

## **ADULTS AND HOUSING SCRUTINY COMMITTEE**

30<sup>th</sup> October, 2018

**PRESENT** - Councillor Knowles (in the Chair); Councillors Copeland, Donoghue, Kane, M Nicholson and Storr. (6)

**APOLOGIES** – Councillors Lister and Mills (2)

**ABSENT** – Councillors Grundy, Lyonette and York (3)

**ALSO IN ATTENDANCE** – Councillor S Richmond and T Richmond.

**OFFICERS IN ATTENDANCE** – James Stroyan, Assistant Director Adult Social Care; Philip Haselhurst, Service Manager and Yvonne Hall, Service Manager, Contracts and Brokerage

**AH17. DECLARATIONS OF INTEREST** – There were no declarations of interest reported at the meeting.

**AH18. MINUTES** – Submitted – The Minutes (previously circulated) of a meeting of this Scrutiny Committee held on 11 September, 2018.

**RESOLVED** – That the Minutes be approved as a correct record.

**AH19. DARLINGTON SAFEGUARDING ADULTS PARTNERSHIP BOARD ANNUAL REPORT 2017-18** – The Director of Children and Adult Services submitted a report (previously circulated) together with the Annual Report 2017-18 of the Darlington Safeguarding Adults Partnership Board (DSAPB) (also previously circulated).

The submitted report outlined the requirement for the DSAPB to produce an Annual Report which outlined its activities over the previous year and which made an assessment of the effectiveness of multi-agency safeguarding arrangements within the local area and the independent Chair of the Board, Ann Baxter, gave an overview of the key messages and challenges faced.

The report set out the progress against the six key principles, as outlined in the Care Act 2014 as the strategic aims to support good inter-agency Adult Safeguarding and discussion ensued on the challenges faced by the Board in relation to the increased demand for services, within the context of reduced resources and the impact the changes to be brought by the Children and Social Work Act 2017, may have on adult safeguarding.

Particular reference was made to a piece of work which had been undertaken whereby all partner agencies had been required to do a self-audit of their safeguarding practices which had then been moderated by other partner members, and it was reported that this had worked well and the outcomes had been positive.

Discussion ensued on the future funding arrangements for the Board and the financial contribution statutory partners were required to make, together with the valuable contribution and commitment the Fire Authority made to safeguarding, albeit they were not statutory partners

Reference was also made to the work undertaken to develop a multi-agency data set which would provide assurance that agencies were working in partnership and were fulfilling their statutory roles in accordance with the Care Act 2014. The use of this data would also determine whether issues needed to be highlighted.

Members sought reassurance on safeguarding issues around adults in their own homes and it was accepted that this was a more difficult area to give assurance as they were more vulnerable because they were not in a structured and controlled environment, however, the Board had not seen a rise in issues within a community setting. Following a question by a Member in relation to BME communities, the Independent Chair reported that the level of concerns raised within Darlington were not proportionate to its population.

**RESOLVED** – That the report be received and the thanks of this Scrutiny Committee be extended to Ann Baxter for attending the meeting.

**AH20. DEPRIVATION OF LIBERTY SAFEGUARDS UPDATE** – The Director of Children and Adult Services submitted a report (previously circulated) updating Members on the impact of the Deprivation of Liberty Safeguards (DoLS) on the Authority.

The submitted report outlined the background to the introduction of the DoLS, which had come into force in England and Wales on 1 April 2009, as amendments to the Mental Capacity Health Act 2007 and in response to a breach of the European Convention on Human Rights, which found that, legally, adequate protection was not given to people who lacked mental capacity to consent to care or treatment and who required some restrictions on the liberty to keep them safe.

Reference was made to the continued demand on the authority in term of the high number of requests being received, however, the Assistant Director Adult Social Care, reported that additional resources had been provided to ensure that the Council met its statutory obligations and that the reliance on independent Best Interest Assessors had been reduced, with the Council employing its own Assessors and training existing staff.

Following a question by a Member, it was reported that Darlington had a good record of ensuring that its DoLS were in place to meet statutory requirements, however, there was currently a slight backlog.

**RESOLVED** – That the report be received and that a further report on any proposed changes to the DoLS scheme be submitted to this Committee.

**AH21. QUALITY STANDARDS FOR CARE HOMES – 2018/19** – The Director of Children and Adult Services submitted a report (previously circulated) updating

Members on the outcome of the monitoring visits of those care homes contracting with the Council.

The submitted report outlined the requirement, under the Authority's Agreement for the Provision of Residential Care for Adults and Older People with a Mental Health Problem, for its Contract Officers to visit all contracted care homes for older people on an annual basis between April and June to monitor the care home against the agreed quality standard, which, along with the home's environmental grade, determined the fee level for the coming year. The level of compliance was then graded A – C with A achieving all ten standards and C with eight standards or less fully met.

It was reported that, overall, of the 18 homes visited, 12 had maintained the same grade as last year, four had increased and two had decreased and that there had been an increase in the homes achieving an A grade, however, three previously C homes had not improved.

Following questions by Members, it was reported that written feedback would be given to providers and action plans would be required from each of the homes to address any shortfalls and that the homes graded C would be monitored again by the Contracts Section against their outcomes and action plans in November/December 2018.

Discussion ensued on the evidence that changes in management within care homes, with multiple managers being in a care home in any one year or significant gaps between managers did result in a dip in standards; the work of the Contract and Brokerage team to provide support and assistance, the difficulties encountered by homes in finding a relevant course to meet the required learning and development plan standard; and the outcome in relation to management of medication.

Reference was made to the standard in relation to nutrition and Members noted that all homes had passed this standard which was reassuring following the work it had previously undertaken around this.

**RESOLVED** – That the report be received.

**AH22. ADULT SOCIAL CARE TRANSFORMATION PROGRAMME** – The Director of Children and Adult Services submitted a report (previously circulated) updating Members on the progress of the Adult Social Care Transformation Programme, which had been developed to modernise service and meet future demands and address pressures within that service area.

It was reported that the programme was progressing well with work in a number of areas complete and many more nearing completion and that the programme was regularly reviewed with new work added and the scope of existing pieces of work widened as applicable.

Particular references were made to the project in relation to Vane House and it was reported that work was being undertaken to establish the options available to deliver

the best offer in relation to sensory impairment and how best that offer could be supported, the location of the first point of contact to Adult Social Care services and the work being undertaken to prepare for winter pressures.

**RESOLVED** – That the report be received.

**AH23. NON-RESIDENTIAL CHARGING POLICY CONSULTATION** – The Director of Children and Adult Services submitted a report (previously circulated) advising Members of a report being considered by Cabinet at its meeting scheduled to be held on 6 November 2018, in relation to the Council's charging policy relating to Non-Residential Services in respect of the treatment of income from eligible benefits.

It was reported that the current policy, approved by Cabinet in 2016, stated that the Council must treat eligible benefits as income when considering what a person could afford to pay towards their care from their income, however, guidance and associated Regulations stated that Councils may have discretion about the treatment of these benefits when completing a financial assessment and it was this element that had been the subject of a four-week public consultation exercise.

The Assistant Director Adult Social Care reported that Cabinet was being recommended to continue to take the income received from benefits into account when completing a financial assessment as to exclude these benefits would have a significant financial impact on the Authority and that, as the previous Fairer Charging Policy and the incorrectly approved current policy did take income from benefits into account, applied assessments of individual contributions would not change and individuals would not be impacted further by the decision to continue to do this.

It was reported that the Policy was a framework document to be implemented, however, any specific exceptional individual needs and circumstances could be addressed on a case by case basis.

**RESOLVED** – That the report be received.

**AH24. WORK PROGRAMME** – The Managing Director submitted a report (previously circulated) requesting that consideration be given to this Scrutiny Committee's work programme for the remainder of the Municipal Year 2018/19 and to consider any additional areas which Members would like to suggest should be included in the work programme.

It was reported that the final report of the Autism Task and Finish Review was nearing completion and that work by the Task and Finish Review into Welfare reforms was progressing.

**RESOLVED** – That the work programme for the Municipal Year, as appended to the submitted report, be approved.