occurs in March and September.

The CQC have made clear that they intend to raise the performance 'bar' year on year to ensure that all Authorities continue to strive to improve outcomes for local people with care and support needs.

This report provides an overview of the information that has been submitted to CQC and the assessments that have been offered to CQC. The report anticipates the overall assessment of our performance which will be made public in Mid-November and alerts members of the Scrutiny Board to the provision of a report to the Executive Board in December which will detail the conclusions drawn by CQC on Adult Social Service performance in 2008/09.

## **1.0 Purpose Of This Report**

1.1 The purpose of this report is to brief members of Adult Social Care Scrutiny Board regarding the Adult Social Services Self Assessment Survey (SAS) which was submitted to the Care Quality Commission (CQC) in May 2009 as part of the annual performance assessment.

## **2.0 Background Information**

2.1 The SAS comprises a key element of the CQC Outcomes Framework which is the methodology used to undertake the annual performance assessment. It requires a comprehensive report of performance against the 7 outcome areas which are included in Our Care, Our Health, Our Say and the two domains – leadership and commissioning.

2.2 Adult Social Care officers are required to report progress against each of the outcomes including a summary of activity and evidence over the year and an overall self judgment (see table below). The authority is also required to provide a summary of progress in relation to leadership and commissioning but it not required to provide an overall judgment.

2.3 For the 2008/09 performance year CQC introduced an Outcome Summary which includes a description of the outcome and domain criteria required to reach four grades within the framework, which range from 'performing poorly' through to 'performing excellently'. The Outcome Summary provides the criteria against which Adult Social Care has both collected and submitted information and against which it has made a self judgment for each outcome. This document reflects the changing requirements and expectations placed on social care with regard to transformation, improvement and its capacity to promote wellbeing and safeguard. It therefore presents a harder challenge than previous years.

2.4 The guidance and templates for the report were provided in March 2009 and the Self assessment was submitted to CQC on 14<sup>th</sup> May. The process for responding involved staff across social care and partner agencies before final authorisation by the Chief Executive and the CEO of NHS Leeds.

## **3.0 Main Issues**

3.1 Adult Social Care officers collected and reviewed a wide range of qualitative and quantitative evidence before deciding to submit the following overall self assessed ratings for performance against the outcomes.

<b>Outcome /Domain</b>	<b>2007/08: CSCI Rating</b>	<b>2008/09: Self Assessment Rating</b>
Outcome 1: Improved Health and Wellbeing	Performing Well	Performing Well
Outcome 2: Improved Quality of Life	Performing Well	Performing Well
Outcome 3: Making a Positive Contribution	Performing Well	Performing Excellently
Outcome 4: Increased Choice and Control	Performing Adequately	Performing Adequately
Outcome 5: Freedom from Discrimination and Harassment	Performing Well	Performing Well
Outcome 6: Economic Wellbeing	Performing Well	Performing Well
Outcome 7: Maintaining Personal Dignity and Respect	Performing Poorly	Performing Adequately

3.2 An overview of the main evidence strands provided to evidence progress against each outcome/domain, and the key priorities for action are briefly summarized below.

#### **4.0 Outcome 1**

4.1 This outcome focuses upon work which aims to promote safer and healthier lifestyles as well as how people are supported to maximize their quality of life and independence when they have long term conditions.

4.2 Leeds provided evidence of strong, focused and comprehensive citywide Health & Wellbeing governance and leadership arrangements. Local strategies and initiatives show successful partnership working across the city to promote health and wellbeing. Notable examples include the work of the Community Health Educators, the increase in activity levels amongst adults and reductions in smoking. A great deal has been achieved to prevent unnecessary hospital admissions and to minimize the length of stay when admission is necessary.

4.3 Areas for improvement which were identified which include further improvements to partnership working across health and social care at all levels from commissioning activity through to service delivery. It was also stated that there was a need to build upon and consolidate the work of successful initiatives such as the Marie Curie palliative care and POPP's work.

#### **5.0 Outcome 2**

5.1 This outcome focused upon how people who use services and their carers are supported to achieve the best possible quality of life. Quality of life here relates primarily to the extent to which people are supported to access and enjoy the range of community based services that are available to most people.

5.2 Leeds was able to evidence the provision of a wide range of accessible information and advice to support people and their carers. Examples were provided of how services are effective in the delivery of early intervention services to prevent increasing level of dependency or need. A particular feature of Leeds Adult Social

Care is an investment in a broad range of community based third sector services which provide a network of support to people in their communities. Evidence was also provided in relation to access to supported housing, tele-care services, accessible leisure, education and to community facilities generally through the provision of transport to meet specialist needs.

5.3 Improvement priorities in this area are largely linked to the whole scale transformation of service provision to provide a range of flexible service options which are linked to meeting the individual outcomes required by service users and their carers.

## **6.0 Outcome 3**

6.1 This outcome relates to the extent to which people who use services and their carers are supported to take part in community life and contribute their views to shape improvements. The demonstration of a thriving voluntary sector is also important here.

6.2 Adult Social Care judged itself to be excellent against this outcome. Leeds was able to demonstrate it supports and work with a well established diverse and thriving voluntary sector. A particularly strong feature of the third sector includes services to support service user and carer engagement and autonomy via a wide range of specialist information, advocacy and support. Major developments and key decision making groups include service user and carer representation. Evidence was provided to show that these arrangements have had an impact as evidenced by decisions made which reflect the views of people who use services and their carers. Leeds was also able to demonstrate examples of user led organizations, for example the Neighborhood Networks and the Crisis Centre.

6.3 Priorities for next year include the need to further establish the LINK, and arrangements to coordinate the range of consultation and engagement work across the city. Leeds has also made a commitment in the LAA to increase the level of civic participation and volunteering across the city. Service transformation will be key here in enabling people who use social care services to better participate in community life.

## **7.0 Outcome 4**

7.1 This outcome relates to the extent to which people who use services are supported to exercise control over those services and choice from a range of alternatives.

7.2 An important feature of this outcome area includes evidence relating to the availability of self directed support. Leeds was able to demonstrate that it had made significant progress in the move towards personalized care. The numbers of people in receipt of self directed support increased significantly and a major project to develop and implement processes and methodologies for the move towards self directed support had been established. There was a recognition, however, that there is a considerable way to go and therefore Adult Social Care rated itself as performing adequately against this outcome.

7.3 Improvement priorities in this area include the need to further develop and extend personalization across Adult Social Care. This includes reviewing patterns of service delivery, modernizing traditional and buildings based services so as to be able to provide a significantly greater range of choice and opportunity to meet the challenges of personalization. Important areas for further development include,

assessment and care management services, emergency and out of hours services, advocacy services and transitional arrangements for people moving from children's to adult services.

## **8.0 Outcome 5**

- 8.1 This outcome relates to ensuring that people have fair access to services and that they are free from discrimination and harassment in their living environments and neighborhoods.
- 8.2 Leeds was able to demonstrate that people do have fair access to services. In particular evidence was provided that diverse communities in Leeds effectively gain support from adults social care via accessible contact points and a large number of specialist and community based services to meet a range of needs. The directorate has also been successful in achieving level four of the Equality Framework and therefore meeting requirements that reflect an awareness of, and action to address, equality issues within the provision of services and the particular needs of individuals.
- 8.3 Priorities for 2009/10 include working with partners to focus upon specific groups who are identified as having particular needs, thus ensuring that the quality and quantity of services meet those needs. Work is also taking place to develop stronger links with partners to ensure that the whole range of vulnerable groups are more effectively safeguarded in the community.

## **9.0 Outcome 6**

- 9.1 This outcome looks at ensuring that people who use services and their carers have an adequate income and that people are supported to find, or remain, in work.
- 9.2 Evidence showed that the council provides a wide range of financial advice and support to people. People who use social care and their carers are supported to maximize their income via specialist benefits advice, and it was shown that the recent charging review had been fully inclusive of the views and needs of service users and their carers. Evidence was also presented of the various initiatives across the city which are successful in enabling access to, and supporting people in, employment. In addition there are a growing number of social enterprises across the city providing employment to people who use social care services.
- 9.3 Priorities for improvement include ongoing awareness and corresponding action in relation to the changing economic climate. In addition work is underway to further coordinate work between partners to create better access and pathways to employment opportunities for people who use social care services and their carers.

## **10.0 Outcome 7**

- 10.1 This outcome takes account of how adult social care ensures that vulnerable adults are safeguarded against abuse and in the community and within service provision across the city. Services are also required to ensure that the rights, dignity and respect of people are maintained.
- 10.2 The outcome became a particular focus of attention following the Wellbeing, Independence and Choice inspection last year. Leeds Adult Social Care was able to demonstrate that a great deal of progress had been achieved in strengthening the partnership arrangements and ensuring that the necessary resources were

deployed to address safeguarding issues at the frontline. This has involved the recruitment and deployment of additional specialist staff and a detailed training programme amongst all staff. Arrangements to monitor and quality assure this work have also been put in place and have started to evidence signs that practice is improving in relation to an increased awareness of safeguarding needs and better work to investigate these. Leeds was also able to demonstrate a range of ways in which the quality of services is assured with a focus upon people who use services, in particular, the Dignity in Care campaign which has been locally developed as a means of assuring peoples dignity in care and which has been nationally recognized.

- 10.3 The priority under this outcome remains the need to improve safeguarding arrangements and practice across the city. Adult Social Care has established a sound basis from which to move forward and continue to make improvements. This includes ensuring that good quality outcomes for people who, have been subject to, or are at risk of being subject to, abuse are embedded in practice, both internally and within partner agencies.

## **11.0 Leadership**

- 11.1 Leadership is judged in relation to how communities are engaged in planning with senior managers and councillors. Leaders should achieve transformation of services resulting in better outcomes for people by securing and more effectively deploying resources to achieve maximum value.

- 11.2 Adult Social Care has provided evidence of effective financial planning as well as an engagement in, and commitment to, the personalization of social care services from Elected Members. Workforce planning and development is sound as evidenced by the Council's assessment and retention of the Investors in People Award in 2008/09. Improvements in the arrangements for performance management and quality assurance were also demonstrated. Evidence was also provided of increased partnership working at a strategic level and a developed infrastructure to support the progress and governance of joint work in a range of areas.

- 11.3 Priorities for improvement in 2009/10 included maximizing opportunities for further joint work across health and social care and the further implementation plans to realize the personalization agenda. In addition a commitment was made to build upon work to develop and ensure the competency of staff to meet the demands of a modernized service and further develop and embed performance management and quality assurance arrangements as a means of monitoring and ensuring progress.

## **12.0 Commissioning**

- 12.1 This outcome relates to how resources are used, and how commissioners work with people who use services, their carers, partners and service providers to shape the market. People who use services and their carers should be able to exert much greater control over the support they need.

- 12.2 Leeds was able to demonstrate that it has an appropriate investment plan in place to safely move resources from directly provided traditional services to a wider range of community based self directed options, thus increasing the flexibility and choice of services. An important element includes working closely with partners in health to ensure that the range of health and social care needs are met. Evidence was also provided of robust ongoing commissioning and contracts arrangements which



include regular monitoring and reviews of service providers to ensure positive outcomes for people who use services and their carers.

- 12.3 Priorities include further work to commission services which address future needs and invest in flexible community based options and self directed support. Ongoing work with partners in health to establish and address the needs of a number of diverse groups with specialist needs.

### **13.0 Implications For Council Policy And Governance**

- 13.1 Judgments of Adult Social Care performance form an essential element of the Corporate Area Assessment. Information and evidence from CQC is currently provided to the Audit Commission in March and September to inform their view of Adult Social Care in relation to key CAA indicators.

### **14.0 Legal And Resource Implications**

- 14.1 Although the self assessment process and the subsequent assessment of performance have some resource implications in terms of the amount and complexity of information required by CQC to assist them in coming to an accurate judgment, the main resource implications arise out of seeking to demonstrate the achievement of excellent and improving outcomes for people.
- 14.2 To achieve good and excellent performance as defined within the CQC's own outcome summary requires, for example, significant resource shifts between traditional patterns of social care into much greater proportions of self directed support, accompanied by the stimulation of a wide range of flexible, local community based care and support services from which people can choose the type of support they believe can best meet their needs.
- 14.3 Generating the infrastructure and resource shifts on the scale required to place Leeds Adult Social Services in the 'good' or 'Excellently' performing categories presents significant challenges as evidenced by the 2008/09 Independence wellbeing and choice inspection outcome. However, a significant programme of work is underway to ensure that the requirements to achieve excellent outcomes are understood and actioned throughout the Directorate. Officers have taken account of the stated intention of CQC to raise the performance 'bar' year on year in their assessment of the scale of the shift in resources required.

### **15.0 Conclusions**

- 15.1 Adult Social Services held the Annual Review Meeting with CQC during July. This meeting represents the final opportunity for CQC to address any issues outstanding from their analysis of the self assessment directly with senior officers and partner representatives. The meeting was very positive in tone and all indications from CQC pointed to the provision of an effective self assessment.
- 15.2 At the end of September the CQC will provide a performance report without grading to the Council and invite comment on it's content. An embargoed letter will be sent on the 12<sup>th</sup> October confirming the final grading supported by the performance report.

- 15.3 The report will contain evidence of improvement accepted by CQC as well as a description of areas where they believe further or urgent improvement is required. Should the council wish to make formal representation, it must inform CQC by mid October, following which an appeal process is available. The final results will be made public towards the end of November.
- 15.4 A report summarizing the CQC assessment of Adult Social Care performance and areas for improvement is included in the forward plan of business for the December meeting of the Executive Board.
- 16.0 Recommendations**
- 16.1 Members are requested to note the information contained in this report and the summaries of performance improvement highlighted

### **Background Papers**

Leeds Adult Social Care Assessment 2008/09 (May 2009)

Performance Assessment Guide 2008/09 (February 2009) – Commission for Social Care Inspection.



Originator: S Newbould

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## Report of the Head of Scrutiny and Member Development

### Scrutiny Board Adult Social Care

Date: 9<sup>th</sup> September 2009

Subject: Inquiry Report, Major Adaptations for Disabled Adults – Formal Response

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#### Electoral Wards Affected: All

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## 1.0 Introduction

1.1 During 2008/2009, the Scrutiny Board (Adult Social Care) conducted an inquiry on Major Adaptations for Disabled Adults and issued a report on the 17<sup>th</sup> June 2009 setting out its conclusions and recommendations. This report is attached as Appendix 1.

1.2 It is the normal practice to request a formal response from the relevant Directorate(s) to the Board's recommendations, once a report has been issued.

1.3 On the 26<sup>th</sup> of August 2009, the proposed response to the recommendations was submitted by the Director of Adult Social Services and the Director of Environment and Neighbourhoods to the Council's Executive Board, who accepted the actions detailed in the response. This report is attached as Appendix 2.

1.4 At the Executive Board meeting on the 26<sup>th</sup> of August 2009 The Chair of the Scrutiny Board presented the inquiry findings and reiterated an earlier request that officers offer a more robust response to recommendation 9. This response has yet to be provided.

The Executive Board Resolved that :

- a) That the proposed responses to the Scrutiny Board (Adult Social Care) recommendations, as contained in the submitted report, be approved and that the request of the Scrutiny Board Chair be noted.
- b) That this Board requests that future Scrutiny Board inquiry reports should, as a matter of course, make reference to the cost implications arising from the recommendations.

- 1.5 Members are asked to consider the responses provided and to decide whether any further scrutiny involvement is required.
- 1.6 Any recommendations which have not yet been completed will be included in future recommendation tracking reports to enable the Board to continue to monitor progress.

## **2.0 Recommendation**

- 2.1 Members are asked to consider the responses provided and to decide whether further scrutiny involvement is required.

## **3.0 Background Papers**

- 3.1 Scrutiny Board (Adult Social Care ) Inquiry Report – Major Adaptations for Disabled Adults  
Scrutiny Board (Adult Social Care ) – Formal Response  
Draft Executive Board Minutes – Meeting 26<sup>th</sup> August 2009.

# **Major Adaptations for Disabled Adults**

## **Scrutiny Inquiry Report**

# Introduction and Scope



## 1. Introduction

- 1.1 In June 2008 we identified adaptations as a potential area for a more detailed scrutiny inquiry. We were advised that a previous scrutiny inquiry on adaptations had been undertaken a number of years ago and a report was published in October 2002.
- 1.2 At the meeting in September 2008 we considered a report which outlined the current arrangements for the delivery of adaptations in Leeds. Whilst we recognised and acknowledged that progress had been made since the previous inquiry in 2002, we were keen to identify whether the Council was providing good customer service when assessing and delivering adaptations.
- 1.3 Recognising the limited amount of funding available each year for the provision of adaptations, we wanted to explore whether value for money was being achieved. We also wanted to ascertain whether sufficient funding was being made available to adequately fund the provision of adaptations for the occupants of both public and private housing.
- 1.4 We were keen to identify whether the wellbeing of the individual was a general consideration when providing adaptations, and if equality was achieved across all housing tenures.
- 1.5 We considered the best approach for carrying out this inquiry and concluded that by establishing a working group we would have the capacity to undertake the inquiry in greater detail. Terms of reference for this inquiry were agreed at our Board meeting on the 6 October 2008.
- 1.6 We originally anticipated that this inquiry would be conducted over a relatively short period of time. This however did not prove to be the case and to ensure that aspects were investigated to the satisfaction of the working group the time frame for scrutiny was extended. As a result, the inquiry spanned a period of six months.
- 1.7 We feel it is important to recognise the roles and responsibilities which the Adult Social Services Department, Environment and Neighbourhoods Department, ALMO's and Belle Isle Tennant Management Organisation have for the assessment and delivery of adaptations. We also feel it is important to recognise the significant work undertaken on a daily basis to improve the safety, comfort and quality of life for service users.
- 1.8 We are very grateful to everyone who gave their time to participate in this inquiry and for their

# Introduction and Scope

commitment in helping us to understand and review this matter.

## 2. Scope of the Inquiry

2.1 In September 2008 we received a report from the Director of Environment & Neighbourhoods providing information on the Councils current arrangements for providing adaptations. This report included:

- comparative information in terms of average completion times,
- average costs for private sector dwellings,
- value for money considerations, and,
- opportunities for future development.

2.2 We identified a number of areas of particular interest which we felt warranted further investigation. We decided that the purpose of the inquiry would be to make an assessment of the overall adaptations process for disabled adults to both public and private sector dwellings (cross-tenure) and, where appropriate, make recommendations on the following areas:

- The overall time to complete the adaptations process from the initial point of contact with the Council to practical completion of the adaptation, with particular reference to high risk cases and families with complex needs.

- Specific and identifiable stages within the overall adaptations process.
- The determination of risk within the adaptations process and how low level needs are addressed.
- Delivery of consistently high levels of customer service throughout the process, including the availability of customer advice/guidance and the collection/use of customer feedback.
- Current safeguards in place to ensure the Council receives 'value for money' in the delivery of adaptations, including the re-use of aids and equipment.

2.3 Recognising the range of stakeholders involved and responsible for the delivery of adaptations, we received a range of evidence both in written and verbal form from the following:

- Executive Board Members
- Officers from the Neighbourhoods and Environment Department
- Officers from the Adult Social Services Department
- Officers from the Development Department
- Representatives from the Arms Length Management and Tennant Management Organisations

# Introduction and Scope

- Corporate Procurement
- NHS Leeds
- Service User Representatives.

2.4 The inquiry consisted of five working group sessions, the presentation of written information (detailed at the latter end of this report) and feedback from individuals who have experienced the service.

The main areas of discussion at each session were as follows:

## 2.4.1 1<sup>st</sup> Session.

Ombudsman report and action plan – This specified a case independently investigated by the Ombudsman which reported a number of failings by Leeds City Council. We were particularly interested in what the Ombudsman had concluded and what action had subsequently been, and still needs to be taken.

Determination of risk and addressing low level need - We were presented with information that advised us of the assessment activity undertaken by the Disability Service Teams within Adult Social Care and the criteria for assessing risk. We were also advised of the types of aids and adaptations allowable within the current legislative framework, which unfortunately did not recognise the provision and use of

scooters as an aid or adaptation for disabled people.

## 2.4.2 2<sup>nd</sup> Session

Entry criteria and social worker allocation – We were advised of the issues associated with access to social worker support in the adaptations process.

Case Management Approach – We were advised of the approach and defined stages for case management which would aid the delivery of more complex adaptations. We understand the definition of a complex to case to be where any of the following are met:

- where there is evidence that adaptations works which are necessary and appropriate for the disabled person and family, may not be reasonable and practicable to achieve in the property.
- where high cost/multiple adaptations are required and the family want to consider rehousing or the adaptations will cost in excess of £20,000.
- where the family are requesting an extension to the property.
- other circumstances requiring detailed multi agency co-ordination.



# Introduction and Scope

Assistive Technology Hub – We heard about the long-term vision that will help disabled people and their families access the range of assistive technology (AT) services available across the City.

Disabled Facilities Grant and Test of Resources – We were advised of the circumstances when DFG can be provided and of the initial means test at the beginning of the grant delivery process, following receipt of a referral from Adult Social Care.

## 2.4.3 3<sup>rd</sup> Session

Adaptations framework – We were provided with an overview and advised that the scope of the framework is to ensure that customers receive a consistent service irrespective of the ALMO/agency delivering it.

Target times for assessment and delivery – Following the difficulties in obtaining comprehensive performance data we discussed the current targets set for the assessment and delivery of adaptations for cases at each level of priority.

## 2.4.4 4<sup>th</sup> Session

Value for Money – Information was presented to us which specified the expenditure for each adaptation provider. We were also advised of the procurement methods

employed for the provision of adaptations.

Performance Reporting – Updated information was discussed which again focused our attention on the targets defined for the delivery of adaptations and those cases which would not be delivered on time.

## 2.4.5 5<sup>th</sup> Session

Customer Care – After requesting examples of case studies, compliments and complaints we considered the level of care and attention provided to those seeking adaptations.

Sustainable Design, Lifetime Homes and Planning – Encouraging information was received about the design of Lifetime Homes and how this would facilitate the provision of adaptations in the future.

Partnership working NHS Leeds and Leeds City Council – The extent of partnership working and joint service provision was presented to us.

Financial Pressures for Adaptation Providers – The full extent of budgetary implications and the capacity to provide adaptations across all sectors was explained in detail.

# Conclusions and Recommendations



## 1. Value for Money

1.1 We were advised that both the Adaptations Agency and the ALMO's have already taken steps to improve value for money, introducing standardised specifications and fixed cost schedules of work for standard installations, driving down cost through negotiation.

1.2 Each ALMO can individually engage contractors by following an established procurement process, however certain ALMO's deliver the service in partnership with their repairs contractors resulting in additional buying power and economies of scale. In the private sector the contract exists between the customer and the contractor with the Adaptations Agency being the commissioner and intermediary to manage the process.

1.3 We were interested to identify why there were varying cost per unit particularly when comparing the public and private sector. We were advised and somewhat surprised to hear that the Adaptations Agency does not have the same buying power as the ALMO's.

1.4 With regard to contractual arrangements currently in place we felt the practice of the Adaptations Agency and ALMO's operating as separate entities was a missed opportunity in terms of value for money.

**Recommendation 1 – Before 31<sup>st</sup> March 2010 the Director of Environment and Neighbourhoods re-evaluates the current adaptation procurement practices in place and explores potential partnership arrangements which will increase buying power and expand the possibilities for price negotiation in future financial years.**

## 2. Consistent Service and Equality Across Housing Tenure.

2.1 In addition it was reported to us that a factor which contributes to higher unit costs in the private sector is the lack of uniform building structures. It is acknowledged that a certain amount of preparation work can be carried out in public sector housing whilst conducting general maintenance which will diminish some adaptation cost however it was of concern to us that the standard of adaptation work is not consistent across the public and private sector with regard to finish and specification. For example we were advised that the standard of tiling in private properties is higher because customer expectations are greater.

2.2 We consider that the difference in the standard of specification and finish cannot be justified.

# Conclusions and Recommendations



**Recommendation 2 – The Directors of all adaptations providers establish a consistent standard for all non complex major adaptations regardless of tenure before the 1 April 2010.**

2.3 We have encountered a further example of service level being determined by the housing type rather than individual need. We were advised that target dates set for the delivery of council tenant adaptations is shorter than for private owner/occupiers.

2.4 The process for delivering Disabled Facilities Grant creates delay within the private sector, a process which we acknowledge can be complicated and can be significantly influenced by the individual applicant. We feel that the additional time allocated for this process immediately presents a disadvantage to private owner/occupiers which should be minimised.

Service User	Regulating Body	No of days for assessment	No of days for recommendation	Total Days
New Adults	CSCI	28	28	56
Other Adults (current service users)	LCC Targets	90	28	118

Table - Number of days for Adaptation Assessment

Sector	Priority High	Priority Medium	Priority Low
Private-Adaptations	114	186	305

Agency			
Public-ALMO's and BITMO	80	160	269

Table – Number of days for Adaptation Delivery

2.5 The information above demonstrates that an individual living in their own home in need of an adaptation classed as a low priority may have to wait a maximum of 423 days, 36 days longer than a council tenant. We have been advised that the target dates are in line with those recommended by the Department of Communities and Local Government.

*Better outcomes, lower costs* (ODI/University of Bristol, 2007) sets out evidence that timely adaptations and appropriate equipment can produce direct savings to the public purse in terms of reducing residential care, hospital admissions and delayed discharges, and home care requirements (more likely with younger people). They can directly reduce risk of falls, hip fractures, lessen ill health among care givers and help reduce depression. Delays, the report points out, cost money – to other services, in terms of re-assessments, or inappropriate or no-longer-needed services. Disabled adaptations – the current agenda - Housing Quality Network October 2008.

2.6 We are dissatisfied with the overall targets currently in place and deem that the DCLG recommended target dates for

# Conclusions and Recommendations



delivery of adaptations in the public & private sector to be unacceptable.

- 2.7 We commented particularly on an example of a low priority case considered to have been delivered well by the Adaptations Agency., The time taken to deliver the adaptation was 297 days for a service user who was 88 years old. We felt that approximately nine months for delivery was too long. We acknowledge that priority cannot be given on the basis of age above a persons needs and therefore consider the re-evaluation of all delivery targets as essential.

## **Recommendation 3 –**

- a) Local, more rigorous and challenging cross tenure targets should be implemented with effect from 1 April 2010.**
- b) Before that date the Directors of all adaptation providers and the Director of Adult Social Services should investigate how assessment, referral and delivery can be speeded up to reduce cost in terms of wider public finance and to the health of the individual. Such targets should aim to achieve an equitable status in terms of waiting times for both public and private owner/occupiers.**

## 3. Customer Service

- 3.1 As part of our investigations relating to the target dates set for the delivery of an adaptation we asked if service users were advised as a matter of course of the target date determined for the installation of their adaptation. We were advised that this does not happen as the delivery date could fluctuate, however it could be introduced and incorporated into correspondence issued.

- 3.2 We felt that keeping the customer in an uninformed position did not reflect good customer care. Service users should be made aware of the approximate time they will have to wait before their adaptation is delivered so that they can plan any alternative assistance in the intervening period.

**Recommendation 4 – That the Directors of all adaptation providers make the necessary arrangements to consistently advise customers of the approximate adaptation delivery time, once their needs have been assessed.**

- 3.3 Various public information examples have been presented to us throughout the inquiry which aims to provide assistance to anyone who may wish to know more about Disabled Facilities

## Conclusions and Recommendations



Grants or the provision of adaptations. We were concerned to learn however that booklet publications were not available in one of our one stop centres and that staff working there had no knowledge of the Disabled Facilities Grant even though the information is readily available on the Councils website.

- 3.4 We were advised that the Assistive Technology Hub, when established will provide a single point of information on all types of equipment and adaptation services for staff and all people in Leeds. Until such time that this resource is fully available anyone seeking advice about adaptations should have access to information at our public access points.

### **Recommendation 5 –**

- a) That the Director of Environment and Neighbourhoods, ALMO Directors and the Assistant Chief Executive (Planning Policy and Improvement) make necessary provision for the display and replenishment of published adaptations information in all Council buildings accessible to the public for general or housing enquires.**
- b) Customer Service staff should be adequately skilled to signpost those seeking assistance to the appropriate officer/information or provide the necessary adaptations advice.**

3.5 In November 2008 we were presented with a report '*Housing Options for Disabled People – A case management approach*'. We were advised that for some disabled people providing housing that meets their physical access needs, and other family requirements, can only be achieved by complex, often high cost, schemes of adaptations. The report outlined that, in some circumstances, re-housing needed to be considered, but the potential impact on all family members affected by such a major decision needed to be taken into account.

3.6 We agree that it is a major decision for a family to fundamentally change the physical layout of their home which invariably impacts on all family members. Even more significantly the family may have to move house which can mean moving away from support networks, trusted friends and neighbours, GP and other health care services, schools and leisure activities.

3.7 The report also detailed that following an ombudsman investigation (2007) it was agreed to develop an improved approach and we acknowledge that steps have been taken and policies developed to improve the customers experience during the delivery of a complex adaptation.

## Conclusions and Recommendations



3.8 During the process of our inquiry we have been given examples of cases where unnecessary delays have occurred often due to differences of opinion between the provider and adaptations user and breakdowns in communication during the various stages of assessment and adaptation provision. Further delays have occurred because cases are not being tracked adequately from first contact to completion. We therefore consider that in some cases the current case management approach is insufficient in meeting the needs of individuals with complex requirements.

3.9 We feel it is essential that a resource such as a specialist casework coordinator is provided to oversee complex cross tenure cases from start to finish. Our understanding of what defines a complex case is detailed in the introduction of this report. In addition any high priority cases that cannot be delivered within its deadline should also receive direct attention. We believe the coordinator should ensure the effective delivery of the adaptation, working with all stakeholders involved and mediating to achieve consensus and agreement between the organisations and individuals. Also aiming to achieve the best solution to meet the needs of the individual as efficiently as possible whilst

minimising disruption, delays and upset.

3.10 The complex casework coordinator would be required to understand the processes involved and manage relationships to prevent breakdown in communication. We consider this will considerably strengthen a case management approach in order to better track and performance manage cases to a successful conclusion.

3.11 We acknowledge that an appeals process is in place to resolve disputes and that the process is not designed to be adversarial, however it is a formal process which some may find overwhelming. We believe that a casework co-ordinator would create greater capacity to manage cases through to a satisfactory conclusion, minimising the need for a customer to initiate a formal appeals process.

**Recommendation 6 – Within the next 6 months the Directors with responsibility for the delivery of adaptation and the Director of Adult Social Services work in partnership to evaluate the provision of a cross tenure complex case coordinator(s) with the necessary specialist support skills to meet the objectives set out in this report, with a view to securing this function within the next 12 months.**

# Conclusions and Recommendations



## 4. Planning for the Future

There is an emphasis on organisations undertaking holistic planning for demographic change in terms of services and resources, for example in the new National Strategy for Housing in an Ageing Society, *Lifetime Homes, Lifetime Neighbourhoods* and the Audit Commission's recent report *Don't stop me now – Preparing for an ageing population* (July, 2008), which draws attention to the differential geography of demographic change. The Housing Corporation's *Investing for lifetimes – Strategy for housing in an ageing society* (April, 2008) stresses the need for social landlords to have asset management plans which are informed by both projections of need and aspirations for independent living. - Disabled adaptations – the current agenda - Housing Quality Network October 2008

4.1 Throughout our six month inquiry we have investigated a number of elements which generate the delivery of adaptations. Current national research demonstrates that we are evolving into an aging population. A trend which has in part been evidenced by the rising need for adaptations within the city over recent years.

4.2 We witnessed reports and presentations which did not seek to consider the service beyond the current financial year even though it was stressed to us in October

2008 that there is a considerable and growing demand for adaptations. We feel that the city's adaptation providers are 'fire fighting'.

4.3 Leeds Disabled People's Housing Strategy 2008 – 2011 and Draft Leeds Housing Strategy 2009 - 2012 support much of the factual evidence presented to us. Both Strategies exhibit general targets for service improvement, however and we saw no evidence of an overall strategic management plan which clearly projected the increase in the demand for adaptations or made estimations for financial and resource projections in the long term.

**Recommendation 7 – Within the next 12 months the Directors of all adaptation providers and the Director of Adult Social Services produce a specific city wide Adaptations Strategy and Delivery Plan spanning a number of years, for both the public and private sector. The strategy should take into consideration that demographically the population is ageing and other recommendations contained in this report.**

# Conclusions and Recommendations



## 5. Adequate Future Resources

5.1 Funding for adaptations to council-owned homes is provided through the housing capital programme managed by ALMOs on behalf of the Council. Within the private sector, funding is generally by means of Disabled Facilities Grants (DFG). Local Authorities must provide a Disabled Facilities Grant (DFG) for disabled persons in need of certain essential works. The grant can only be paid to owner-occupiers or to tenants of private landlords or registered social landlords.

5.2 In September 2008 we were advised that in 2007/08, 1901 homes received a major adaptation (704 private sector; 1,107 public sector) and the total expenditure on major adaptations across the city in 07/08 was £13.7m (£5.25m private sector; £8.55m public sector). There has been an upward trend in expenditure and delivery on adaptations to private and public sector homes over recent years. From evidence received we anticipate that this trend will continue for decades to come and similarly that the annual budget provision will need to reflect the raise in adaptations demand in addition to the economic stimulus usually considered.

5.3 We recognise that Leeds City Councils investment to the

Disabled Facilities Grant has increased since 2005/6 from £1,873,345 to £4,430,000 in 2009/10. We were informed that in addition grant funding bids are made each year to the Government however in 2008/9 the award was significantly less than the £3.6m requested by approximately £1m.

5.4 We were advised on a number of occasions that it is possible to speed up adaptation delivery, however the work throughput had to be managed according to the annual budget allocation. Currently the availability of resources is impeding the speed of delivery. In 2008/9 an enhanced allocation of £6m for private sector housing was in place however we were informed that the demand was outstripping the budget provision not only in the private sector but in the public sector also.

5.5 We were most concerned to learn that some adaptations with a target delivery date before the 31<sup>st</sup> of March 2009, the end of the financial year, were not being delivered due to lack of funding and would be delivered in 2009/10 once additional finance was received. We were alarmed to note that 200 approved schemes were being delayed. The value of the shortfall in the private sector was £1.5million. Similar shortfalls in funding have also been reported by the ALMO's. Further schemes



## Conclusions and Recommendations



at pre-approval state had also not been progressed as quickly as possible due to inadequate funding.

5.6 Although an increased private sector budget of £7m has been allocated for 2009/10, this information has highlighted to us that financial resources are already inadequate across all sectors in what is a service with growing demand. This creates a never ending circle of cases held back at the latter part of each financial year.

5.7 Although Leeds ALMO's are not permitted to use Major Repairs Allowance funding to carry out adaptations work, we have been advised that the improvements undertaken to bring homes up to a decent standard have reduced the cost of property adaptation at a later point in time. We are therefore concerned that the government funding allocated to the ALMO's for decency work is a decreasing resource which could in turn create additional demand for adaptation funding in future years. Adaptation work has historically been partially financed by the ALMO's through Right to Buy receipts which we fear in the current economic climate will be a funding source to rapidly diminish.

Research into the impact of the provision of housing adaptations demonstrates clear benefits in terms of both improved quality of life and significant cost savings due to the preventative nature of the service. The provision of adaptations has shown to speed up hospital discharge and to reduce admissions to hospital or residential care due to the prevention of accidents. Perhaps more importantly, research also shows that the quality of life of recipients of adapted properties is also greatly enhanced including that of carers and of family members.

*Lifetime Homes, Lifetime Neighbourhoods – A Strategy for Housing in an Ageing Society – CLG, Crown Copyright 2008*

5.8 The University of Bristol undertook research which identified that carrying out adaptation work to prevent the need for residential care, on average, would save £26,000 per annum per person not admitted. With the knowledge that delays in adaptation delivery can create a greater financial impact in other service areas and to the welfare of the individual we consider the current level of financial resources allocated insufficient to best meet the needs of those requiring timely adaptations. The requirement to manage a limited adaptations budget further supports to requirement for a long term strategic plan.

# Conclusions and Recommendations



## **Recommendation 8 – That the Directors of all adaptation providers ensure**

**a) that the full budget provision is proposed each year in the annual budget to meet all anticipated in year demand thus removing the financial barrier currently hindering the timely delivery of some adaptations.**

**b) that where it becomes apparent that actual adaptations demand will exceed anticipated need further financial provision is requested each year from 2010/11 onward to ensure the perpetual delivery backlog at the conclusion of each financial year is brought to an end.**

to Lifetime Homes standards due to the design features incorporated, which will in turn help residents remain independent in their homes for as long as possible.

Double the numbers of older disabled people in England from 2.3 million in 2002 to 4.6 million by 2041. Research shows that the numbers of older people, disabled people and those requiring housing with care is set to rise dramatically. Put simply, we are not building enough inclusive, adaptable mainstream housing for the additional 2.3 million older and disabled people that it is expected there will be in England by 2041. – Lifetime Homes, Lifetime Neighbourhoods A Strategy for Housing in an Ageing Society – CLG, Crown Copyright 2008

## 6. Lifetime Homes.

6.1 We have heard that the Government's aspiration is that all new housing will be built to Lifetime Homes standards by 2013, making the standard a mandatory part of the Code for Sustainable Homes and encouraging take-up on a voluntary basis by the housing industry over the next few years. Whilst we appreciate the Government is monitoring housing development we consider that the standard should be a mandatory requirement in Leeds before 2013 for all new housing. It was explained to us that it is far easier and cheaper to adapt a home built

6.2 We consider that it is essential to plan for the years ahead by taking the necessary steps now to minimise expenditure in the future. The additional cost of building Lifetime Homes ranges from £165 to a maximum of £545 per dwelling, depending on the size, layout and specification of the property with little or no impact on the size of the physical building. We consider this to be minor expenditure in comparison to the benefits the investment will bring.

6.3 The enhanced design features of a lifetime home was explained to us. It was evident that the interior

## Conclusions and Recommendations



space was specifically laid out in order to easily incorporate future adaptations, thus reducing the need for structural alternation or additional building works. For example, adequate wheelchair turning space within the property and a reasonable route for a potential hoist from a main bedroom to the bathroom. Other features include bathrooms designed for ease of access to the bath, WC & wash basin with the internal walls already being capable of taking adaptations such as handrails.

6.4 Whilst it was stressed to us that currently developers need only build to Lifetime Homes standard on a voluntary basis we were informed that the Mayor of London introduced supplementary planning guidance in 2004 which specifies the following:

*'All residential units in new housing developments are designed to Lifetime Home standards. These standards should be applied to all new housing, including conversions and refurbishments, and including blocks of flats, for both social housing and private sector housing, and should cater for a varying number of occupants.'* Accessible London: achieving an inclusive environment — The London Plan Supplementary Planning Guidance. April 2004 Mayor of London

6.5 As this stipulates a compulsory requirement for all housing to be built/converted/refurbished to

Lifetime Homes standards we expressed our wish to see something similar to the London model adopted in Leeds for all types of residential development, not just social housing, thereby reducing potential adaptation expenditure in the future.

**Recommendation 9 –The Director for Development investigates and reports on the viability of adopting a model which reflects the spirit of the London Supplementary Planning Guidance for mandatory development to Lifetime Homes Standards, but suits the diversity and specific requirements of the City of Leeds, reporting findings to the Executive Board before 31 December 2009.**

# Conclusions and Recommendations



## 7. Performance Monitoring

7.1 We were advised that the provision of adaptations is monitored by a cross tenure Adaptations Operations Group with representatives from all the statutory agencies which deliver adaptations across Leeds. The types of targets monitored were relayed to us, which we consider to be key information and should be routinely reported to elected members and be readily available on request. A key performance indicator which has held our attention throughout this inquiry is the time taken to complete adaptations.

7.2 We consider the provision of a cross tenure performance report an effective tool for comparing data and highlighting effective or poor operational implementation. It creates an opportunity to identify which providers are functioning particularly well and sharing best practice.

7.3 The Leeds Disabled People's Housing Strategy 2008- 2011 states that 'The Council will monitor adaptation turnaround on an ongoing basis...This will inform decision making on how such services should be developed to better meet the needs of disabled people.' As a result of some of the difficulties experienced during our enquiry to obtain information we remain unconvinced at present by

the current systems in place to provide accurate and timely information.

7.4 We accept that it is complicated to report on activity which spans different council services, who use different operating systems, however the value of reporting will be limited if accurate performance data is not provided.

### **Recommendation 10 –**

**a) The Directors of all adaptation providers and the Director of Adult Social Services conduct a full review, within the next 6 months, of how performance information is collected , collated and reported.**

**b) The provision of quarterly cross tenure adaptation assessment and delivery performance reports to the Adult Social Care Scrutiny Board (or its successor), including a summary of any known Leeds cases which the Local Authority Ombudsman have decided to investigate or have reported on. The first performance report for 2008/9 quarter 4 will be scheduled early in the Scrutiny work programme 2009/10.**

# Evidence



## **Monitoring arrangements**

Standard arrangements for monitoring the outcome of the Board's recommendations will apply.

The decision-makers to whom the recommendations are addressed will be asked to submit a formal response to the recommendations, including an action plan and timetable, normally within two months.

Following this the Scrutiny Board will determine any further detailed monitoring, over and above the standard quarterly monitoring of all scrutiny recommendations.

## **Reports and Publications Submitted**

Report of the Director Environment & Neighbourhoods giving background information of adaptations in Leeds – 17 September 2008

Report of the Head of Scrutiny and Member Development providing the scope of the inquiry – 17 September 2008

Report of the Head of Scrutiny and Member Development providing the Terms of Reference – 15 October 2008

Report of the Director of Environment and Neighbourhoods and Director of Adult Social Care to Executive Board, Local Government Ombudsman report on adaptations to a Council house to meet the needs of the disabled tenant. - 23 January 2008 ( appended action plan and Ombudsman report).

Report of the Adaptations Operations Group detailing proposals for setting up an Adaptations Appeal Panel - 3 April 2008. (inc Procedural Notes)

Report of the Disability Service Manager, Adult Social Care, detailing the definitions for prioritisation - 24 September 2008

Report of the Disability Service Manager, Adult Social Care, detailing activity data on Assessments by Disability Service Teams in Adult Social Care – 30 September 2008

Report of the Disability Service Manager, Adult Social Care, detailing access to Social Work Support in the Adaptations Process – 29 October 2008

Report of the Disability Service Manager, Adult Social Care, detailing the Housing Options for Disabled People, A Case Management Approach to Meeting Housing Needs of Disabled People. – 27 October 2008

## Reports and Publications Submitted (continued)

Report of the Housing Policy and Monitoring Manager, Environment and Neighbourhoods, providing an overview of the Adaptations Framework - 4 November 2008

Report of the Adaptations Agency Manager providing an overview on the test of resources within the Disabled Facilities Grant (DFG) process – 4 November 2008.

Report of the Head of Scrutiny and Member Development providing an inquiry update – 29 December 2008

Report of the Disability Services Manager, Environment and Neighbourhoods, providing 2<sup>nd</sup> Quarter 2008 performance data – 12 January 2009.

Report of the Head of Asset Management, Aire Valley Homes detailing practice for continual process improvement and value for money by the Adaptations Agency and the ALMO's. - 12 January 2009.

Report of the Housing Policy and Monitoring Manager, Environment and Neighbourhoods, providing a range of case examples from each adaptation provider – 12 February 2009.

Report of the Adaptation Providers (ALMO's and Agency) providing an overview on available sources of advice and the compliments and complaints procedures with summaries of quarter 2&3 compliments and complaints- 5 February 2009.

Report of the Housing Policy and Monitoring Manager, Environment and Neighbourhoods detailing the Financial pressures for Adaptation providers – 6 February 2009.

Report from Planning and Development Service providing an overview of Sustainable Design Standards, Lifetime Homes and current relevant planning policy – 5<sup>th</sup> February 2009.

Report of the Disability Service Manager, Adult Social Care providing a summary of joint working with the NHS on the Delivery of Adaptations – 6 February 2009.

Report of the Disability Services Manager, Environment and Neighbourhoods, providing further information relating to adaptation delivery trends and financial pressures – 18 March 2009.

### Action Plans and Guidance Documents

- Action plan in response to an Ombudsman Investigation– Updated June 2008
- Guidance – Eligible works for Disabled Facilities Grant
- Guidance – Provisions of Extensions
- Staff Guidance - 1.3 Eligibility Criteria Guide Community Care Services - May 2005 V. 1
- Leeds' Assistive Technology Service – A Vision

# Evidence



## Witnesses Heard

Cllr Peter Harrand – Executive Board Member for Adult Health and Social Care  
Cllr John Leslie Carter – Executive Board Member for Neighbourhoods and Housing  
Helen Freeman – Chief Officer (Health and Environmental Action Service)  
Andy Beattie – Head of Service (Pollution Control and Housing)  
Colin Moss – Adaptations Agency Manager  
Liz Ward – Disability Services Manager  
Simeon Perry – Housing Policy and Monitoring Manager  
Mandy Askham – East North East Homes Leeds  
Richard Corbishley – Aire Valley Homes Leeds  
Nesreen Lowson – West North West Homes Leeds  
Robert Huntley – Belle Isle Tenant Management Organisation  
Tony Bailey – Corporate Procurement  
Lois Pickering - Planning and Economic Policy  
Rachael Smalley - Planning and Development Services  
Ernie Gray - Housing Development and Delivery  
Amanda Douglas - NHS Leeds  
David Everatt – Expert by Experience  
Tim McSharry – Access Committee for Leeds (ACL)  
Keith B Bowen (MBE) – Leeds Advocacy Services

## Dates of Scrutiny

17 September 2008, Scrutiny Board  
6 October 2008, Working Group  
15 October 2008, Scrutiny Board – Terms of Reference  
4 November 2008, Working Group  
15 December 2008, Working Group  
7 January 2009, Scrutiny Board – Update  
12 January 2009, Working Group  
12 February 2009, Working Group

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**Report of the Director of Adult Social Services and Director of Environment & Neighbourhoods**

**Executive Board**

**Date: 26th August 2009**

**Subject: Scrutiny Board (Adult Social Care) Inquiry on Major Adaptations for Disabled Adults**

**Electoral Wards Affected:**

Ward Members consulted (referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In (Details contained in the report)

**Executive Summary**

The Scrutiny Board (Adult Social Care) published the results of their inquiry into Major Adaptations for Disabled Adults on 17 June 2009.

In accordance with the requirements of the Constitution, the response to the Scrutiny Board's report has to be agreed with the Executive Board. Attached to this report is the statement of the Scrutiny Board (Adult Social Care).

**1.0 Purpose Of This Report**

1.1 To provide the Executive Board with the joint response of the Directors of Environment and Neighbourhoods and Adults Social Services to the recommendations resulting from the Scrutiny Board (Adult Social Care) inquiry into Major Adaptations for Disabled Adults.

**2.0 Background**

2.1 On 17<sup>th</sup> June 2009, the report resulting from the Inquiry into Major Adaptations for Disabled Adults was published. The Scrutiny inquiry included investigations within Leeds City Council, The Housing Arms Length Management Organisations (ALMOS) and the Adaptations Agency.

- 2.2 Representatives of service users, tenants, residents and carers gave the Scrutiny Board their experiences of requesting and receiving adaptations.
- 2.3 This report details the findings from this inquiry and lists separate recommendations on how the service could be improved. Officers have studied and discussed the report and their response for each recommendation is listed below.

### 3.0 RECOMMENDATIONS

#### 3.1 Recommendation 1

*Before 31<sup>st</sup> March 2010 the Director of Environment and Neighbourhoods re-evaluates the current adaptation procurement practices in place and explores potential partnership arrangements which will increase buying power and expand the possibilities for price negotiation in future financial years.*

***This recommendation is agreed***

The Directors of Environment and Neighbourhoods and Adult Social Services note that a Value for Money Working Group has been set up involving the ALMOs and the Adaptations Agency as a sub group of the Adaptations Operational Group. This group is looking at procurement arrangements and will continue to meet regularly.

#### 3.2 Recommendation 2

*The Directors of all adaptations providers establish a consistent standard for all non complex adaptations regardless of tenure before 1<sup>st</sup> April 2010.*

***This recommendation is partly agreed:***

The Director of Environment and Neighbourhoods and Adult Social Services would accept there needs to be a consistent and minimum standard for all adaptations, however, this should not prevent organisations, if they so wish, to meet and exceed the minimum specified standard.

Whilst it is fully agreed there needs to be a consistent minimum standard for all non complex adaptations, it is equally important that organisations and providers should be able to go beyond the minimum standards to enable greatest benefit where this can be provided.

The Directors of Environment and Neighbourhoods and Adult Social Services would advise that there are inconsistencies in mainly the cosmetic elements of the adaptation schemes between ALMOs and between public and private sector providers which largely relate to the quality of finishing's rather than a different specification. If a standard finish were to be introduced, this would reduce both customer satisfaction and choice.

#### 3.3 Recommendation 3

- a) *Local more rigorous and challenging cross tenure targets should be implemented with effect from 21st April 2010*
- b) *Before that date the Directors of all adaptation providers and the Director of Adult Social Services should investigate how assessment, referral and delivery can be*

*speeded up to reduce cost in terms of public finance and to the health of the individual. Such targets should aim to achieve an equitable status in terms of waiting times for both public and private owner /occupiers*

***This recommendation is partly agreed:***

The Directors of Environment and Neighbourhoods and Adult Social Services accept there needs to be a close correlation between the service standards provided to public & private sector tenants and owner occupiers.

However, the differences in response timescales can be attributable to legislation setting out different processes according to the tenure of the property. Where an adaptation is proposed for an owner occupier, it is a requirement of the process for delivery to include a means tested assessment. Such a means tested assessment is not needed for social housing tenants.

This key difference means it is not realistic for the Local Authority to implement the same performance targets for delivery cross tenure.

It is, however, fully accepted that all services should clearly set out, publish and publicise response timescales widely.

**3.4 Recommendation 4**

*That the Directors of all adaptation providers make the necessary arrangements to consistently advise customers of the approximate adaptation delivery time, once their needs have been assessed.*

***This recommendation is agreed:***

All Directors agree with this recommendation and would advise that the Adaptations Customer Relations group, a sub group of the Adaptations Operations Group, will ensure implementation.

**3.5 Recommendation 5**

*a) That the Director of Neighbourhoods and Environment, ALMO directors and the Assistant Chief Executive (Planning, Policy and Improvement) make necessary provision for the display and replenishment of published adaptations information in all Council buildings accessible to the public for general or housing enquires*

***This recommendation is agreed:***

The Adaptations Operation Group will be responsible for ensuring the delivery of this recommendation. This will include provision, distribution and updating of leaflets which will contain detailed information about the process of applying for an adaptation and the timescales for each element of the application process.

*b) Customer Service Staff should be adequately skilled to signpost those seeking assistance to the appropriate officer/information or provide the necessary adaptations advice*

***This recommendation is agreed:***

Occupational Therapists have been involved in the training of Westgate customer service staff. Advice to customers will be further improved by giving appropriate information so that customers can make an informed choice at an earlier stage about the means test, thus enabling them to decide to proceed if they are an owner-occupier.

### 3.6 Recommendation 6

*Within the next 6 months the Directors with responsibility for the delivery of adaptation and the Director of Adult Social Services work in partnership to evaluate the provision of a cross tenure complex case coordinator (s) with the necessary specialist support skills to meet objectives set out in this report, with a view to securing this function within the next 12 months.*

***This recommendation is partially Agreed:***

An Adaptation Operations Group oversees the general processes and procedures for delivering adaptations. It is proposed that this group continues to review the Housing Options process which was established to ensure complex cases are managed well across agencies.

The Adaptations Operation Group will review the need or otherwise to appoint a complex case coordinator. It is presently the view of ALMOs that to appoint such a person would duplicate existing provision. However, in view of current concerns about delays in provision of adaptations, an opportunity to further appraise this recommendation including development of a possible business case for any potential post, is a task that will be overseen by the Adaptations Operations Group.

### 3.7 Recommendation 7

*Within the next 12 months the Directors of all adaptation providers and the Director of Adult Social Services produce a specific city wide Adaptation Strategy and Delivery Plan spanning a number of years, for both the public and private sector. The strategy should take into consideration that demographically the population is ageing and the other recommendations contained in this report.*

***This recommendation is agreed:***

Directors agree that a specific city-wide strategy, with a strategy action plan, would enable the City Council and partners to structure and coordinate a unified approach to the provision of adaptations. It is recognised that a strategy for the provision of adaptations is an integral part of many different business plans, strategies and action plans. A cross-cutting strategy could bring all elements of this work together and if tasked to do so, the Adaptations Operations Group could provide a vehicle for the strategy to be delivered.

### 3.8 Recommendation 8

*That the Directors of all adaptation providers ensure*

*a) that the full budget provision is proposed each year in the annual budget to meet all anticipated in year demand thus removing the financial barrier currently hindering the timely delivery of some adaptations*

*b) that where it becomes apparent that actual adaptations demand will exceed anticipated need further financial provision requested each year from 2010/11*

*onward to ensure the perpetual delivery backlog at the conclusion of each financial year is brought to an end.*

***This recommendation is partly agreed:***

Directors are aware that budget provision each year is set according to the needs and priorities of each service. The Council's financial contribution to DFGs has increased by over 200% in the five years to present, with a 09/10 allocation of £4.43m, alongside the Government Grant of £2.57m. This reflects a significantly increased level of delivery on adaptations which rose from 441 schemes (03/04) to 784 schemes (08/09) in the private sector. However, the initial forecast for demand at the start of the year is still frequently exceeded during the year, leading to budget / service pressures. Officers believe that when budgets are set, Members could expect to be given a forecast of the anticipated demand and the cost of meeting that demand. It has been suggested that an annual report, based on the adaptations provision in the previous year, may assist in setting out the proposed demand / spending on adaptations.

Members will be aware, however that patterns of demand for adaptations continue to be varied, leading to a particular difficulty in anticipating demand of specific units and therefore a specific amount for future budget allocations.

**3.9 Recommendation 9**

*The Director of City Development investigates and reports on the viability of adopting a model which reflects the spirit of the London Supplementary Planning Guidance for mandatory development to Lifetime Homes Standards, but suits the diversity and specific requirements of the City of Leeds, reporting findings to the Executive Board 31 December 2009.*

***This recommendation is not agreed:***

The Council is already taking steps to address this through the formal planning process.

**3.10 Recommendation 10**

- a) The Directors of all adaptations providers and the Director of Adult Social Services conduct a full review, within the next 6 months, of how performance information is collected, collated and reported
- b) The provision of quarterly cross tenure adaptation assessment and delivery performance reports to the Adult Social Care Scrutiny Board (or its Successor) including a summary of any known Leeds cases which the Local Authority Ombudsman have decided to investigate or have reported on. The first performance report for 2008/09 quarter 4 will be scheduled early in the Scrutiny work programme 2009/10

***This recommendation is agreed:***

The Adaptations Operations Group will develop a common data set ensuring that cross tenure adaptation and assessment and delivery performance reports can be received and managed by this group, in particular the performance on completion times.

#### **4.0 Implications For Council Policy And Governance**

There are no immediate implications for Council Policy and Governance.

#### **5.0 Legal And Resource Implications**

The recommendations will have to be resourced from within existing Council and ALMO staffing and budgets and the scale of the tasks involved should not be underestimated. In respect of the appointment of a complex case coordinator, there may be future resource implications.

#### **6.0 Conclusions**

The Inquiry by the Scrutiny Board (Adult Social Care) into Major Adaptations for Disabled Adults indicates the complexity of this area of work. An ability to work in effective partnership is key to the full implementation of the above recommendations which, when implemented, will bring significant potential benefits. It is however, highlighted that these will need close monitoring and management in order to be successful.

#### **7.0 Recommendation**

That Executive Board approves the proposed responses as outlined in this report

#### **Background papers**

None



Originator: Sandra Newbould

Tel: 247 4792

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## Report of the Head of Scrutiny and Member Development

### Adult Social Care Scrutiny Board

Date: 9<sup>th</sup> September 2009

Subject: Terms of Reference – Inquiry into ‘Supporting Working Age Adults with Severe and Enduring Mental Health Problems.’

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**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## 1.0 INTRODUCTION

At the 6<sup>th</sup> of May 2009 Adult Social Care Scrutiny Board meeting members expressed their concern at the lack of support for those individuals detained under the Mental Health Act and then discharged into the community. At that time it was felt that this area would be a potential item for the successor Board to consider.

The newly established Adult Social Care Scrutiny Board expressed interest in holding a major inquiry in relation to Mental Health Services for working aged adults at its meeting on the 17<sup>th</sup> of June 2009.

Members of the Adult Social Care Scrutiny Board are now asked to consider the proposed terms of reference.

Guidance has been sought from the Deputy Director of Strategic Commissioning and the Chief Officer for Access and Inclusion in order to recommend specific areas of focus for the inquiry.

In line with Scrutiny Board Procedure Rule 12.4 the views of the relevant Director and Executive Member have been sought and views will be communicated to the board at the meeting September 2009 by the Principal Scrutiny Advisor. Full details will be available on request to the Scrutiny Support Unit.

## 2.0 SCOPE OF THE INQUIRY

**2.1** It is recommended that the inquiry focuses on those who may require long term support, working age adults with severe and enduring mental health problems, rather than those with short term needs, paying attention to:

a) The current provision of care in Leeds and performance information.

- b) The pathways into support services.
- c) Choice and control for the individual or their representative.
- d) The different types and scope of services provided by Voluntary Community and Faith Sectors, Private Sector and the Council and how these compare in terms of quality and value for money. Identification of levels of need and capacity, potential duplication or an element of the service that is missing in the City.
- e) Current and planned service changes (directed nationally or locally) and how this will impact on service provision.

**2.2** A scoping paper was presented to the Proposals Working Group for discussion on the 20<sup>th</sup> of July 2009, who recommended homelessness prevention was incorporated into the terms of reference.

### **3.0 TIMETABLE FOR THE INQUIRY AND SUBMISSION OF EVIDENCE**

#### **Session 1 - October 2009**

- Integrated services – What does the Council provide with its partners and which defined services is the Council solely responsible for. What combination of initiatives, relationships and measures are in place to deliver services across sectors?
- Performance information – how do we compare to other service providers and/or other authorities.

#### **Session 2 – November 2009**

- Commissioning and Care Provision:  
How do we prevent individuals discharged from hospital falling between services or getting lost in the system? What do we do to ensure care pathways are in place to facilitate care after discharge from hospital? How much choice and control is available to individuals or their representatives.
- The different types and scope of services provided by Voluntary Community and Faith Sectors, Private Sector, The NHS and the Council and how these compare in terms of quality and value for money. Identification of levels of need and capacity, potential duplication or an element of the service that is missing in the City.

#### **Session 3 – December 2009**

- Recovery Model - How do we reduce the negative outcomes such as relapse, demoralisation, disengagement, homelessness, worklessness, violent behaviour, re – hospitalisation? How do we stop people from being vulnerable to social exclusion and stigma? How do we reduce risk for carers (who may be LCC employees) and families?

Time to Change representatives to be invited to this session,

#### **Session 4 – January 2010**

- Department of Health - New Horizons, Towards a shared vision for mental health.
- Current and planned service changes (directed nationally or locally) and how this will impact on service provision.

There is a range of available approaches to evidence gathering which the Board could seek to adopt as part of the scrutiny inquiry process. Approaches include:

- Discussion with key stakeholders
- Visits to selected establishments, as appropriate, to engage with service users and staff
- Visits to and/or discussions with other organisations identified as delivering best practice, as appropriate



## **4.0 WITNESSES**

**4.1** The following witnesses have been identified as possible contributors to the Inquiry:

- Time to Change Representatives
- NHS Leeds
- Experts from Experience
- Leeds City Council Employees
- Mental Health Trust Representatives

## **5.0 WORKING GROUP**

**5.1** The Board has agreed that a working group arrangement will be put into place to allow the inquiry to proceed more quickly than through formal Board meetings. The working group will consider evidence and question key witnesses

**5.2** Representatives from the Health Scrutiny Board will be requested to participate in the inquiry as members of the working group.

## **6.0 POST INQUIRY REPORT MONITORING ARRANGEMENTS**

**6.1** Following the completion of the Scrutiny inquiry and the publication of the final inquiry report and recommendations, the implementation of the agreed recommendations will be monitored by the Adult Social Care Scrutiny Board (or its successor) or a specific working group as stipulated by the board.

**6.2** The final inquiry report will include information on the detailed arrangements for how the implementation of recommendations will be monitored.

## **7.0 MEASURES OF SUCCESS**

**7.1** It is important to consider how the Scrutiny Board will deem if their inquiry has been successful in making a difference to local people. Some measures of success may be obvious at the initial stages of an inquiry and can be included in these terms of reference. Other measures of success may become apparent as the inquiry progresses and discussions take place.

## **8.0 RECOMMENDATIONS**

The Adult Social Care Scrutiny Board is recommended to:

**8.1** Note the information contained within this report, make further recommendation to update the terms of reference where necessary and agree the terms of reference for the Supporting Working Age Adults with Severe and Enduring Mental Health Problems inquiry.

**8.2** Note that the terms of reference may incorporate additional information during the inquiry should the working group or the Adult Social Care Scrutiny Board identify any further scope for inquiry within the area of Supporting Working Age Adults with Severe and Enduring Mental Health Problems.

## **9.0 BACKGROUND PAPERS**

None

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Originator: Sandra Newbould

Tel: 247 4792

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## Report of the Head of Scrutiny and Member Development

### Scrutiny Board (Adult Social Care)

Date: 9<sup>th</sup> September 2009

Subject: Scrutiny Board (Adult Social Care) – Work Programme

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**Electoral Wards Affected:**

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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## 1.0 INTRODUCTION

1.1 Attached at Appendix 1 is the current work programme for the Scrutiny Board (Adult Social Care) for the remainder of the current municipal year.

1.2 Also attached for Members consideration is an extract from the Forward Plan of Key Decisions for the period 1<sup>st</sup> September 2009 to 31<sup>st</sup> December 2009 as Appendix 2.

1.3 The Executive Board Minutes for the meetings held on the 22<sup>nd</sup> July 2009 and 26<sup>th</sup> August 2009 are presented at Appendix 3.

## 2.0 WORK PROGRAMME MATTERS

2.1 The current work programme (Appendix 1) provides an indicative schedule of items/issues to be considered at future meetings of the Board. The work programme should be considered as a live document that will evolve over time to reflect any changing and/or emerging issues that the Board wishes to consider.

2.2 The work programme also provides an outline of other activity being undertaken on behalf of the Board outside of the formal meetings cycle.

## 3.0 RECOMMENDATIONS

3.1 From the content of this report, its associated appendices and discussion at the meeting, Members are asked to:

3.1.1 Note the general progress reported at the meeting;

3.1.2 Receive and make any changes to the attached work programme; and,

3.1.3 Agree an updated work programme.

#### **4.0 BACKGROUND PAPERS**

None.

**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

Item	Description	Notes	Type of item
<b>Meeting date – 17<sup>th</sup> June 2009</b>			
<b>Legislation and Constitutional Changes</b>	To receive and consider a report of the Head of Scrutiny and Member Development on proposed changes to the Council's Constitution in relation to Scrutiny.		B
<b>Co-opted Members</b>	To receive and consider a report of the Head of Scrutiny and Member Development on Co-opted Members.		B
<b>KPMG Audit Report</b>	To receive and consider a report of the Head of Scrutiny and Member Development on a scrutiny review by KPMG as at May 2009.		PM/B
<b>2009/10 Work Programme</b>	Input to the Boards Work Programme 2009/10 - Sources of Work and Establishing the Boards Priorities and Determining the Work Programme 2009/10		B
<b>Draft Adaptation Inquiry Report</b>	Scrutiny Board (Adult Social Care) has now completed its inquiry on Major Adaptations for Disabled Adults . The draft report is brought before the board for consideration and where the content is agreed, its approval.		PM/D

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
RP	Review of existing policy	SC	Statutory consultation
DP	Development of new policy	CI	Call in

**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

<b>Item</b>	<b>Description</b>	<b>Notes</b>	<b>Type of item</b>
<b>VCFS Report</b>	Executive Board resolved that the Scrutiny Board (City and Regional Partnerships) inquiry report into the role of the voluntary, community and faith sectors in Council led community engagement be referred to Scrutiny Board (Children's Services) and Scrutiny Board (Adult Social Care) for consideration.	Lead Officer – Sue Wynne	RFS
<b>Meeting date – 29<sup>th</sup> July 2009</b>			
<b>Performance Management</b>	Quarter 4 information for 2008/09 (Jan-March)	All Scrutiny Boards receive performance information on a quarterly basis	PM
<b>Independence, Well-being and Choice – action plan update</b>	To consider progress against the action plan arising from the inspection report	Outcome of the ASC Proposals Working Group meeting (20 July 2009) to feed into this item.	RFS/PM
<b>Personalisation Working Group updated Terms of Reference.</b>	To consider the revised terms of reference for the 2009/10 municipal year for the Personalisation Working Group.		PM/DP

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
RP	Review of existing policy	SC	Statutory consultation
DP	Development of new policy	CI	Call in

**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

Item	Description	Notes	Type of item
<b>LINK Annual Report</b>	To consider the content of the LINK Annual Report and the potential impact on the 2009/10 Scrutiny Work Programme	Copies of LINK annual reports must be made available to the public and sent to the Secretary of State and the Care Quality Commission. Copies must also be sent to relevant Local Authorities, Primary Care Trusts, Strategic Health Authorities and Overview and Scrutiny Committees.	PM
<b>Safeguarding Board – Annual Report</b>	The board is requested to consider the Annual report and make recommendation as necessary.	The report is scheduled to be presented at the July's Executive Board.	PM
<b>Meeting date – 20<sup>th</sup> August 2009 – Special Meeting</b>			
<b>Day Services</b>	The board has requested a specific meeting to look at the future plans for Day services across the city.	Lead officer - Dennis Holmes	RP
<b>Meeting date – 9<sup>th</sup> September 2009</b>			
<b>Performance Management</b>	Quarter 1 information for 2009/10 (April-June)	All Scrutiny Boards receive performance information on a quarterly basis	PM
<b>The Mental Capacity Act Update since implementation</b>	To consider a further report on progress made implementing the requirements of the MCA.	Further update from May 2009 Lead Officer – Dennis Holmes.	B

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
RP	Review of existing policy	SC	Statutory consultation
DP	Development of new policy	CI	Call in

**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

Item	Description	Notes	Type of item
<b>Inquiry into Adaptations – Response from Director and Executive Board</b>	To receive and update on the formal response to the inquiry by the Director(s) identified in the recommendations and the views of the Executive Board	This report is due to go to Executive Board in August 2009	PM
<b>Terms of Reference - Inquiry into ‘Supporting Working Age Adults with Severe and Enduring Mental Health Problems.</b>	To receive and approve the draft terms of reference.	The Adult Social Care Scrutiny Board expressed interest in holding a major inquiry in relation to Mental Health Services for working aged adults at its meeting on the 17 <sup>th</sup> of June 2009.	PM
<b>Care Quality Commission – self assessment report</b>	To receive an update on the self assessment report due to be submitted to the Care Quality Commission which will determine the annual rating for the service.	Lead Officer – Sandie Keene	PM
<b>Meeting date – 7<sup>th</sup> October 2009</b>			
<b>Independence, Well-being and Choice – action plan update</b>	To consider progress against the action plan arising from the inspection report	Outcome of the ASC Proposals Working Group meeting September 2009 to feed into this item.	RFS/PM
<b>Personalisation Working Group Update</b>	To consider the progress of the working group.	Outcome of the ASC Personalisation Working Group meetings up to September 2009 to feed into this item	PM/DP

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
RP	Review of existing policy	SC	Statutory consultation
DP	Development of new policy	CI	Call in



**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

Item	Description	Notes	Type of item
<b>Commissioning in Adult Social Care</b>	To consider an update report on commissioning within Adult Social Services.	6-monthly report. – Previous March 09 Additional focus on IWC Action Plan. Procurement timetable to be included in this report. Lead Officer – Dennis Holmes/ Tim O’Shea	PM
<b>Day Services</b>	The board has requested an update following the meeting in August 2009 to further consider at the future plans for Day services across the city and the actions taken since the meeting.	Lead officer - Sandie Keene	RP
<b>Meeting date – 11<sup>th</sup> November 2009</b>			
<b>Income Review – Impact of price increases on Service users.</b>	To receive an update on the impact of price increases on services users.	Report requested from April 2009 Scrutiny Board Meeting	RP
<b>Dignity in Care - delivery</b>	To receive an update on the current work and developments across the City highlighting how dignity is being delivered, what improvements are being made and the challenges ahead.		B

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
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**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

Item	Description	Notes	Type of item
<b>Homecare provision</b>	Performance report on homecare provision across the City, including independent sector providers.	Further update from May 2009 Lead Officer – Dennis Holmes	PM
<b>Meeting date – 16<sup>th</sup> December 2009</b>			
<b>Adult Social Services- Annual Review Report (2008/09)</b>	To consider the outcome of the annual rating review undertaken by the Care Quality Commission (formerly the Commission for Social Care Inspection (CSCI)) for 2008/09	Report will be scheduled for Executive Board meeting on 9 <sup>th</sup> December 2009.	PM
<b>Inquiry into Adaptations – Performance Updates and Recommendation Tracking</b>	To receive a performance update and consider progress made from recommendations made by ASC Board 17 <sup>th</sup> June 09	This is dependant on scheduling for Exec Board (currently scheduled for August 2009).	PM MSR
<b>Performance Management</b>	Quarter 2 information for 2009/10 (July - Sept)	All Scrutiny Boards receive performance information on a quarterly basis	PM

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
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DP	Development of new policy	CI	Call in

**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

Item	Description	Notes	Type of item
<b>Meeting date – 13<sup>th</sup> January 2010</b>			
<b>Personalisation Working Group Update</b>	To consider the progress of the working group.	Outcome of the ASC Personalisation Working Group meetings October - December to feed into this item	PM/DP
<b>Meeting date – 10<sup>th</sup> February 2010</b>			

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
RP	Review of existing policy	SC	Statutory consultation
DP	Development of new policy	CI	Call in

**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

Item	Description	Notes	Type of item
<b>Safeguarding Update</b>	To consider an update report since the implementation of performance measures to improve Adult Safeguarding.	Quarterly update since the last Independence Wellbeing and Choice update on the 7 <sup>th</sup> of October.  Lead Officer – Dennis Holmes	
<b>Personalisation Statement</b>	Board to agree a statement/report on progress so far.	Response to Executive Board	
<b>Meeting date – 17<sup>th</sup> March 2010</b>			
<b>Commissioning in Adult Social Care</b>	To consider an update report on commissioning within Adult Social Services.	6-monthly report. – Previous September 09. Lead Officer – Dennis Holmes/ Tim O’Shea	PM
<b>Performance Management</b>	Quarter 3 information for 2009/10 (April - June)	All Scrutiny Boards receive performance information on a quarterly basis	PM

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
RP	Review of existing policy	SC	Statutory consultation
DP	Development of new policy	CI	Call in

**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

Item	Description	Notes	Type of item
<b>Meeting date – 14<sup>th</sup> April 2010</b>			
<b>Personalisation Working Group Update</b>	To consider the progress of the working group.	Outcome of the ASC Personalisation Working Group meeting to feed into this item	PM/DP
<b>Annual Report</b>	To agree the Board's contribution to the annual scrutiny report		

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
RP	Review of existing policy	SC	Statutory consultation
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**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

<b>Working Groups</b>			
<b>Working group</b>	<b>Membership</b>	<b>Progress update</b>	<b>Dates</b>
<i>Personalisation Working Group</i>	<i>Cllr. Judith Chapman Cllr Alan Taylor Cllr James McKenna Cllr Veronica Morgan Joy Fisher (co-optee) Sally Morgan (co-optee)</i>	<i>Terms of reference to be updated and agreed. Meetings to be scheduled.</i>	Confirmed dates 1) 30 <sup>th</sup> July 9:30am – 12:00 Committee Room 3 2) 14 <sup>th</sup> Aug 10.00am – 12:00 Committee Room 1 3) 18 <sup>th</sup> Sept 2:00pm – 4:00 pm Committee Room 3
<i>Proposals working group</i>	<i>Cllr. Judith Chapman Cllr. Penny Ewens Cllr. Clive Fox Joy Fisher (co-optee) Sally Morgan (co-optee)</i>	<i>Meetings to be scheduled up to and inc. November.</i>	Confirmed Dates 1) 20 <sup>th</sup> July 3pm – 5pm Committee Room 5 2) 29 <sup>th</sup> Sept 10am – 12 Committee Room 3

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
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**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

<b>Working Groups</b>			
<i>Supporting Working Age Adults with Severe and Enduring Mental Health Problems</i>	<i>Cllr Judith Chapman Cllr Clive Fox Cllr James McKenna Cllr Eileen Taylor Joy Fisher ( co-optee)</i>	<i>Draft Terms of Reference presented to Scrutiny 9<sup>th</sup> September 2009.</i>	<i>Meetings to be Scheduled October 2009 – January 2010</i>

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
RP	Review of existing policy	SC	Statutory consultation
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**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

<b>Unscheduled / Potential Items from 2009/10</b>		
<b>Item</b>	<b>Description</b>	<b>Notes</b>
<b>Annual complaints report</b>	To consider the annual report and any emerging issues.	Report published on 20 August 2008
<b>Continuing Care Implementation</b>	To consider the local impact and future activity associated with implementing the national framework for continuing NHS care.	Lead Officer – Dennis Holmes. Report presented to the Executive Board in October 2007.
<b>Valuing People Now</b>	To consider progress against the implications outlined in the report presented to the Executive Board in February 2008, alongside any future proposed actions.	Lead Officer - Paul Broughton replacement Executive Board scheduled to receive an update in February 2009.  Suggest that Day care provision is scheduled at some point into the annual programme for 2009/10 due to staff reduction and potential reduction in provision.
<b>No Secrets Review</b>	To consider the outcome and implications of the No Secrets Review the outcome of which will be announced by the Government.	Lead Officer – Dennis Holmes

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
PM	Performance management	B	Briefings (Including potential areas for scrutiny)
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**Draft Scrutiny Board (Adult Social Care)  
Work Programme 2009/10**

<b>Unscheduled / Potential Items from 2009/10</b>		
<b>Item</b>	<b>Description</b>	<b>Notes</b>
<b>Transitional arrangements for Children (up to 25 years of age) with learning disabilities into Adult Social Care Services.</b>	Terms of reference to be drafted and agreed.	Items to be scheduled into the ASC Board work programme October 09 – December 09. Representative from Childrens Scrutiny Board to be requested to join the board for this item.

Key:			
RFS	Request for scrutiny	MSR	Monitoring scrutiny recommendations
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**LEEDS CITY COUNCIL**

**FORWARD PLAN OF KEY DECISIONS**

For the period 1 September 2009 to 31 December 2009

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
Request to enter into a Supporting People contract with St Anne's Community Service for Alcohol Floating Support Service and Holdforth Court Hostel Service at a total contract value of approximately £451,412.00 Authorisation to enter into a Supporting People Contract with St Anne's Community Service for Alcohol Floating Support Service and Holdforth Court Hostel Service at a total contract value of approximately £451,412.00.	Director of Environment and Neighbourhoods	1/9/09	n/a	Report to be presented to the delegated Decision Panel	Director of Environment and Neighbourhoods neil.evans@leeds.gov.uk

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
<p>Request to vary the current Supporting People contract with Foundation for the Young Offenders Floating Support Service, Young Offenders Accommodation Based Service, Adult Offender Floating Support Service, Adult Offender Accommodation Based Service</p> <p>Authorisation to vary the existing 3(+1+1) year Supporting People Contract with Foundation to provide a Together Women Programme Service at an additional cost of £78,283.00. The total annual value of the contract including this variation will be £860,425.03.</p>	<p>Director of Environment and Neighbourhoods</p>	<p>1/9/09</p>	<p>n/a</p>	<p>Report t be presented to the Delegated Decision Panel</p>	<p>Director of Environment and Neighbourhoods neil.evans@leeds.gov.uk</p>

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
<p>Request to invoke the extension for the Supporting People Contract with St Anne's Community Services for a further 12 month period for the Floating Supported Living Service</p> <p>Authorisation to invoke the extension of the existing 3(+1+1) Supporting People contract with St Anne's Community Services for the Floating Supported Living Service, at an annual cost of £253,552.00</p>	Director of Environment and Neighbourhoods	1/9/09	n/a	Report to be presented to the Delegated Decision Panel	Director of Environment and Neighbourhoods neil.evans@leeds.gov.uk
<p>Care and Support Services to 3 adults with learning disabilities</p> <p>To enter into a contract with a support provider for Care and Support Services to 3 Adults with learning disabilities following a competitive tendering exercise</p>	Director of Adult Social Services	1/9/09	Adult Commissioning Board	Evaluation and Award Report	Director of Adult Social Services mark.phillott@leeds.gov.uk

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
<p>Request to enter into a Supporting People contract with Community Links with a total contract value of approximately £1,267,762.06 per annum</p> <p>Authorisation to enter into a Supporting People contract with Community Links for the housing related support provision to people with mental health needs at a total contract value of approximately £1,267,762.06 per annum.</p>	Director of Environment and Neighbourhoods	1/9/09	n/a	Report to be presented to the Delegated Decision Panel	Director of Environment and Neighbourhoods neil.evans@leeds.gov.uk

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
<p>Request to enter into a Supporting People contract with Renew for the Young Persons Floating Support Service and the Teenagers Parents Floating Support Service at a total contract value of £745,638.97 per annum</p> <p>Authorisation to enter into a Supporting People contract with Renew for the Young Persons Floating Support Service and the Teenagers Parents Floating Support Service at a total contract value of £745,638.97 per annum.</p>	Director of Environment and Neighbourhoods	1/9/09	n/a	Report to be presented to the Delegated Decision Panel	Director of Environment and Neighbourhoods neil.evans@leeds.gov.uk
<p>Disabled Facilities Grant 2009/10 Capital Scheme 98040</p> <p>Authority to spend from Director of Environments and Neighbourhoods</p>	Director of Environment and Neighbourhoods	1/9/09	Consultations have taken place with Councillor Les Carter, Lead Member for Environment and Neighbourhoods	Design and Cost Report/DDN	Director of Environment and Neighbourhoods andy.beattie@leeds.gov.uk

<b>Key Decisions</b>	<b>Decision Maker</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultation</b>	<b>Documents to be Considered by Decision Maker</b>	<b>Lead Officer</b> (To whom representations should be made and email address to send representations to)
<p>Request to enter into a Supporting People contract with Leeds Housing Concern with a total contract value of approximately £853,585.33 per annum</p> <p>Authorisation to enter into a Supporting People contract with Leeds Housing Concern for the following services: NAOS, Young Persons Project, Mens Sector and Womens Sector at a total annual contract value of approximately £853,585.33</p>	Director of Environment and Neighbourhoods	1/10/09	n/a	Report to be presented to the Delegated Decision Panel	Director of Environment and Neighbourhoods neil.evans@leeds.gov.uk
<p>Leeds Skyline HIV/AIDS Social Care and Prevention Service</p> <p>To extend the existing contract from 1 April 2010 for two years</p>	Director of Adult Social Services	1/10/09	Needs Assessment is currently being undertaken	Report to the Director, Contract monitoring information	Director of Adult Social Services sinead.cregan@leeds.gov.uk
<p>Lifetime Neighbourhoods (Round 6 Housing) Outline Business Case</p> <p>To approve the Outline Business Case and Project Affordability Position.</p>	Executive Board (Portfolio: Neighbourhoods and Housing)	14/10/09	PFI Housing Project Board and PPP/PFI Coordination Board	The report to be issued to the decision maker with the agenda for the meeting	Director of Environment and Neighbourhoods christine.addison@leeds.gov.uk



## NOTES

Key decisions are those executive decisions:

- which result in the authority incurring expenditure or making savings over £250,000 per annum, or
- are likely to have a significant effect on communities living or working in an area comprising two or more wards

### Executive Board Portfolios

### Executive Member

Central and Corporate

Councillor Richard Brett

Development and Regeneration

Councillor Andrew Carter

Environmental Services

Councillor James Monaghan

Neighbourhoods and Housing

Councillor John Leslie Carter

Leisure

Councillor John Procter

Children's Services

Councillor Stewart Golton

Learning

Councillor Richard Harker

Adult Health and Social Care

Councillor Peter Harrand

Leader of the Labour Group

Councillor Keith Wakefield

Leader of the Morley Borough  
Independent Group

Councillor Robert Finnigan

Advisory Member

Councillor Richard Lewis

In cases where Key Decisions to be taken by the Executive Board are not included in the Plan, 5 days notice of the intention to take such decisions will be given by way of the agenda for the Executive Board meeting.

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## EXECUTIVE BOARD

WEDNESDAY, 22ND JULY, 2009

**PRESENT:** Councillor R Brett in the Chair

Councillors A Carter, J L Carter,  
R Finnigan, S Golton, R Harker, P Harrand,  
J Monaghan, J Procter and K Wakefield

Councillor R Lewis – Non-Voting Member

### 24 Exclusion of the Public

**RESOLVED** - That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- a) Appendices 1 and 2 to the report referred to in minute 34 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the information contained in the appendices relates to the financial or business affairs of a particular person, and of the Council. This information is not publicly available from the statutory registers of information kept in respect of certain companies and charities. It is considered that since this information was obtained through one to one negotiations for the disposal of the property/land referred to, then it is not in the public interest to disclose this information at this point in time. Also, it is considered that the release of the information would or would be likely to prejudice the Council's commercial interests in relation to other similar transactions in that prospective purchasers of other similar properties would be aware about the nature and level of consideration which may prove acceptable to the council. It is considered that whilst there may be a public interest in disclosure, much of the information will be publicly available from the Land Registry following completion of these transactions and, consequently the public interest in maintaining the exemption outweighs the public interest in disclosing this information at this point in time.
- b) Appendix 1 to the report referred to in minute 38 under the terms of Access to Information Procedure Rule 10.4(3) and 10.4(5) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because publication of this report could prejudice the City Council's commercial interests and the City Council's legal interests in maintaining legal professional privilege during legal proceedings.

Draft minutes to be approved at the meeting  
to be held on Wednesday, 26th August, 2009

- c) The appendix, plan 2 and plan 3 to the report referred to in minute 42 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as disclosure could be prejudicial to the commercial interests of the Council and other outside bodies.
- d) Appendix B to the report referred to in minute 59 under the terms of Access to Information Procedure Rule 10.4(3) and (4) on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as it relates to the financial and business affairs of the Council and that publication could be prejudicial to the Council's commercial interests and to negotiations with potential contractors.

## **25 Declaration of Interests**

Councillor Wakefield declared a personal interest in the items entitled, 'Response to the City and Regional Partnerships Scrutiny Board Inquiry into Skills' and 'A Partnership Approach to the Planning, Funding and Delivery of 14 – 19(25) Provision in Leeds' due to being a governor of Leeds City College (Minutes 33 and 57 refer respectively).

Councillor Wakefield also declared a personal interest in the item entitled, 'Proposed Increases in Admission Limits for September 2010' due to being a governor of a primary school. (Minute 56 refers)

Councillor Finnigan declared a personal interest in the items entitled, 'Response to Council Deputation – 'Hands off our Homes Group'', 'Response to Council Deputation – Woodbridge Tenants and Residents' Association', 'Lettings Policy' and 'ALMO Annual Reports 2008/09' due to being a Director of Aire Valley Homes (Minutes 49, 28, 50 and 51 refer respectively).

Councillor Harker declared a personal interest in the item entitled, 'Proposed Increases in Admission Limits for September 2010', due to being a governor of a primary school (Minute 56 refers).

Councillor Golton declared a personal interest in the item entitled, 'ALMO Annual Reports 2008/09' due to being a Director of Aire Valley Homes (Minute 51 refers).

Councillor A Carter declared a personal interest in the item entitled 'Marketing Leeds Annual Report 2009' due to being a Director of Marketing Leeds and a personal interest in the item entitled, 'Proposed Lease of Land at Pudsey Bus Station, Church Lane, Pudsey, LS28' due to being a Board member of the West Yorkshire Integrated Transport Authority (Minutes 35 and 36 refer respectively).

- 26 Minutes**  
**RESOLVED** – That the minutes of the meeting held on 17<sup>th</sup> June 2009 be approved.

#### **CENTRAL AND CORPORATE**

- 27 The KPMG Scrutiny Review - May 2009**  
The Chief Democratic Services Officer submitted a report summarising the key findings from KPMG's recent audit of the Council's Overview and Scrutiny arrangements and detailing management's formal response to the recommendations

Alison Ormston of KPMG attended the meeting and presented the audit report.

**RESOLVED** – That the assurances provided with regard to the Council's Overview and Scrutiny arrangements be noted, together with the intention that the key learning points will be progressed by officers through the Scrutiny Chairs' Advisory Group.

#### **NEIGHBOURHOODS AND HOUSING**

- 28 Response to Council Deputation - Woodbridge Tenants' and Residents' Association Regarding the Condition of the Properties on the Estate**  
The Director of Environment and Neighbourhoods submitted a report in response to the deputation to Council from the Woodbridge Tenants' and Residents' Association on 22<sup>nd</sup> April 2009.

**RESOLVED** – That the agreed actions, following the attendance of the deputation at Council, be noted.

#### **CENTRAL AND CORPORATE**

- 29 Treasury Management Annual Report 2008/09**  
The Director of Resources submitted a report providing a review of the treasury management strategy and operations for 2008/09.

**RESOLVED -**

- a) That the treasury management outturn position for 2008/09 be noted.
- b) That the recommendations of the CIPFA Treasury Management Panel Bulletin and the CLG Select Committee be referred to the Central and Corporate Functions Scrutiny Board and the Corporate Governance and Audit Committee for further consideration.
- c) That Council be recommended to approve the limits of fixed debt from 2009/10 onwards that are held in different periods as outlined in paragraph 3.3.4 of the submitted report.

- d) That Council be recommended to approve the upper limit on sums invested for periods longer than 364 days for 2009/10 as outlined in paragraph 3.3.6 of the submitted report.

(The matters referred to in parts (c) and (d) of this minute being matters reserved to Council were not eligible for Call In)

### **30 Capital Programme Update 2009 to 2013**

The Director of Resources submitted a report providing an update on the capital programme position for 2009-2013 and seeking approval to allocate resources to specific schemes.

#### **RESOLVED -**

- a) That the £35,400,000 remaining balance of the Strategic Development Fund be allocated to New Generation Transport and Flood Alleviation projects.
- b) That the delegated decisions to release reserved schemes, as set out in Table 2 of the submitted report, be noted.
- c) That the proposals for the allocation of additional resources, as set out in Table 3 of the submitted report, be approved.
- d) That the injection of £125,000 to the capital programme for the food waste bin pilot, funded through unsupported borrowing, be approved.
- e) That a variation of £200,000 on the Housing Revenue Account ICT Phase 2 project, as outlined in section 3.3.4 of the submitted report, be approved.

(Under the provision of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he abstained from voting on this matter)

### **31 Leeds Strategic Plan and the Council Business Plan - Performance Reporting at Quarter Four 2008/09**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report presenting the quarter 4 performance report for the Leeds Strategic Plan and the Council Business Plan.

**RESOLVED** – That the contents of the report be noted.

### **32 Sustainable Communities Act**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report on a proposal to extend the Council's powers to deal with obstructive parking for formal submission to the Local Government Association as a recommended proposal for Government action.

**RESOLVED** – That approval be given for the submission of the proposal to extend the powers of Council employed civil enforcement officers to issue Penalty Charge Notices.

**33 Response to the City and Regional Partnerships Scrutiny Board Inquiry into Skills**

The Head of Scrutiny and Member Development submitted a report in response to the recommendations arising from the Scrutiny Board (City and Regional Partnerships) inquiry into skills.

**RESOLVED** – That the proposed responses to the Scrutiny Board (City and Regional Partnerships) recommendations, as contained in the submitted report, be approved.

**DEVELOPMENT AND REGENERATION**

**34 Proposed Leeds Arena**

The Director of City Development submitted a report on progress made in developing the scheme proposals for the arena, proposing that Clay Pit Lane be confirmed as the site for the proposed development and requesting that the Board reconfirms the scope, aims, objectives and outcomes of the project, in addition to presenting proposed Heads of Terms for a commercial agreement.

Following consideration of Appendices 1 and 2 to the report, designated as exempt under Access to Information Procedure Rule 10.4(3) which were considered in private at the conclusion of the meeting, it was

**RESOLVED -**

- a) That Clay Pit Lane be selected as the site for the proposed arena development.
- b) That the progress made in developing the scheme proposals be noted.
- c) That the scope, aims, objectives and outcomes of the project, as detailed in the submitted report, be reconfirmed.
- d) That the provisionally agreed Heads of Terms with SMG Europe Holdings Ltd for the Agreement for Lease and Lease of the arena be approved.
- e) That approval be given to the provisionally agreed Heads of Terms with the third party named in exempt appendix 2 of the report for the receipt of annual revenue payments to part finance the City Council's funding model for the capital cost of developing the arena.

(The matters referred to in this minute were not eligible for Call In as any delay in concluding such legal agreements may result in the parties to the

agreements seeking to renegotiate the terms of such agreements and, as such, could increase the cost to the Council of developing the arena).

**35 Marketing Leeds - Annual Report 2009**

The Assistant Chief Executive (Planning, Policy and Improvement) submitted a report providing an update on the work of Marketing Leeds and its contribution to the city's priorities.

Deborah Green of Marketing Leeds attended the meeting and presented the report.

**RESOLVED** – That the content of the report be noted.

**36 Proposed Lease of Land at Pudsey Bus Station, Church Lane, Pudsey, LS28**

The Chief Asset Management Officer submitted a report on the proposed disposal of the subject site to West Yorkshire Passenger Transport Executive by way of a long lease at less than best consideration, in order to facilitate the development of the new bus station.

**RESOLVED** – That approval be given for the disposal of the site, as identified on the plans attached to the submitted report, to the West Yorkshire Passenger Transport Executive, by way of a 99 year lease at less than best consideration.

**37 West Leeds Gateway Area Action Plan - Pre-Submission Consultation**

The Director of City Development submitted a report on the key objectives of the West Leeds Gateway Area Action Plan (AAP) and proposals to publish the Plan for the purposes of public participation and receipt of formal representations, between 5<sup>th</sup> October and 16<sup>th</sup> November 2009.

Members received an update on the informal guidance relating to several areas of the AAP which had been received from Government Office and the Planning Inspectorate.

**RESOLVED** –

- a) That the Director of City Development be authorised to revise the West Leeds Gateway Area Action Plan in line with the informal guidance received from Government Office and the Planning Inspectorate.
- b) That approval be given for the publication of the West Leeds Gateway Area Action Plan Development Plan Document for the purposes of public participation, and to formally invite representations on it between 5<sup>th</sup> October and 16<sup>th</sup> November 2009.

**38 A639 Stourton Landslip**

The Director of City Development submitted a report on the proposed scheme and expenditure required to overcome a stability problem on the A639 highway in the vicinity of the Leeds Valley Park roundabout.



Plan TS/299067/GA/01 was tabled at the meeting for Members' consideration.

Following consideration of Appendix 1 to the report, designated as exempt under Access to Information Procedure Rule 10.4(3) and (5) which was considered in private at the conclusion of this meeting, it was

**RESOLVED -**

- a) That authority be given for the design and implementation of the highway works, as shown on drawing TS/299067/GA/01, to overcome a stability problem on the A639 near Leeds Valley Park Roundabout resulting from a landslip.
- b) That approval be given to incur expenditure of £1,500,000 comprising £1,200,000 works and £300,000 staff costs in addition to the £518,100 fees previously approved and as detailed in the recommendation of the exempt appendix to the report.
- c) That the matter be progressed, as proposed in the recommendation contained in the exempt appendix to the report.

**39 Route 163/166 Bus Accessibility Improvements**

The Director of City Development submitted a report on the proposed accessibility improvements to the Arriva 163/166 Leeds to Castleford core bus route.

**RESOLVED -**

- a) That approval be given to the design and implementation of the accessibility work on the 163/166 core bus route to comply with the Disability Discrimination Act.
- b) That approval be given to the estimated expenditure of £726,000 to be funded from the Integrated Transport Scheme 99609 within the approved Capital Programme.

**40 South Leeds Academy**

The Chief Asset Management Officer submitted a report on proposed Heads of Terms for the leasehold disposal at nil consideration of South Leeds High School for the Academy scheme to South Leeds Academy Trust who are the Council's selected operator for an Academy at this school.

**RESOLVED –**

- a) That approval be given for the disposal of South Leeds High School for the proposed Academy on a 125 year lease at nil consideration and that the Director of City Development be authorised to agree the final terms as detailed at paragraph 3 of the submitted report.

- b) That a report be submitted to a future meeting of the Board with respect to matters concerning the transfer of assets to School Partnership Trust organisations.

**41 Partnership for Regeneration Investment in Aire Valley, Leeds**

The Director of City Development and the Director of Environment and Neighbourhoods submitted a joint report providing an update on the Aire Valley Leeds programme and outlining proposals regarding an opportunity which had arisen for a partnership with some of the key landowners in the area.

**RESOLVED -**

- a) That the approach by the Templegate Development Ltd joint venture partners be noted, together with the common benefits from joint working on the development potential for this large area of land in the Aire Valley Leeds regeneration area.
- b) That the Directors of City Development and Environment and Neighbourhoods be authorised, in liaison with the Assistant Chief Executive (Corporate Governance), to enter into the memorandum of understanding and create the Partnership for Regeneration Investment in Aire Valley Leeds on the terms described in the submitted report.

**42 Elland Road Masterplan and World Cup 2018**

The Director of City Development submitted a report providing an update on property matters at Elland Road and on proposals to assist in the regeneration of eighteen and a half hectares of brownfield land in that location.

Plan 3 to the report was circulated to Members prior to the meeting for consideration.

Following consideration of the appendix, plan 2 and plan 3 to the report, designated as exempt under Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the meeting, it was

**RESOLVED -**

- a) That the recent developments concerning property matters at Elland Road, and the opportunity to kickstart the comprehensive regeneration on the site be noted.
- b) That the position regarding the acquisition of site I as set down in the exempt part of the submitted report be noted, and that the Director of City Development be instructed, in consultation with the Executive Member for Development and Regeneration and subject to site investigations, to conclude negotiations.

- c) That a 6 month period of exclusivity be granted to the company named in the exempt appendix of the submitted report, on the basis of the Heads of Terms detailed within that exempt appendix, in order that the company can build and operate an ice-rink at Elland Road.

### **ADULT HEALTH AND SOCIAL CARE**

#### **43 From Day Centres to Day Services: Responding to the Needs and Preferences of Older People**

Further to minute 125 of the meeting held on 5<sup>th</sup> November 2008, the Director of Adult Social Services submitted a report on the next phase of the strategy concerned with modernising day opportunities for older people.

#### **RESOLVED -**

- a) That the positive implementation of actions agreed in 2008 to re-provide 4 centres be noted.
- b) That the positive opportunities to develop future services alongside officers in City Development and partners in the Voluntary Sector be noted.
- c) That the strategy for the development of specialist dementia and re-enablement services, as set out in Section 7 of the submitted report, be approved.
- d) That the proposed consultation concerning recommendations for change to the day services base in the city, including changed weekend opening, be approved.
- e) That a further report be brought to the Board in November 2009 on the outcome of the consultation and containing final recommendations for the delivery of the strategy.

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he voted against the decisions taken in this minute)

#### **44 Neighbourhood Network Schemes Review - Future Vision and Way Forward**

The Director of Adult Social Services submitted a report providing information and proposals for developing greater access to universal wellbeing support through Neighbourhood Network Schemes (NNS) and highlighting issues and proposed remedies.

#### **RESOLVED -**

- a) That approval be given for the adoption and application of the Neighbourhood Network Schemes' funding formula.

- b) That approval be given for a revised NNS service specification which sets out the long term vision for NNS and which incentivises collaborative models of working and organisation.
- c) That approval be given for Adult Social Services to identify the funding investment shortfall of £370,000 within the 2010/11 budget setting round for inclusion into the new contractual arrangements due to be let in that year.
- d) That in the light of advice provided by corporate colleagues, and as set out in paragraph 3.28 of the submitted report, the potential need for a contract extension for existing NN providers be noted, which would be managed through the delegated powers of the Director of Adult Social Services should this prove to be necessary.

**45 Leeds Safeguarding Adult Partnership Board Report 2008/09 and Leeds Safeguarding Adult Policy 2009**

The Director of Adult Social Services submitted a report presenting the Leeds Safeguarding Adults Partnership Board Annual Report for 2008/09, and proposing the adoption of the Safeguarding Adult Policy for Leeds 2009.

**RESOLVED -**

- a) That the safeguarding policy for Leeds, as attached to the submitted report, be approved for adoption.
- b) That the work undertaken in 2008/09 to renew Safeguarding Adults policy, systems, structures and governance arrangements in the city, as detailed within the submitted report, be noted.
- c) That the 2008/09 annual report, as attached to the submitted report, be noted.

**46 Valuing People Now - Transfer of Commissioning Responsibilities from NHS Leeds to Leeds City Council**

The Director of Adult Social Services submitted a report providing an update on the outcome of negotiations in relation to the transfer of the value of those elements of social care commissioning which are currently undertaken by NHS Leeds (Leeds PCT).

**RESOLVED -**

- a) That the principles on which the transfer negotiations have been conducted, as set out within the Executive Summary of the submitted report, be noted.
- b) That the Board notes the requirement to transfer remaining commissioning responsibility from NHS Leeds (Leeds PCT) to Leeds City Council from the commencement of the 2009/10 financial year in

the terms set out in section 6 of the submitted report for the continuing greater benefit of people with learning disabilities, specifically:-

- The element of £3,471,624 (at 08/09 prices) proposed for transfer which represents the value of the LPFT Supported Living Service and the social care services provided by Bradford District Care Trust.
  - The further element to transfer totaling £6.25m of social care activity which has been identified as already existing within the Pooled Budget.
- c) That the Director of Adult Social Services be authorised, in conjunction with the Director of Resources, to augment the S75 Pooled fund agreement to accommodate transfers of Capital in the terms set out at paragraphs 3.13 – 3.18 of the submitted report.

## **ENVIRONMENTAL SERVICES**

### **47 Way Forward Review of Waste Collection Services**

The Director of Environment and Neighbourhoods submitted a report outlining the issues surrounding improvements to waste collection services in Leeds, summarising the findings of both the Way Forward Review of Waste Collection Services, and the subsequent market sounding and packaging options appraisal work undertaken.

**RESOLVED** – That the process of market testing waste collection services be commenced.

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he voted against the decision taken in this minute)

### **48 Response to the Young People's Scrutiny Inquiry entitled 'Protecting Our Environment'**

The Directors of City Development and Environment and Neighbourhoods and the Chief Executive of Education Leeds submitted a joint report in response to the recommendations from the Young People's Scrutiny Forum inquiry into the protection of the environment.

**RESOLVED** – That this report be deferred to a future meeting, in order to enable representatives of the Young People's Scrutiny Forum to attend.

## **NEIGHBOURHOODS AND HOUSING**

### **49 Response to Council Deputation - 'Hands off our Homes Group' Regarding Their Campaign Against Vacant Housing in Leeds**

The Director of Environment and Neighbourhoods submitted a report in response to the deputation to Council from the 'Hands Off Our Homes' organisation on 22<sup>nd</sup> April 2009.

**RESOLVED** – That the response to the deputation, as contained in the submitted report, be approved.

**50 Lettings Policy**

The Director of Environment and Neighbourhoods submitted a report on proposals relating to the Council's Lettings Policy.

**RESOLVED -**

- a) That the proposals, as set out within the submitted report, be endorsed as part of a broader approach from application stage, through lettings, to tenancy management.
- b) That the Director of Environment and Neighbourhoods, together with the Council's Assistant Chief Executive (Corporate Governance), the ALMOs and BITMO, be requested to develop the proposals within the report into recommendations for change incorporated into a revised lettings policy and guidance.
- c) That the proposals be consulted upon with a view to a revised policy being prepared by January 2010.

**51 ALMO Annual Reports 2008/09**

The Director of Environment and Neighbourhoods submitted a report presenting the ALMO Annual Reports for 2008/09.

**RESOLVED** – That the content of the 2008/09 ALMO annual reports be noted.

**52 Area Delivery Plans 2009/10**

The Director of Environment and Neighbourhoods submitted a report providing an overview of the ten 2009/10 Area Delivery Plans for endorsement and reflecting upon the successes and achievements of area led work delivered across the Area Management structures throughout 2008/09.

**RESOLVED** – That the 2009/10 Area Delivery Plans produced by the Area Committees be endorsed.

**53 Beeston Group Repair: Phase 6**

The Director of Environment and Neighbourhoods submitted a report on phase 6 of the Beeston Group Repair initiative.

**RESOLVED –**

- a) That the injection into the Capital Programme of £149,000 from owner occupiers contributions be approved.
- b) That Scheme Expenditure to the amount of £1,640,000 be authorised.

- c) That officers be instructed to report back in the future on the progress of the scheme.

**54 Response to the Environment and Neighbourhoods Scrutiny Board Inquiry into Asylum Seeker Case Resolution**

The Director of Environment and Neighbourhoods submitted a report in response to the recommendations from the Scrutiny Board (Environment and Neighbourhoods) inquiry into asylum seeker case resolution.

**RESOLVED** – That the responses to the recommendations of the Scrutiny Board (Environment and Neighbourhoods), as contained in the submitted report, be approved.

**55 Response to the City and Regional Partnerships Scrutiny Board Inquiry into the Role of the Voluntary, Community and Faith Sectors in Council Led Community Engagement**

The Chief Democratic Services Officer submitted a report in response to the recommendations from the Scrutiny Board (City and Regional Partnerships) inquiry into the role of the Voluntary, Community and Faith Sectors in Council led community engagement, following the initial response which was considered by Executive Board on 13<sup>th</sup> May 2009 (minute 260).

**RESOLVED -**

- a) That it be noted that the Scrutiny Board (Adult Social Care) offered no additional comments to the earlier report.
- b) That the additional comments of the Scrutiny Board (Children's Services) be endorsed.
- c) That the approval of the responses from the Director of Environment and Neighbourhoods to the recommendations of the of the Scrutiny Board (City and Regional Partnerships) be confirmed.

**CHILDREN'S SERVICES**

**56 Proposed Increases in Admission Limits for September 2010**

Further to minute 15 of the meeting held on 17<sup>th</sup> June 2009, the Chief Executive of Education Leeds submitted a report presenting the outcome of the consultation process undertaken with schools proposing increased admission limits for 2010/11 and identifying the next steps in making provision from 2011/12 onwards.

**RESOLVED -**

- a) That the outcome of the ongoing discussions with individual schools be noted.
- b) That approval be given to increase the admission limit for the named primary schools within the submitted report for 2010/11.

Draft minutes to be approved at the meeting to be held on Wednesday, 26th August, 2009

- c) That a further report which identifies the next steps in making provision from 2011/12 onwards be brought to this Board.

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he abstained from voting on this matter)

**57 A Partnership Approach to the Planning, Funding and Delivery of 14-19 (25) Provision in Leeds**

The Chief Executive of Education Leeds submitted a report on the development of the 14 – 19 (25) provision in Leeds and the structures and arrangements that will form the basis for the future planning, and delivery of 14 – 19 (25) provision in Leeds.

**RESOLVED -**

- a) That the development of partnerships of post 14 providers be noted.
- b) That the implications for the partnership approach to the planning, funding and delivery of 14 – 19 (25) provision in Leeds be noted.
- c) That the 14 - 19 Statement of Priorities be received for approval every Autumn;
- d) That a further report be brought to this Board in December that will address the Local Authority's readiness to assume the responsibilities transferring from the Learning Skills Council.

**58 Proposals for changes to Primary Provision in the Richmond Hill area**

The Chief Executive of Education Leeds submitted a report on the outcome of the statutory notice published on the linked proposals concerning changes to primary provision in the Richmond Hill area.

**RESOLVED –** That approval be given to the linked proposals to:-

- a) Enlarge Richmond Hill Primary School by one form of entry;
- b) Establish community provision for children with a statement of special educational needs at the new Richmond Hill Primary School;
- c) Close Mount St Mary's Catholic Primary School.

**59 Future of East Moor Secure Children's Home - Update**

Further to minute 41 of the meeting held on 16<sup>th</sup> July 2008, the Director of Children's Services submitted a report on progress made to secure capital and revenue funding for the replacement of East Moor, on the outcome of the site option appraisal and on proposals for the replacement of the current provision with a purpose built, fit for purpose and future proof facility.



The Chair advised that a letter from Greg Mulholland MP relating to this matter had been received and circulated to Executive Board members prior to the meeting.

Following consideration of appendix B to the report, designated as exempt under Access to Information Procedure Rule 10.4(3) and (4) which was considered in private at the conclusion of the meeting, it was

**RESOLVED -**

- a) That the progress made since the July 2008 meeting be noted.
- b) That the Director of Children's Services enter into a contractual arrangement with the Department for Children, Schools and Families for the capital funding and Youth Justice Board for an extended occupancy contract to finance the re-building of a secure children's home in the city.
- c) That, despite the loss of a significant capital receipt, the service preference for a rebuild on the land adjacent to the existing Secure Children's Home be endorsed.
- d) That £18,100,000 be injected into the capital programme for the new build secure children's home. £15,000,000 to be funded through the grant from the Department for Children, Schools and Families and £3,100,000 through prudential borrowing to be repaid through the occupancy contract with the Youth Justice Board.

**60 Scrutiny Board (Health) Inquiry into Improving Sexual Health amongst Young People**

The Director of Children's Services submitted a report in response to the recommendations from the Scrutiny Board (Health) inquiry into improving sexual health amongst young people.

**RESOLVED** – That the proposed responses to the recommendations of Scrutiny Board (Health), as contained within the submitted report, be approved.

DATE OF PUBLICATION: 24<sup>th</sup> JULY 2009  
LAST DATE FOR CALL IN: 31<sup>st</sup> JULY 2009

(Scrutiny Support will notify Directors of any items called in my 12:00 noon on 3<sup>rd</sup> August 2009.)

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## EXECUTIVE BOARD

WEDNESDAY, 26TH AUGUST, 2009

**PRESENT:** Councillor R Brett in the Chair

Councillors A Carter, J L Carter, R Finnigan,  
S Golton, R Harker, P Harrand, J Monaghan,  
J Procter and K Wakefield

Councillor R Lewis – Non-Voting Advisory Member

**61 Exempt Information - Possible Exclusion of the Press and Public**

**RESOLVED** – That the public be excluded from the meeting during consideration of the following parts of the agenda designated exempt on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information so designated as follows:-

- a) Appendices 1 and 2 to the report referred to in minute 66 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as disclosure could prejudice the commercial interests of the Council and other outside bodies.
- b) Appendices 1, 2 and 4 to the report referred to in minute 72 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information by reason of the fact that:-
  - i) Appendices 1 and 2 – The success of the scheme could potentially be prejudiced by speculative investors acquiring properties in advance of the Council's action.
  - ii) Appendix 4 – The costs attributed to the purchase of private properties are purely estimates at this stage and their disclosure could prejudice the Council's ability to reach an agreement on the purchase price with the owners.
- c) Appendices 1, 2 and 4 to the report referred to in minute 73 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information by reason of the fact that:-

- i) Appendices 1 and 2 – The success of the scheme could potentially be prejudiced by speculative investors acquiring properties in advance of the Council’s action. Each of these appendices identifies the location of the affected properties.
  - ii) Appendix 4 – The costs attributed to the purchase of private properties are purely estimates at this stage and their disclosure could prejudice the Council’s ability to reach an agreement on the purchase price with the owners.
- d) Appendices 1 and 2 to the report referred to in minute 84 under the terms of Access to Information Procedure Rule 10.4(3) and on the grounds that the public interest in maintaining the exemption outweighs the public interest in disclosing the information as publication would be detrimental to the finances of the authority and thereby the provision of its services to the public.

**62 Declaration of Interests**

Councillor Finnigan declared a personal interest as a Director of Aire Valley Homes in relation to minutes 67, 68, 69 and 70 of this meeting, as appropriate.

**63 Withdrawal of Item - Playbuilder Initiative Update**

The Chair, with the consent of the Board, withdrew the above report from the agenda.

**64 Minutes**

**RESOLVED** – That the minutes of the meeting held on 22<sup>nd</sup> July 2009 be approved.

**DEVELOPMENT AND REGENERATION**

**65 Adoption of the Supplementary Planning Document of the Street Design Guide and Response to the Deputation of the National Federation of the Blind**

The Director of City Development submitted a report on the outcome of consultation on the Street Design Guide including further discussions following the attendance of the deputation to Council on 10<sup>th</sup> September 2008 on behalf of the National Federation of the Blind. The report presented the amended Street Design Guide and recommended its adoption as a Supplementary Planning Document.

**RESOLVED** – That the Street Design Guide, as now drafted and presented to the Board, be approved as a Supplementary Planning Document, subject to an amendment to paragraph 3.2.2.18 of the guide by deletion of the reference to 25 dwellings and replacement with reference to 10 dwellings and any subsequent associated references.

## **LEISURE**

### **66 Deputation to Council - North Hyde Park Residents' Association, South Headingley Community Association, and Friends of Woodhouse Moor regarding the Council's proposal to Establish Barbeque Areas on Woodhouse Moor**

The Director of City Development submitted a report in response to the deputation to Council from North Hyde Park Residents' Association, South Headingley Community Association and the Friends of Woodhouse Moor organisation on 15<sup>th</sup> July 2009. The report outlined the result of a recent consultation exercise with local residents and stakeholders and presented a proposed solution for the consideration of the Board.

The report appraised 3 options, as follows:-

- Option 1: Provision of a permanent designated barbecue area as outlined in the consultation process
- Option 2: Enforce byelaws preventing barbecue use as outlined in the consultation process
- Option 3: To trial a designated barbecue area

### **RESOLVED -**

- a) That the analysis and summary consultation activity contained in the report be noted.
- b) That approval be given to the implementation of Option 3: to trial a designated barbecue area, from 1 April 2010 until the end of the barbecue season.

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he voted against this decision.)

## **NEIGHBOURHOODS AND HOUSING**

### **67 Response to the Environment and Neighbourhoods Scrutiny Board Inquiry into Older People's Housing**

The Director of Environment and Neighbourhoods submitted a report in response to the recommendations from the Scrutiny Board (Environment and Neighbourhoods) inquiry into older people's housing.

The Chair of the Scrutiny Board attended the meeting, presented the inquiry findings and requested that officers offer a more robust response to recommendation 9.

**RESOLVED** – That the proposed responses to the Scrutiny Board (Environment and Neighbourhoods) recommendations, as contained in the submitted report, be approved and that the request of the Scrutiny Chair be acceded to.

**68 Response to the Environment and Neighbourhoods Scrutiny Board Inquiry into the Private Rented Sector**

The Director of Environment and Neighbourhoods submitted a report in response to the recommendations from the Scrutiny Board (Environment and Neighbourhoods) inquiry into the private rented sector.

The Chair of the Scrutiny Board attended the meeting and presented the inquiry findings.

**RESOLVED** – That the proposed responses to the Scrutiny Board (Environment and Neighbourhoods) recommendations, as contained in the submitted report, be approved.

**69 Regeneration of Holbeck - Phase 4**

The Director of Environment and Neighbourhoods submitted a report outlining the options for regeneration of the Holbeck area and seeking approval of the acquisition and clearance of 20 properties within Holbeck by utilising £1,300,000 of Single Regional Housing Single Regional Housing Pot funding during 2009/11.

The options presented were:-

- a) Do the minimum to meet legal conformity.
- b) Undertake group repair and internal remodelling.
- c) Acquisition, clearance and redevelopment of the site for housing.

Following consideration of Appendices 1, 2 and 4 to the report, designated as exempt under the terms of Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the meeting, it was

**RESOLVED** –

- a) that Scheme expenditure to the to the amount of £1.300,000 be authorised.
- b) That officers proceed in accordance with option C
- c) That the Director of Environment and Neighbourhoods and the Director of City Development authorise and promote any necessary Compulsory Purchase Orders should such become necessary

**70 Regeneration of Cross Green - Phase 3**

The Director of Environment and Neighbourhoods submitted a report outlining the options for regeneration of the Cross Green area and seeking approval of the acquisition and clearance of 14 street lined semi detached properties built in the early 1900s by utilising £1,100,000 of Single Regional Housing Pot funding during 2009/11.

The options presented were:-

- a) Do the minimum to meet legal conformity.
- b) Undertake group repair.
- c) Acquisition, clearance and redevelopment of the site for housing.

Following consideration of Appendices 1, 2 and 4 to the report, are designated as exempt under the terms of Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the meeting, it was

**RESOLVED -**

- a) That Scheme expenditure to the amount of £1,100,000 be authorised.
- b) That officers proceed in accordance with option C.
- c) That the Director of Environment and Neighbourhoods and the Director of City Development authorise and promote any necessary Compulsory Purchase Orders should such become necessary

**DEVELOPMENT AND REGENERATION**

**71 Leeds (River Aire) Flood Alleviation Scheme**

Further to minute 191 of the meeting held on 13<sup>th</sup> February 2009, the Director of City Development submitted a report providing an update on the progress made in relation to the Leeds Flood Alleviation Scheme, outlining the feedback from the public consultation exercise, and presenting for approval the latest version of the Design Vision and Guide, along with a recommended approach to be adopted by the Environment Agency in designing a scheme for the River Aire.

The report outlined the following 5 options identified by the Environment Agency, upon which the Council were invited to express a preference:-

- a) 1 in 200 years plus precautionary climate change: Raised flood defences. Total scheme cost £145m. £0m external funding required.
- b) 1 in 200 years plus precautionary climate change: Upstream Storage. Total scheme cost £180m. £30-35m external funding required.
- c) 1 in 200 years Managed Adaptive approach dealing with climate change in the future. Total scheme cost £145m. Raised defences - £5-10m external funding required.
- d) 1 in 200 years Managed Adaptive approach dealing with climate change in the future. Total scheme cost £150m. Upstream Storage - £15-20m external funding required.

- e) 1 in 200 years Managed Adaptive approach dealing with climate change in the future. Total scheme cost £200m. Bypass Channel - £65m – 70m external funding required.

**RESOLVED –**

- a) That the progress on the Leeds (River Aire) Flood Alleviation Scheme and the comments received during the public consultations be noted.
- b) That the latest version of the Design Vision and Guide document be approved.
- c) That the Environment Agency be informed that a Managed Adaptive approach to protecting Leeds from major flooding should be adopted by the Agency.

**72 The Agenda for Improving Economic Performance**

The Director of City Development submitted a report presenting the draft 'Agenda for Improved Economic Performance' proposed for formal consultation.

**RESOLVED –** That the document, as submitted, be approved for a formal consultation process.

**73 Leeds United - Thorp Arch Academy**

The Director of City Development submitted a report on the history and current position of the Leeds United Thorp Arch Academy and on options for the Council to support Leeds United Football Club in the continuation of the facility.

The report presented the options of declining the Club's request for assistance, of giving the Club a loan to acquire the facility or of the Club novating to the Council its option to purchase and the Council acquiring the facility and leasing it back to the Club.

Following consideration of appendices 1 and 2 to the report, designated as exempt under Access to Information Procedure Rule 10.4(3), which were considered in private at the conclusion of the meeting it was

**RESOLVED –**

- a) That the request from Leeds United 2007 for support in exercising its option to acquire the Thorp Arch training facility be noted.
- b) That the option of offering a loan to the Club be discounted.
- c) That the Director of City Development be authorised, in consultation with the Director of Resources, the Assistant Chief Executive



(Corporate Governance) and the Executive Member Development and Regeneration, to enter into discussions with the Club on the lines now discussed in order to explore whether the option of the Club novating to the Council its option to purchase with subsequent acquisition by the Council and lease back to the club can be progressed. Such preliminary discussions to include the need for appropriate guarantees in respect of the income from the lease to the Club, adequate provision for community and educational use, securing levels of Council control appropriate to the City's hosting of international sporting events, necessary maintenance arrangements and such other matters as may be necessary to protect the Council's interests as owner of the facility.

- d) That a meeting of this Board be convened sufficiently in advance of the 10<sup>th</sup> October 2009 deadline, in the event that the discussions referred to in (c) give rise to a recommendation to progress the option to a conclusion.

## **ENVIRONMENTAL SERVICES**

### **74 Response to the Young People's Scrutiny Forum Inquiry entitled, 'Protecting Our Environment'**

The Director of City Development, the Director of Environment and Neighbourhoods and the Chief Executive of Education Leeds submitted a joint report in response to the recommendations of the Young People's Scrutiny Forum inquiry into the protection of the environment.

The Chair of the Scrutiny Board (Children's Services) attended the meeting and presented the inquiry findings.

**RESOLVED** – That the proposed responses to the Young People's Scrutiny Forum's recommendations, as contained in the submitted report be approved.

### **75 Response to the Environment and Neighbourhoods Scrutiny Board Inquiry into Street Cleaning**

The Director of Environment and Neighbourhoods submitted a report in response to the recommendations from the Scrutiny Board (Environment and Neighbourhoods) inquiry into street cleaning.

The Chair of the Scrutiny Board attended the meeting and presented the inquiry findings.

**RESOLVED** – That the proposed responses to the Scrutiny Board (Environment and Neighbourhoods) recommendations, as contained in the submitted report, be approved.

## **CHILDREN'S SERVICES**

### **76 Proposal to close the LEA maintained nursery and change the lower age limit of Christ the King Catholic Primary School, Bramley**

The Chief Executive of Education Leeds submitted a report presenting the outcome of the statutory notice period to close the maintained nursery with effect from 31<sup>st</sup> August 2009 and to change the lower age limit of Bramley Christ the King Catholic Primary School from 3-11 years to 5-11 years of age.

**RESOLVED** – That the lower age of Christ the King Catholic Primary School be changed from 3-11 years to 5-11 years of age and that the LEA maintained nursery be closed.

### **77 Design and Cost Report - Seacroft Children's Centre Accommodation and Extension**

The Acting Chief Officer for Early Years and Integrated Youth Support Service submitted a report on the costs and fees related to the proposed refurbishment and extension of the existing Seacroft Children's Centre.

**RESOLVED** – That authority be given to incur expenditure on construction £819,350 and fees £180,650 on the refurbishment and extension of the existing Seacroft Children's Centre to enable the relocation of children, staff and services from East Leeds Children's Centre and the amalgamation of the two children's centres.

### **78 Response to the Children's Services Scrutiny Board Inquiry into 'Entering the Education System'**

The Director of Children's Services submitted a report in response to the recommendations of the Scrutiny Board (Children's Services) inquiry entitled, 'Education Standards - Entering the Education System'.

The Chair of the Scrutiny Board attended the meeting and presented the findings of the inquiry.

**RESOLVED** – That the proposed responses to the Scrutiny Board (Children's Services) recommendations, as contained in the submitted report, be approved.

## **LEISURE**

### **79 Vision for Council Leisure Centres**

Further to minute 74 of the meeting held on 2<sup>nd</sup> September 2009, the Director of City Development submitted a report proposing a Vision for Leisure Centres following extensive public consultation and a review of Sport England's Facility Planning Model.

**RESOLVED** – That approval be given to the following proposals:-

### **Proposal 1 – The Eight Refurbishment Sites**

- i) Modernisation and improvement to the quality of the facilities provided at the following sites, and detailed in table 3 to the report: Kirkstall, Rothwell, Aireborough, Otley Chippendale Pool, Bramley, Pudsey, Scott Hall\* (\*scheme currently being delivered) and Wetherby with a commitment to deliver and resource this work up to 2020.
- ii) The Director of City Development to submit bids in respect of the Free Swimming Capital Modernisation Programme 2010/11 by 4<sup>th</sup> September 2009.
- iii) The indicative phasing of works, as detailed in table 3 to the report, was noted.

### **Proposal 2 – Inner East**

- iv) Re-provision of Fearnville and East Leeds Leisure Centres in the form of one new, purpose built, well being centre, with a commitment to deliver and resource by 2013/15.
- v) To seek expressions of interest to transfer East Leeds and Fearnville Leisure Centres to a Community Organisation.
- vi) East Leeds Leisure Centre and Fearnville Leisure Centre to remain under Council management until such time that:-
  - a) a new well being centre is confirmed; or
  - b) a suitable community organisation has been identified to whom to transfer the asset(s).
- vii) To seek to transfer the management of Richmond Hill Sports Hall to a Community Organization.

### **Proposal 3 – Outer East**

- viii) To re-provide Kippax and Garforth Leisure Centres in the form of one new or refurbished swimming pool, fitness suite and other appropriate dry side sports facilities to serve the communities of Garforth and Kippax, with a commitment to deliver and resource by 2017.

### **Proposal 4 South Leeds & Middleton**

- ix) To seek expressions of interest to transfer South Leeds Sports Centre to a Community Organisation
- x) To close South Leeds Sports Centre (if no suitable community group is identified) when the new Morley Leisure Centre opens in 2010, and concentrate leisure provision at the John Charles Centre for Sport and Morley

- xi) To provide a new well being facility for Middleton, at or in close proximity to the current St George's Centre, with a commitment to deliver and resource by 2013/15.
- xii) To seek expressions of interest to transfer the existing Middleton Leisure Centre to a Community Organisation
- xiii) Middleton Leisure Centre to remain under Council management until such time that a) a new well being centre is confirmed (at St George's Centre) or b) a suitable community organisation has been identified to whom to transfer the existing Middleton Leisure Centre (asset).

(Under the provisions of Council Procedure Rule 16.5 Councillor Wakefield required it to be recorded that he voted for Proposal 1, abstained from voting on Proposals 2 and 4 and voted against Proposal 3.)

### **ADULT HEALTH AND SOCIAL CARE**

- 80 Leeds - A City for All Ages: Developing a Strategic Approach to Ageing**  
The Director of Adult Social Services submitted a report outlining proposals for the development of a strategic response to the development of demographic change and the ageing society under the banner of "Leeds – a City for all ages".

#### **RESOLVED –**

- a) That consultation be commenced to develop a strategic framework for the city to address demographic change and an ageing society.
- b) That the outline of the strategic framework, as described in section 6 of the submitted report, be supported.
- c) That 'Leeds – a city for all ages' be used as a headline to encourage and engage all age groups, but in particular people over 50, in setting the strategic framework to address the ageing society.

- 81 Response to the Adult Social Care Scrutiny Board Inquiry into Major Adaptations for Disabled People**

The Director of Adult Social Services and the Director of Environment and Neighbourhoods submitted a joint report in response to the recommendations from the Scrutiny Board (Adult Social Care) inquiry into major adaptations for disabled people.

The Chair of the Scrutiny Board attended the meeting, presented the inquiry findings and reiterated the request at minute 67 that officers offer a more robust response to this same recommendation 9.

**RESOLVED –**

- a) That the proposed responses to the Scrutiny Board (Adult Social Care) recommendations, as contained in the submitted report, be approved and that the request of the Scrutiny Board Chair be noted.
- b) That this Board requests that future Scrutiny Board inquiry reports should, as a matter of course, make reference to any cost implications arising from the recommendations.

**CENTRAL AND CORPORATE**

**82 Design and Cost Report: Demolition of East Leeds Family Learning Centre**

The Chief Officer (Corporate Property Management) submitted a report on proposals for the demolition of the East Leeds Family Learning Centre.

**RESOLVED –**

- a) That approval be given to the proposed demolition of the remaining ELFLC buildings.
- b) That approval be given for the use of the revenue savings following the vacation of the ELFLC site to provide £880,000 of unsupported borrowing to part fund the demolition costs.
- c) That the transfer of £118,505 from the Demolitions and Dilapidations Fund (scheme 15620) to fund the balance of the demolition costs be approved.
- d) That Authority to Spend of £998,505 in respect of the demolition of the ELFLC premises be given.

**83 Financial Health Monitoring 2009/10 - First Quarter Report**

The Director of Resources submitted a report on the Council's financial health position for 2009/10 after the first three months of the financial year.

**RESOLVED –**

- a) That the projected financial position of the authority after three months of the new financial year be noted and that directorates be requested to continue to develop and implement action plans.
- b) That the following budget adjustments be approved:-
  - i) A revenue contribution to capital (RCCOs) to fund decency works on the Woodbridge estate (£500,000) and a projected shortfall in funding for the HICT orchard project (£200,000) within the Housing Revenue Account.

- ii) A virement in the sum of £800,000 within City Development directorate from the Highways Direct Labour Organisation account, as detailed in the City Development report attached to the submitted report.
- iii) The reallocation of the Strategy and Policy budget within City Development as detailed in the City Development report attached to the submitted report.

(Under the provisions of Council Procedure Rule 16.5, Councillor Wakefield required it to be recorded that he abstained from voting on this matter.)

**84 Local Taxation Collection Policy, Business Rate Hardship Relief and Discretionary Rate Relief Guidance**

The Director of Resources submitted a report on proposals regarding the categories and criteria used to write off outstanding Council Tax and Business Rates debts, the current guidelines used in respect of hardship relief and the current guidelines used in respect of discretionary rate relief.

Following consideration of Appendices 1 and 2 to the report, designated as exempt under the terms of Access to Information Procedure Rule 10.4(3) which were considered in private at the conclusion of the meeting, it was

**RESOLVED –**

- a) That approval be given to the revised criteria to be used to write off debts for both Council Tax and Business Rates as outlined in the revised local taxation collection policies in exempt Appendices 1 and 2 to the report.
- b) That the revised guidance for Discretionary Rate relief be approved.
- c) That the current hardship relief guidelines be retained.

DATE OF PUBLICATION: 28<sup>th</sup> August 2009  
LAST DATE FOR CALL IN: 7<sup>th</sup> September 2009

(Scrutiny Support will notify Directors of any items called in by 12:00 noon on 8<sup>th</sup> September 2009.)