

ADULTS SCRUTINY COMMITTEE

Tuesday, 27 October 2020

PRESENT – Councillor Curry (Chair), Councillors Bell, Crumbie, Mrs Culley, Holroyd, Laing, Layton, M Nicholson, Preston, Renton and A J Scott.

OFFICERS IN ATTENDANCE – Paul Dalton (Elections Officer) and Christine Shields (Assistant Director Commissioning, Performance and Transformation), Kevin Kelly, Head of Learning Disability and Mental Health, Philip Haselhurst, Service Manager, and Paul Dalton (Elections Officer).

AD14 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

AD15 TO APPROVE THE MINUTES OF THE MEETING OF THIS SCRUTINY COMMITTEE HELD ON 25 AUGUST 2020

Submitted – The Minutes (previously circulated) of the meetings of this Scrutiny Committee held on 25 August 2020.

RESOLVED – That the Minutes of the meeting of this Scrutiny Committee held on 25 August, be approved as a correct record.

AD16 COVID RESPONSE - VERBAL UPDATE

The Assistant Director, Commissioning, Performance and Transformation provided a verbal update on the ongoing response to the Covid-19 pandemic, specifically in relation to care providers.

It was reported that since the 28th September 2020, there had been five outbreaks of Covid-19 within care home settings, and that these had been robustly overseen by the Outbreak Control Team. Members heard that two of the outbreaks had been closed down, two had been contained, and one home was closing, although this was for reasons around safeguarding and not as a result of the Covid-19 outbreak.

The Assistant Director, Commissioning, Performance and Transformation stated that since the 28th September 2020, 82 residents in care home or domiciliary settings had received a positive diagnosis for Covid-19, and that 75 staff had been diagnosed as having contracted the virus, however it was noted that the impact had not been as extreme as during Phase One. Members were advised that staffing levels and occupancy were continually monitored to ensure sustainability, and that there were no concerns at the present time.

Members heard that the local authority were working with the Clinical Commissioning Group (CCG) to support hospital discharge, with more resources being channeled into domiciliary care and the Rapid Response Team to provide a 'home first' approach. Members also heard that designated beds had been identified in care homes and other settings for patients with a positive Covid-19 diagnosis who were being discharged from hospital.

The Committee were informed that the second phase of Infection Control Funding would be allocated to care homes over the course of the forthcoming week, with domiciliary and independent supported living being allocated over the next few weeks, in line with the regional approach.

The Assistant Director, Commissioning, Performance and Transformation informed Members that the Adult Social Care Winter Plan had been submitted to the Member with Portfolio for Adults and the Acting Director of Children and Adult Services for approval.

Members entered into discussion on the formal arrangements for our staff and care providers around infection control, and concerns raised by the Director of Public Health around car-sharing. Concerns were also raised in relation to the residents of the care home which Members had been advised had been closed.

RESOLVED – That the contents of the update be noted.

AD17 DEPRIVATION OF LIBERTY UPDATE

The Acting Director of Children and Adults Services submitted a report (previously circulated) to provide an update on Deprivation of Liberty Safeguards (DoLS) and Deprivation of Liberty in supported living and home environments, including outcomes for people.

The submitted report explained that DoLS was a legal framework which existed to ensure that individuals who lack mental capacity to consent to the arrangements for their care, where such care may, because of restrictions imposed upon an individual's freedom of choice or movement, amount to a 'deprivation of liberty', have the arrangements independently assessed to ensure they are in the best interests of the individual concerned.

The submitted report explained that a local authority has a statutory responsibility as the supervisory body for operating and overseeing the Mental Capacity Act 2005 (MCA) DoLS, which included assessing and granting, or otherwise, all DoLS authorisations received from Managing Authorities. The submitted report stated that Managing Authority was the person or body with management responsibility for the hospital or care home in which the person was, or may become, deprived of their liberty.

The submitted report outlined the restrictions faced by DoLS assessors to date through the Covid-19 pandemic, and the changing Department of Health guidance. The submitted report informed Members that it is planned that DoLS will be replaced by Liberty Protection Safeguards (LPS) in April 2022.

Members entered into discussion on the reasons for the North East of England consistently having the highest levels of DoLS requests and authorisations, and the reason why 701 DoLS requests in 2019/20 did not proceed to authorisation.

Discussion ensued on the temporary redeployment of two Best Interest Assessors (BIAs) in 2019/20, the associated costs, and the reduction in training. Members were also keen to ascertain how DoLS assessments were carried out during the period of

the Covid-19 pandemic when face-to-face assessments could not be conducted.

It was observed that the role of the local authority had increased and Members enquired about the cost implications and potential Government support, and the impact of this on staff absorbing the additional workload as business as usual.

Further concern was expressed in relation to the impact of the Covid-19 pandemic and the potential effect that this may have on the introduction of Liberty Protection Safeguards, and the impact on the Mental Health of those who are unable to spend time with relatives in receipt of end of life care.

RESOLVED – That the contents of the report, and the implications, be noted.

AD18 WORK PROGRAMME

The Managing Director submitted a report (previously circulated) requesting that Members gave consideration to the Work Programme items scheduled to be considered by this Scrutiny Committee during 2020/21, and to any additional areas that Members would like to be included.

RESOLVED – That the current status of the Work Programme be noted.