

SCRUTINY BOARD (ADULT SOCIAL SERVICES, PUBLIC HEALTH, NHS)

TUESDAY, 20TH OCTOBER, 2015

PRESENT: Councillor P Gruen in the Chair

Councillors B Anderson, C Anderson,
P Grahame, A Hussain, G Hussain, S Lay,
C Macniven, B Selby, A Smart and
S Varley

37 Late Items

There were no additional late items, however the following details were provided as supplementary information:

- Minutes - 8 September 2015 – comments from the Care Quality Commission (minute 40 refers)
- Draft Health and Wellbeing Board minutes (30 September 2015) (minute 42 refers)
- CQC Inspection Outcomes (updated schedule) (minute 45 refers)
- Air Quality Scrutiny Inquiry (minute 46 refers)
- Public Health 2015/16 Budget – Update (minute 47 refers)

The above details were not available at the time of agenda despatch, but were pertinent to the areas under discussion at the meeting and accepted by the Scrutiny Board.

38 Declaration of Disclosable Pecuniary Interests

There were no disclosable pecuniary interests declared at the meeting.

39 Apologies for Absence and Notification of Substitutes

The following apologies and notification of substitutes were provided at the meeting:

- Cllr Billy Flynn – Cllr Barry Anderson attending as a substitute
- Cllr Eileen Taylor – Cllr Pauleen Grahame attending as a substitute
- Mr Richard Taylor – HealthWatch Leeds

40 Minutes - 8 September 2015

The draft minutes from the previous meeting held on 8 September 2015 were presented for consideration.

Minutes approved as a correct record
at the meeting held on Tuesday, 24th November, 2015

The Principal Scrutiny Adviser drew the Board's attention to comments submitted by the Care Quality Commission (CQC) in reference to Minute 33 (specifically Waterloo Manor Independent Hospital) and the initial response provided. Following a short discussion, members of the Board agreed the draft minutes accurately reflected the significant issues raised and discussed at the meeting.

RESOLVED –

That the minutes of the Scrutiny Board (Adult Social Services, Public Health, NHS) meeting held on 8 September 2015, be approved as an accurate and correct record.

41 Minutes of Executive Board - 23 September 2015

The draft minutes of the Executive Board meeting held on 23 September 2015 were presented to the Scrutiny Board for consideration.

RESOLVED –

The draft minutes of the Executive Board meeting held on 23 September 2015 were noted.

42 Minutes of Health and Wellbeing Board - 30 September 2015

The draft minutes of the Health and Wellbeing Board meeting held on 30 September 2015 were presented to the Scrutiny Board for consideration.

RESOLVED –

The draft minutes of the Health and Wellbeing Board meeting held on 30 September 2015 were noted.

43 Chair's Update

The Chair provided a verbal update on some of the scrutiny activity since the previous Board meeting and not otherwise included elsewhere on the agenda. The update included:

- Consideration of the impact of further budgetary savings identified by NHS Trust Development Authority / Monitor for NHS provider Trusts.
- Recent Care Quality Commission activity relating to Leeds and York Partnership Foundation Trust and services provided at Bootham Park Hospital in York.
- Matters discussed at the recent Health Service Developments working group.

Members of the Board received the update and highlighted a number of points, including:

- The importance of keeping local ward members informed about proposed service changes and associated engagement and consultation activity.
- The quality and consistency of patient engagement and consultation.
- The extent of proposed changes to and/or mergers of local GP practices
- The need to consider the consultation and health impact assessment outcomes associated with the Children's Epilepsy Surgery Service review (discussed at the recent Health Service Developments working group).

Councillor Pauleen Grahame queried progress in relation to Windmill Health Centre and the Chair agreed to seek a progress update outside of the meeting.

RESOLVED –

To note the update provided by the Chair, along with the proposed actions.

NB Cllr S Lay joined the meeting at 2:30pm during consideration of this item.

44 Request for Scrutiny - Tobacco Investments

The Head of Scrutiny and Member Development submitted a report that introduced a request for scrutiny for the Board's consideration.

The request had been submitted by Councillor Matthew Robinson and related to the City Council's investment, via the West Yorkshire Pension Fund, in tobacco companies and its spending on smoking prevention.

Those present for the discussion were:

- Cllr Matthew Robinson (Ward Member for Harewood)
- Cllr Mulherin (Executive Board Member for Health, Wellbeing and Adults)

Councillor Robinson introduced and summarised the request for scrutiny presented as part of the agenda papers.

Councillor Mulherin commented on the matters previously discussed at the September 2015 full Council meeting and the actions taken as Chair of Leeds' Health and Wellbeing Board.

The Board considered the request for scrutiny and the main points discussed included:

- The investment decision-making processes for the West Yorkshire Pension Authority and the Council's role in such processes.
- The wider issues associated with ethical/ moral investments.
- The potential role of the West Yorkshire Joint Health Overview and Scrutiny Committee currently being established.
- The role/ involvement of other Council Scrutiny Boards, in particular Scrutiny Board (Strategy and Resources) in examining wider issues around pension fund investments.

In summarising the discussion, the Chair outlined that the Scrutiny Board was in favour of taking some action that was likely to involve the West Yorkshire Joint Health Overview and Scrutiny Committee and the Scrutiny Board (Strategy and Resources). This would necessarily include some further discussions and advice on the most appropriate way forward.

The Chair proposed to take the matter forward and provide an update to the Scrutiny Board at a future meeting.

On conclusion of the discussion, the Chair thanked Cllr Robinson for his attendance and contribution to the discussion.

RESOLVED –

To note the request for scrutiny received and agree the actions proposed by the Chair.

45 Care Quality Commission (CQC) Inspection Outcomes

The Head of Scrutiny and Member Development submitted a report that provided details of recently reported Care Quality Commission inspection outcomes for health and social care providers across Leeds.

The Principal Scrutiny Adviser provided an updated schedule of inspection outcomes was presented at the meeting to provide additional inspection outcomes reported since production of the agenda.

The Scrutiny Board considered and discussed the information presented and raised a number of points, including:

- The details presented showed some improvement compared to previous reports, however 50% of the organisations inspected were rated as 'requires improvement': a position which members of the Scrutiny board cannot be satisfied with.
- The information presented showed only the headline judgements, and future reports could usefully provide more detail against the inspection areas.
- The Scrutiny Board could usefully seek assurance from commissioners regarding the actions taken on receipt of inspection outcomes, including the role of any quality surveillance groups within the City.

- The possibility of undertaking some joint work with HealthWatch Leeds around 'enter and view'.
- Local Member involvement in GP Patient Groups.

The Executive Member for Health, Wellbeing and Adults was invited to comment and recognised the concerns raised by the Board. It was suggested that the Care Quality Commission be invited to a future meeting to discuss matters in more detail.

RESOLVED –

- (a) To note the report and the outcomes of the inspections presented.
- (b) To seek details of the quality assurance processes among service commissioners in Leeds, in particular Adult Social Services.
- (c) To invite the Care Quality Commission to the next meeting of the Scrutiny Board to discuss issues around quality of services in Leeds in more detail.
- (d) On behalf of the Scrutiny Board, that the Chair of the Scrutiny Board discuss the possibility of undertaking some joint work with HealthWatch Leeds around 'enter and view', and report the outcome to a future meeting.

46 Air Quality - Scrutiny Inquiry

The Head of Scrutiny and Member Development submitted a report confirming that Air Quality had been identified as a specific area for more detailed consideration during 2015/16. The report confirmed that as part of the initial guidance in scoping the Board's inquiry, the following matters were identified as possible considerations (along with supporting data, where appropriate):

- Air quality across the City, including particular hot spots
- How Leeds compares to other areas – West Yorkshire; Core Cities; Other comparator groups
- Impact of poor air quality on the City – health, environmental, financial etc.
- Details of main causes of poor air quality
- How to improve air quality – including a cost / benefit analysis of the improvement actions
- A summary of air quality legislation – what responsibilities the Council has; any enforcement powers available and if/how these are used.
- Details of any guidance/ good practice (e.g. NICE guidance) and how the Council performs against the guidance.

Appended to the report was the Executive Board report due to be considered at the meeting on 21 October 2015.

The following representatives were in attendance for the discussion:

- Polly Cook (Executive Programme Manager) – Projects, Programmes, & Procurement Unit, Leeds City Council
- Andrew Hall (Head of Transportation) – City Development, Leeds City Council
- Cllr Mulherin (Executive Board Member for Health, Wellbeing and Adults)
- Ian Cameron (Director of Public Health) – Public Health, Leeds City Council

The Executive Programme Manager and Head of Transportation addressed the Scrutiny Board and provided the context and background to the Executive Board report due to be considered the following day.

The Director of Public Health confirmed the Executive Board report was a joint report and included details of the associated health impacts of poor air quality. Air quality remained a significant issue for the Council and it represented another health inequality issue across the City.

The Executive Board Member for Health, Wellbeing and Adults outlined some key areas of work across the Council to help address air quality issues, including creating the infrastructure to encourage walking and cycling and ensure health considerations have a better connection to future developments.

The Chair addressed the Board and made the following comments:

- The issue was not purely a city-centre issue and it was important to look across the whole of the City.
- It was important to recognise that air quality in areas of Leeds was not sufficiently good and that was not a satisfactory position.
- To make improvements, action needed to be taken and while some actions may not be easy; some steps would be easier on the way to improvement.
- Referencing the banning of smoking in public places, it should be recognised that the 'impossible' can become 'possible'.

The Chair then opened the matter for broader consideration and questions from members of the Scrutiny Board. A number of comments were made during the discussion with those present at the meeting, including:

- Welcoming the thrust and ambitions of the Council's efforts and joint work with the Combined Authority, but recognising the resources needed to achieve many of the aims and objectives were subject to successful bids to Government.
- Partnership working with some partners appeared better developed than with others.
- The role of trade associations, such as the Road Haulage Association bus companies and Taxi and Hackney Carriage associations.
- The role of school travel plans in helping to address issues of poor air quality.

- The need to improve the rigor by which development proposals are assessed in terms of impacts.
- Improvements needed to air quality monitoring to map impacts across the City.
- DEFRA appeared to be encouraging funding bids from Leeds in order to help address the predicted level of non-compliance with air quality standards.
- The need to balance the impacts between developing brownfield site and greenbelt areas of the City.
- While recognising the need to plan for future improvements, it should be recognised that some improvement is needed immediately and strong leadership was needed.

Following conclusion of the discussion, the Chair invited the Principal Scrutiny Adviser to outline some proposed next steps, which included:

- Reviewing the information presented and identifying any additional or supplementary details that may be required.
- Seeking the input from other witnesses or stakeholder identified at the meeting, such as the Road Haulage Association, the Combined Authority and others.

At the conclusion of the discussion, the Chair thanked those present for their contribution to the meeting.

RESOLVED –

To note the information presented to the meeting and agree the next steps outlined at the meeting.

NB Following conclusion of the discussion on the item, Cllr P Grahame and Cllr A Hussain left the meeting.

The meeting was then adjourned at 3:55pm and recommenced at 4:05pm

47 Public Health 2015/16 Budget - update

The Head of Scrutiny and Member Development submitted a report to introduce a further update from the Director of Public Health regarding the Public Health budget for 2015/16 (i.e. the current year).

Appended was the Financial Health Monitoring report presented to the Executive Board at its meeting on 23 September 2015. This detailed some of the proposed actions to meet the in-year budget reduction, once formally announced.

The following were in attendance for the discussion:

- Cllr Mulherin (Executive Board Member for Health, Wellbeing and Adults)
- Ian Cameron (Director of Public Health) – Public Health, Leeds City Council

The Executive Board Member for Health, Wellbeing and Adults addressed the Scrutiny Board and provided the background and context for the discussion. The Director for Public Health outlined that a formal announcement from the Department of Health had still not been made; therefore the level of the budget reduction remained unconfirmed.

It was suggested that the reason for the delay in the Department of Health's announcement was due to the overall level of responses to the consultation; the possible threat of judicial review; and the different formula for reductions proposed by Manchester.

Members of the Scrutiny Board considered and discussed the information presented and raised a number of matters, including:

- The inadequacy of the Department of Health proposals and its associated consultation process.
- Confirmation that concern had been expressed by Councillor Nash regarding the continuation of the 'Skyline Service' in Leeds that provided support to those suffering from HIV.
- The Council faced some very significant challenges and unpalatable, difficult decisions implementing the proposed budget reductions.
- Addition savings of £600,000 would still need to be made to meet the anticipated level of budget reduction. Members queried how this would be achieved.
- Concern that it had not been confirmed whether or not the reduction would be a 'one-off' or recurrent for future years.

In addressing the Scrutiny Board and responding to the comments and concerns expressed by members, the Executive Board Member for Health, Wellbeing and Adults and Director of Public Health made the following comments:

- Confirmation that this represented a very significant and unexpected in-year challenge, with £600,000 still to be identified.
- The Council was committed to support work around 'Best Start', including the Family Nurse Partnership, Health Visitors and Children's Centres.
- In identifying potential reductions the approach had been to seek to minimise the impact of the people of Leeds and on areas where activity had been planned but not yet implemented.
- A number of contracts, including that held by the Skyline Service, were due to end in March 2016 and it was necessary and standard practice to review contracts and the services they provide.

In summarising the discussion, the Chair expressed a view that the Council as a whole should look to shoulder some of the burden of this unexpected in-year challenge. It was also important for the Council to ensure its message to the public and service providers was that the reductions were necessary to meet the Department of Health in-year demands.

RESOLVED –

- a) That the details presented in the report and highlighted at the meeting be noted.
- b) That, the Director of Public Health continues to keep the Scrutiny Board updated on developments as work progresses, including how the savings are to be achieved.

48 Director of Public Health Annual Report (2014-15)

The Head of Scrutiny and Member Development submitted a report that introduced the 2014/15 Annual Report from the Director of Public Health presented to the Executive Board at its meeting on 23 September 2015. It also presented the progress against the recommendations from the 2013 Annual Report presented to the Health and Wellbeing Board at its meeting on 30 September.

The following were in attendance for consideration of this item:

- Ian Cameron (Director of Public Health) – Public Health, Leeds City Council
- Cllr Mulherin (Executive Board Member for Health, Wellbeing and Adults)

The Director of Public Health addressed the Scrutiny Board and outlined the main elements of the report and recommendations under the themes of:

- Health planning and urban design
- Engaging local communities

The Scrutiny Board considered and discussed the report presented and raised a number of matters, including:

- Issues of special planning for existing communities and how this could have a positive impact on health inequalities.
- The ongoing work to embed the work of Public Health across the different areas of the Council.
- Questions around how the recommendations would be taken forward by the responsible organisation subsequently monitored and reported.
- Requests for an update / response at an appropriate time from responsible individuals / organisation, including the Clinical Commissioning Groups, the Chief Planning Officer and Leader of Council

RESOLVED –

That the Director of Public Health Annual Report 2014/15, be noted.

49 Annual Report of the Health Protection Board

The Head of Scrutiny and Member Development submitted a report that introduced the first Annual Report of the Health Protection Board. The Annual Report had previously been submitted and presented to the Health and Wellbeing Board at its meeting on 30 September 2015.

RESOLVED –

That the first Annual Report of the Health Protection Board as presented, be noted.

50 Progress on Implementation of the Care Act 2014

The Director of Adult Social Services submitted a report that outlined the Council's progress against the requirements of the Care Act 2014.

Those in attendance for this item were:

- Shona McFarlane (Chief Officer (Access and Care Delivery)) – Adult Social Services, Leeds Council

In introducing the item and outlining the report, the Chief Officer (Access and Care Delivery) confirmed that the Council's focus had been on achieving compliance with the first phase of Care reforms detailed in the Care Act 2014, and in so-doing there had been a strengthening of the Council's partnership arrangements.

It was outlined that Phase 2 of the Act, which provided for the Care Cap and Care Account and was due to be implemented in March 2016, would have resulted in some significant changes, including a cap on care costs of £72,000. However, it was confirmed that earlier in the summer, the Government had announced a delay on implementing the cap on costs until 2020.

Members discussed the details presented and queried the level of Council resources assigned to preparing for Phase 2 implementation ahead of the Government announcement. The Chief Officer (Access and Care Delivery) confirmed there were no details of any specifically identifiable expenditure in this regard.

RESOLVED –

That the progress report as presented and outlined at the meeting, be noted.

51 Future Provision of Homecare - update

The Head of Scrutiny and Member Development submitted a report that detailed the work of the Scrutiny Board in the previous municipal year (2015/16) in relation to the future external provision of home care services.

Appended to the report was the statement of the former Scrutiny Board and an update from the Director of Adult Social Services outlining progress and detailing how the Scrutiny Board comments had been taken into account.

In attendance for the item were:

- Shona McFarlane (Chief Officer (Access and Care Delivery)) – Adult Social Services, Leeds Council
- Michelle Atkinson (Older People Commissioning Manager) – Adult Social Services, Leeds Council
- Mark Phillott (Head of Contracts, Bus Development and Markets Management) – Adult Social Services, Leeds Council

In introducing the item, the Older People Commissioning Manager confirmed that good progress continued to be made, and particularly highlighted the extensive work undertaken with service users around service quality standards. An update was provided in the following areas:

- Quality Standards and Outcome Based Commissioning
- Flexible and Responsive Services
- Compliance and Monitoring
- Safeguarding
- The Ethical Care Charter
- Locality based Services
- Contract Type and Pricing

The Older People Commissioning Manager also drew the Board's attention to an error in the written update, regarding the number of providers that had expressed an interest in being considered to be part of the future framework arrangements. The actual number was 26 and not 254 as detailed in the briefing note.

Specific assurance of progress against the Scrutiny Board's previous recommendations was also provided.

At the conclusion of the discussion, the Chair thanked those in attendance for their contribution to the discussion.

RESOLVED –

To note the information presented and to record the Scrutiny Board's satisfaction with progress to date.

52 Proposed West Yorkshire Joint Health Overview and Scrutiny Committee - membership nomination

The Head of Scrutiny and Member Development submitted a report seeking membership nominations for the proposed West Yorkshire Joint Health Overview and Scrutiny Committee.

The Principal Scrutiny Adviser introduced the report and confirmed that, at its meeting on 19 October 2015, General Purposes Committee had agreed to make recommendations to full Council regarding the establishment of the West Yorkshire Joint Health Overview and Scrutiny Committee detailed in the report.

The Scrutiny Board was asked to consider nominating two members from within its current membership to serve on the proposed West Yorkshire Joint Health Overview and Scrutiny Committee.

The Scrutiny Board discussed the report and its associated nominations.

RESOLVED –

That the following members be presented to full Council as the Scrutiny Board's nominations for the proposed West Yorkshire Joint Health Overview and Scrutiny Committee:

- (a) Councillor Peter Gruen (as Chair of the Scrutiny Board); and,
- (b) Councillor Billy Flynn

53 Work Schedule - October 2015

The Principal Scrutiny Adviser provided a report that introduced an updated work schedule for the remainder of the municipal year.

The Chair advised the Board that the updated work schedule reflected the Board's previous discussions while taking account of necessary issues associated with scheduling items for the remainder of the municipal year.

The Board briefly discussed and agreed to consider further aspects of its inquiry into Air Quality through a working group arrangement that would subsequently report to the full Board.

RESOLVED –

- (a) That, subject to any on-going scheduling decisions, the Board's work schedule as presented be agreed.

- (b) To establish a working group (open to all members of the Board) to take forward and consider further matters associated with the Air Quality inquiry.

54 Date and Time of Next Meeting

Tuesday, 24 November 2015 at 2:00pm (pre-meeting at 1:30pm)

(The meeting concluded at 5:15pm)