

Community Services Overview and Scrutiny Panel

Minutes of the Meeting

Date: Tuesday 9 July 2013

Time: 10.00am

Venue: Edwards Room, County Hall, Norwich

Present:

Mrs J Brociek-Coulton
Ms E Corlett
Mr D Crawford
Mr E Foss
Mr A Grey
Mrs S Gurney (Chairman)
Mr B Hannah
Mr H Humphrey

Mr J Mooney
Mrs E Morgan
Mr W Northam
Mr W Richmond
Mr M Smith
Mrs M Somerville
Mrs A Thomas

Substitute Present:

Mr T Garrod for Mr J Law

Also Present:

Ms S Whitaker, Non-Voting Cabinet Member for Adult Social Services
Mrs M Wilkinson, Non-Voting Cabinet Member for Communities

Officers/Others Present:

Harold Bodmer, Director of Community Services
Janice Dane, Finance Business Partner and Transformation Manager, Community Services (Adult Social Care)
James Bullion, Assistant Director of Community Services, Prevention (Adult Social Care)
Jennifer Holland, Assistant Director of Community Services, Head of Libraries and Information
Debbie Olley, Assistant Director of Community Services, Safeguarding (Adult Social Services)
John Perrott, Business Support Manager, Community Services (Adult Social Care)
Jill Blake, Business Support Manager, Community Services (Adult Social Care)
Ann Baker, Vice-Chairman of the Norfolk Strategic Board for Older People
Augustine Pereira, Norfolk and Suffolk NHS Foundation Trust
Tamsin Lodge, Member of the Public
Mick Sanders, Head of Integrated Commissioning – Norwich, Community Services (Adult Social Care)
Colin Sewell, Planning, Performance and Partnerships Manager (Communities)
Stephen Andreassen, Strategic Risk Manager, Resources (Finance)

Clive Rennie, Assistant Director of Commissioning (NHS/NCC)
Richard Bearman, Leader of the Green Group at Norfolk County Council
Andrew Wiltshire, Conservative Political Assistant
Jonathan Dunning, UNISON
Jane Walsh, Project Manager Transformation (Re- modelling of Care) Community Services
Beverley Evans, Head of Adult Education, Community Services
Lucy Roger, Project Support Officer, Community Services (Adult Social Care)
B Ziolkowska, Norfolk and Suffolk NHS Foundation Trust
Steve Holland, (Programme Director Strategic Model of Care) Community Services

1 Apologies For Absence

Apologies for absence were received from Mr J Law, Mr D Roper (Non-Voting Cabinet Member for Public Protection) and Mrs C Walker.

2 Minutes

The minutes of the previous meeting held on 11 June 2013 were confirmed by the Panel and signed by the Chairman.

3 Declarations of Interest

Ms E Corlett said that she had an “Other Interest” in that she was employed by the Norfolk and Suffolk Foundation Trust for whom she was also a UNISON Steward. She said that in the circumstances she would be withdrawing from the meeting for the public question on mental health and for the report on mental health at item 14 on the agenda.

Ms J Brociek-Coulton said that she had an “Other Interest” in that she undertook occasional employment for a social care company called Blue Bird.

4 Items of Urgent Business

There were no items of urgent business.

5 Public Question Time

The following public question was received from Miss Tamsin Lodge:

“The Adult Education Service is supposed to be functioning as normal, with a full range of courses. Can the Council advice me as to why the IT provision has not been reinstated for the Autumn term?”

The following response was given:

“The Adult Education Service took the difficult decision to reduce the number of ICT courses it offered for the following reasons:

- Skills Funding Agency grant funding was reduced by some £700,000 in the year which meant the Service could no longer offer the breath of courses it had offered in the past.
- There had been a reduction in demand for formal classroom based ICT courses

- There were already many other local organisations and national online organisations providing ICT training in Norfolk.
- The Service would need to invest in its ICT teaching infrastructure and software to compete with other providers and it was not in a position financially to do this.”

Miss Tamsin Lodge asked the following supplementary question:

“There is a real need for basic IT training for those people who have no knowledge of using the internet. With this in mind surely it is worthwhile to provide this sort of training?”

The Chairman asked for the following response to be given by Mrs Beverley Evans, Head of the Adult Education Service:

“There are a number of providers of basic IT training including the Library Service; the Adult Education Service is exploring with Library Service and Job Centre Plus what more can be done to support people who need this sort of training in order to find suitable employment.”

Having declared an “other interest” at the start of the meeting, Ms E Corlett left the meeting for the following public question.

Mrs Ann Baker, Vice-Chairman of the Norfolk Strategic Partnership Board for Older People asked the following public question:

“Reports in the Eastern Daily Press and Evening News of Friday 28 June 2013 stated that the President of the Royal College of Psychiatrists has called in the Care Quality Commission raising concerns about the substantial loss of jobs in the Norfolk and Suffolk NHS Foundation Trust being a real threat to patient safety. This confirms our own concerns increasingly being raised by families and unpaid carers about delays in treatment of patients and the hardships and anxiety they are facing. The President goes on to suggest that it may no longer, after the one year already agreed, be appropriate to place trainees in this Trust.

In the light of these reports, whilst we commend the report of the Norfolk and Suffolk Joint Committee on Radical Design of Mental Health Services which obviously involved a great deal of hard research and thought, what further urgent action would Norfolk County Council take to maintain a safe level of staffing at all levels from consultant down, before there are any repercussions?

The following answer was given:

“The Mental Health Clinical Services are commissioned from the Norfolk and Suffolk Foundation Trust by the Norfolk Clinical Commissioning Groups (CCGs). This arrangement includes a detailed specification of service requirements and a set of Care Quality and Safety key performance indicators which are closely and regularly monitored to ensure that standards of service are good. The CCGs work with the Trust to ensure any areas of concern are addressed. The County Council has a formal agreement with the Trust for the provision of Social Care Services and also sets out key performance requirements and monitors performance of Trust. Again, the Council works with the Trust on any improvement actions which are needed.

The Norfolk Health Overview and Scrutiny Committee (NHOSC) have considered the plans for the Trust's redesign and will consider a further report on this at its meeting in September 2013.

A key element of the proposals referred to is a change in the numbers of different types of roles in the organisation: the "skill mix". The impact of these changes will be considered through these routes."

Mrs Ann Baker then asked the following supplementary question:

"There are already concerns brought to us as a result of the changes so far, from both ends of the skills mix, from consultants to social care staff and unpaid carers. Can the County Council intervene more strongly and hopefully in good time because we fear that repercussions will occur?"

The Chairman asked for the following response to be given by Mr Clive Rennie, Assistant Director of Commissioning (NHS/NCC).

"The Norfolk and Suffolk NHS Foundation Trust (NSFT) and the Lead Commissioner, the North Norfolk Clinical Commissioning Group, are due to attend the next meeting of the Norfolk Health Overview and Scrutiny Committee on 5 September 2013 to present a timetable for their decision making processes and for the necessary consultation with that Committee.

The NSFT have assured the Norfolk and Suffolk Joint Health and Scrutiny Committee on the radical redesign of mental health services (the Joint Committee) that the transition to the new service model would be closely monitored to ensure quality and safety for patients. The NHOSC will need to consider financial sustainability of local NHS Services alongside quality and safety."

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Ms E Corlett returned to the meeting at this point in the proceedings.

6 Local Member Issues/Member Questions

There were no local Member issues or local Member questions.

7 Cabinet Member Feedback

The annexed report (7) by the Director of Community Services was received.

The Cabinet Member for Communities reported that Mr Steve Miller had taken up his post as Head of Museums and Archaeology for the Norfolk Museums and Archaeology Service.

The Cabinet Member for Adult Social Services said that the Cabinet had agreed (as an exception to contract standing orders) to extend the current domiciliary block contracts for a year, with the option of an additional six months, if required. She said that this would allow time for further consideration to be given to the provision of domiciliary care as a whole, and for the possibility of awarding an overall single new contract to be examined, thereby saving money.

8 Fuel Poverty in Norfolk – Scrutiny Task and Finish Group

The annexed report (8) by the Scrutiny Support Manager (Health) was received. The report asked the Panel to agree on terms of reference for a scrutiny task and finish group on “Fuel Poverty in Norfolk” in the context of heating people’s homes.

It was noted that the terms of reference of the Working Group of Cabinet Scrutiny Committee that was currently examining rural isolation in Norfolk had been amended to exclude the areas of work that would be covered by the Fuel Poverty Scrutiny Task and Finish Group.

The Panel **RESOLVED** to:

(a) Approve the terms of reference for the Fuel Poverty Scrutiny Task and Finish Group that were attached at Appendix A to the report.

(b) Appoint the following Members to serve on the Task Finish Group:

Ms J Brociek-Colton
Ms E Corlett
Mr D Crawford
Mr E Foss
Mrs S Gurney
Mrs E Morgan

(c) Add one other Member to be appointed following consultation with Mrs Gurney.
(Note: Mr I Mackie agreed to take on this role).

(d) Agree one Member of the Group should attend the National Energy Action Conference 2013 at a cost £358.33 plus VAT plus accommodation and travelling expenses.

9 Scope of the Review of Adult Education

The annexed report (9) by the Director of Community Services was received.

The Panel received a report that provided a brief overview of the Adult Education Service and outlined the key points that would be considered as part of the review of the Service.

In reply to questions, it was pointed out that the service was not planning to continue to deliver apprenticeship training for school teaching assistants and childcare staff because schools and childcare settings found it difficult to release staff for training within their core contracted hours, as now required by the rules governing apprenticeship programmes. It was noted that for teaching assistants and childcare staff who were no longer able to take up apprenticeships, the service would continue to provide suitable courses that lead to certificates and diplomas.

It was also pointed out that the forthcoming review of the Service would take into account the availability of public transport throughout Norfolk, and show in which areas

of the county there was the greatest need for adult basic education courses.

In respect of the following matters, the Head of the Adult Education Service said that she would provide detailed written responses for the benefit of all Members after the meeting:

For Wensum Lodge:

- To explain what percentage of the Service's total courses were available at Wensum Lodge.
- To show courses offered at Wensum Lodge in a typical week to illustrate the range of courses available.
- To show which courses were unique to Wensum Lodge, for example, available at Wensum Lodge but not available elsewhere in Norfolk.

More generally:

- Of the 300 venues where Adult Education Courses were delivered across the county, where were they and how much was delivered at each venue.
- How did the Adult Education Service receive learner feedback and could examples be provided of what use was made of it.

The Panel agreed that the Cabinet Member for Communities would be the sponsor for the review of the Adult Education Service and that an interim report should be brought to a future meeting in September or October 2013. It was also noted that Mr Dearnley, the local member for Wensum Lodge, would need to be kept informed of developments.

10 Warm and Well – Interim Evaluation Report

The annexed report (10) by the Director of Community Services was received.

The Panel received a report that examined how the "Warm and Well" intervention was provided in Norfolk and how it was targeted at those in need of help to keep their homes warm during the winter.

In the course of discussion, the following key points were noted:

- A significant number of individuals (some 20%) targeted by the "Warm and Well" intervention might not have had a particular need for the Service.
- The intervention needed to be targeted more at vulnerable families and to have improved links with parish councils.
- It was noted that while "low cost loans" through the Norfolk Credit Union were advertised with a headline 2% monthly interest rate, the APR was actually very high at 27%, making this misleading. Such loans were difficult for many to pay off; access grants were more appropriate. Officers were asked to examine this matter further.

The Panel asked that when the conclusions and recommendations from the final evaluation report had been completed that they be referred to the Fuel Poverty Task Finish Group for its comments.

11 Supporting People Programme Review

The annexed report by the Director of Community Services was received.

The Panel received a report that categorised the progress of the Supporting People programme from its inception in 2003 to the current date.

Members supported the governance arrangements for the Supporting People programme and noted that it was lead by a Commissioning Body which included Community Services. It was also noted that older people's groups had been consulted on the approach that was being taken and that this approach made use of assistive technology.

It was further noted that the Supporting People approach was now well established in Norfolk and that the next meeting of the Governing Body would be held at the end of July 2013.

12 Community Services Performance and Risk Monitoring Report

The annexed report (12) by the Director of Community Services was received. The report provided an end of year summary of performance and risk management for Community Services for 2012/13.

It was noted that "the speed and severity of change" performance indicator was now at "green" rather than at "amber".

Members asked for the appendices to performance and risk management reports to be redesigned so that they did not in future have to be printed on A3 coloured paper and handed out at Panel meetings but could instead be read easily in an electronic format (at size A4).

Members also asked for a breakdown of the sickness absence figures for Adult Social Care so as to show different kinds of sickness and in particular to what extent sickness absence was due to injury at work.

The Panel noted the County Council's Library Service remained the most popular of all the county authorities in terms of books borrowed per head of population and for lending other items such as DVDs, console games and CDs.

The Panel noted the overall good progress that continued to be made by Community Services in meeting its performance and risk management targets.

13 Remodelling of Care (ROC): Independence Matters: Contractual Arrangements for a Jointly Owned Social Enterprise

The annexed report (13) by the Director of Community Services was received. The Panel received a report that outlined the main terms of a proposed contract for The

Social Enterprise, Independence Matters to be established, to be owned 49% by the Council and 51% held in trust for the employees.

For the benefit of new Members, Mr Bullion and Mr Holland from Community Services briefly outlined the background to the report, including the findings of the Remodelling of Care Working Group and the decision of the Cabinet in December 2012 to agree to establish a social enterprise for Personal Community Support Services. They explained that the Panel was being asked to consider the proposed contractual arrangements and not to consider whether to set up a social enterprise since that decision had already been made.

Mrs Gurney said that because there were significant staffing implications arising from the report she was prepared, as an exception to normal County Council policy, to exercise her discretion as Chairman of the Panel and to agree to a request from Mr Dunning (on behalf of UNISON) that he should be allowed to explain why UNISON was against the creation of a Social Enterprise for Personal and Community Support Services.

Mr Dunning said that the cost of increased employer pension contributions could be over £1M if this came out at the higher end of management's range of estimates. He said that UNISON HQ understood there to be continuing uncertainty as to whether the Social Enterprise could trade as a Teckal Company. Mr Dunning said that the legal opinion that the County Council had received on this matter was believed to be divided. Mr Dunning added that the alternative, advocated by UNISON, of an in-house model would deliver a more cost-effective and accountable service and receive wider support from staff. He suggested that this option could still be considered within the existing timetable for when a decision needed to be made on a way forward and a report brought back to the next meeting of the Panel.

In the ensuing discussion the following key points were made:

- The Social Enterprise would have a guaranteed contract for up to five years (comprising an initial three years with the option for the County Council to extend its contract for a further two years) prior to considering its contractual position.
- The existing staff would have the full transfer protection of the TUPE legislation.
- The TUPE transfer would result in about 530 full-time equivalent staff transferring to the Social Enterprise.
- It was noted that the Social Enterprise complied with the latest advice from the European Commission.
- The full procurement business case was available to Members on request.
- The legal advice was that the Social Enterprise could trade as a Teckal Company.
- Ms Corlett asked for an explanation of the legal advice from NP Law and to see the legal advice.
- The Social Enterprise would be able to gain access to social finance which was increasingly available in the market from social investors but not available to the County Council.
- Surpluses would go straight back into the Service.
- In the current economic climate, there might be a greater risk to the level of service which could be provided for the public if the Service remained in-house.
- There would be no cost implications for service users of moving to a Social

Enterprise.

- The Council would be able to exercise control through an Enterprise Development Board, the contract and the company articles of association. The Enterprise Development Board would include the Cabinet Member for Adult Social Services, plus one other County Councillor and, if they wished to take up the position, a UNISON representative. The Enterprise Development Board would be the most important mechanism whereby the County Council would be able to review the activities of the Social Enterprise and be able to safeguard the County Council's interests and review the price of contracts.
- It was noted that approximately 60 members of staff had responded to a UNISON survey from a total of 530 FTE staff.
- Mrs Morgan asked for Members to be able to see the written summary of staff responses during engagement sessions and the most important comments that came out of the staff engagement sessions.
- The Cabinet Member for Adult Social Services said that the decision to set up a Social Enterprise had already been taken by the previous Administration at the County Council. She considered it important for UNISON to be represented in the running of the Social Enterprise.

It was then **RESOLVED** to:

- (a) support the proposed contractual relationship with the enterprise, noting the main terms and risks;
- (b) support the premise that the additional costs arising from the pension deficit, and the transfer of shared services and redundancy costs were funded corporately by the Council;
- (c) Support the Interim Enterprise Development Plan from the emerging Social Enterprise, Independence Matters.

(Each of the above resolutions was agreed by way of a separate vote, with three Members voting against on each occasion).

Having declared an "other interest" at the start of the meeting Ms E Corlett left the room before the Panel considered the next item.

14 Mental Health Services – Review of Report on Section 75 Agreement with Norfolk and Suffolk Foundation Trust

The annexed report (14) by the Director of Operations at the Norfolk and Suffolk Foundation Trust and the Director of Community Services was received. The Panel received a report that described how the Norfolk and Suffolk Foundation Trust (NSFT) had addressed the responsibilities delegated to it by the Council under the Section 75 Agreement during the period January 2013 to date.

The Panel noted:

- (a) The governance structure for the working of the Section 75 Agreement.
- (b) The performance framework used to monitor how effectively the NSFT delivered the delegated Council functions and Key Performance Indicators.

- (c) Matters relating to staffing and workforce planning.
- (d) The provision of training to support the delivery of the delegated County Council functions.
- (e) The delivery of the Approved Mental Health Professional's service.

15 Forward Work Programme - Scrutiny

The annexed report (15) by the Director of Community Services was received. The Panel received a report concerning its scrutiny forward programme for 2013/14 which was agreed subject to the addition of a report on blue disabled parking badges (which was also to be considered by the Cabinet Scrutiny Committee) being considered by the Panel in September 2013.

16 Mr James Bullion

The Panel's thanks were placed on record to Mr James Bullion, Assistant Director of Community Services, Prevention, who was due to leave the County Council's employment before the next Panel meeting to take up an Assistant Director post with Essex County Council.

The meeting concluded at 12.20pm.

Chairman



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