

Adult Social Care Committee

**Minutes of the Meeting Held on Monday, 15 January 2018
at 10:00am in the Edwards Room, County Hall, Norwich**

Present:

Mr B Borrett (Chairman)

Mr Tim Adams

Miss K Clipsham

Mr S Eyre

Mrs S Gurney (Vice-Chair)

Mrs B Jones

Mr G Peck

Mr M Sands

Mr M Storey

Mr H Thirtle

Mr B Watkins

Mr T White

Mrs S Young

1. Apologies

- 1.1 Apologies were received from Mr J Mooney (Mr S Eyre substituting) and Mr W Richmond (Mr T White substituting).

2. To confirm the minutes of the meeting held on

- 2.1 The minutes of the meeting held on 06 November 2017 were agreed as an accurate record and signed by the Chairman.
- 2.2 An update on progress of the carers' charter task and finish group was requested; the Chairman agreed to take this under Executive Director's Update, Item 9, as this was not related to accuracy of the minutes.

3. Declarations of Interest

- 3.1 Mr T White declared a non-pecuniary interest related to items 12 and 13 due to having an adult child in residential care and a family Member supporting as a personal assistant.

4. Urgent Business

- 4.1 There were no items of urgent business.

5. Public Question Time

- 5.1 There were no public questions.

6. Local Member Questions / Issues

- 6.1 There were no local Member questions.

7. Chairman's Update

7.1 The Chairman was due to attend a joint meeting of the Joint Executive and Joint STP (Sustainability Transformation Plan) Executive Oversight Board; this was the first joint meeting of the two boards. He would provide a further update at a future meeting.

8. Update from Members of the Committee regarding any internal and external bodies that they sit on

8.1 Mr G Peck updated members on:

- A meeting of the Norfolk Safeguarding Adults Board where Norfolk & Suffolk Community Rehabilitation Company and Norfolk and Suffolk Foundation Trust gave information on their roles in safeguarding;
- The LGA (Local Government Agency) report on modern slavery which included information on public procurement and auditing of council supply chains;
 - The Executive Director of Adult Social Services confirmed Norfolk County Council (NCC) had a lead officer for understanding and promoting this report;
 - A modern slavery policy had been adopted;
 - To provide information on the number of audits carried out the Executive Director of Adult Social Services **suggested** a report was brought to a future meeting outlining links to the care sector.

7b.1 Mr B Watkins raised the national conversation over funding of social care, querying how parties could work to bring a deal for Social Care. The Chairman gave an update on the Council Resolution from the 12 December 2017 where it had been agreed that the Leader would write to Sajid Javid. The Leader wrote on 22 December outlining the Council resolution, copied to Lord Porter, head of the LGA. A copy was sent to all Norfolk MPs asking for support. Mr Watkins was keen for a more direct approach to lobbying. Mr Sands spoke in support of Mr Watkins and on the role of the rural and farming industry in modern slavery policy.

8.2 Mrs S Gurney updated members on:

- Her role in judging of the Norfolk care awards as Vice-Chair of the Committee; an award evening was due to be held in February 2018;
- A meeting with Making It Real at County Hall in December 2017. Two further dates had been set for May 10 and November 8 2018. She planned to discuss with the Executive Director and Officers the opportunity for Making It Real to do a piece of work for the Committee trialling assisted technology.

8.3 Mr M Sands updated members on:

- The Age UK meeting in December 2017 where a new appointee discussed his role, role of carers and of carers in the community and work towards developing the Carers Charter, in which they were interested in being involved.

8.4 Mrs S Young updated members on:

- Meetings she attended in November 2017 with West Norfolk CCG to look at cardiology and urology and to look at how strategies would work in future;
 - Challenges of rurality, hospital places and leadership were discussed;
- Attendance at meetings of the West Norfolk dementia strategy
- An invitation received to visit to the old persons A and E department at the Norfolk and Norwich Hospital
- An invitation received from the Mental Health Care trust to visit Chatterton House, Kelling and Hellesdon hospitals.

7b.2 Mr Storey requested clarification on Mr Sands' comment about the farming industry and modern slavery policy. Mr Sands clarified he was fully supportive of Norfolk County Farms, and felt they could be an open ear across the County in looking out for slavery in rural areas.

9. Executive Director's Update

- 9.1.1 The Executive Director of Adult Social Services updated the Committee on pressures in the NHS and Social Care over Christmas 2017:
- Norfolk had been exceptionally busy in elective and unplanned admissions from flu, respiratory disease, norovirus and accidents. Despite planning to reduce inpatients before Christmas, a lack of capacity led to an increase in referrals to Norfolk County Council from the NHS and constraints for care providers;
 - Delayed transfer of care figures were likely to increase by an estimated 200 days;
 - Emergency duty services had 350 referrals to adult social care over this time compared to 100 a year ago;
 - The Council's response had been to: increase overtime; divert social workers from community into hospitals; increase discharge to assess and immediate discharge, and; increase payment to care providers, with golden hellos to encourage them to take on patients as early as possible;
 - It was estimated there were likely to be high levels of demand for a further 3 weeks;
 - The Executive Director of Adult Social Services thanked adult social care staff and care providers for going above and beyond over this time;
- 9.1.2 The Executive Director of Adult Social Services also updated Members on:
- In April 2016 the Committee delegated powers to conclude cost of care reviews for adults in residential and nursing care. Consultation had concluded and the Executive Director for Adult Social Care had exercised this delegated power and published the agreed prices in 2015-16, 2016-17 and 2017-18;
 - A senior management team sector led improvement visit to Bedford council;
 - Progress on recruiting to Social Work vacancies: of the 50 additional practitioner posts, 12.5 were now vacant;
 - Work of the task and finish group following Mr Watkins' question at paragraph 2.2; the Chairman of HealthWatch had agreed to oversee the group as Chairman and an initial meeting held. The Assistant Director of Strategy & Transformation updated that further meeting dates were being set and nominations from Children's Services Committee had been received. Nominations from the Carers Council for Norfolk were due to be received. A further update would be given at a later date.
- 9.2.1 Weekly meetings with health care providers included mental health care providers.
- 9.2.2 Mr T Adams suggested a report on the current position of Independence Matters would be helpful. It was confirmed that an annual statement was received in September/October but not brought to the Committee; the Chairman **requested** that the annual statement was circulated to Members of the Committee.
- 9.2.3 The Executive Director of Adult Social Services reported that most remaining Social Work vacancies were in South and West Norfolk.
- 9.2.4 Mr Watkins recalled in a previous meeting he asked for information on staff who left NCC for mental health reasons or asked for support; the Executive Director of Adult

Social Services **agreed** to check when this would be available to the Committee.

- 9.2.5 The Executive Director of Adult Social Services reported that, when last updated, there were 22 “ordinary vacancies” and 12.5 vacancies of the “additional 50 Social Work posts”, a total of 32.5 Social Work vacancies in total across Adult Social Care.
- 9.2.6 The Executive Director of Adult Social Services confirmed there were no proposed cost savings related to qualified or non-qualified staff; he **agreed** to find information on the number of non-qualified vacancies in adult social care as a result of existing staff becoming qualified and moving into qualified posts.

10. Risk Management

- 10.1.1 The Committee received the report detailing risks for Adult Social Care on an exceptions basis, and outlining a new risk.
- 10.1.2 It was queried whether rm13296, “budget savings”, would change to amber in the near future; the Executive Director of Adult Social Services felt it was likely to remain red due to timing in light of current NHS pressures and other service pressures.
- 10.2.1 The final outcome of Deprivation of Liberty Safeguarding (DoLS) regulation changes were due in October 2018. A review of the DoLS team was being carried out to understand the current position and look towards recovery. The new regulations were likely to be less onerous.
- 10.2.2 Risk rm14290 “negative outcome of the judicial review into fee uplift to care providers” was queried; the Executive Director of Adult Social Services felt this was likely to remain amber due to other changes within the care market.
- 10.2.3 The Executive Director of Adult Social Services had received the sign-off letter for the Better Care Fund (BCF) so financial risk was no longer present; the main risk for delayed transfers of care was a slip in national rank and scrutiny based on this.
- 10.3 The Committee unanimously **AGREED** to the addition of the new Risk RM14314.

11. Adult Social Care Finance Monitoring Report Period 7 (October) 2017-18

- 11.1.1 The Committee received the financial monitoring report based on information to the end of October 2017, setting out variations from the budget, progress against planned savings and actions being taken by the service to remain within budget.
- 11.1.2 Period 9 update was circulated; see Appendix A. It showed a balanced position with a small increase in the contingency of period 9. The proposed carry-forward related to the Better Care Fund (BCF) was £9.8m.
- 11.2.1 The BCF carry-forward increase from £3.145m to £9.8m was queried. The Finance Business Partner (Adult Social Services) reported this was to ensure invest-to-save projects were in place for longer; the money had been ring-fenced to ensure it was spent on adult social care and for the original purposes agreed with health providers.
- 11.2.2 The Executive Director of Adult Social Services reported that Norfolk’s Bad Debt Provision compared well with the national picture and NCC was working with organisations to resolve debts. He **agreed** to provide further information in a future finance report. Bad Debt Provision was not a stand-alone risk.

- 11.2.3 The Executive Director of Adult Social Services clarified that most debt related to individuals and care charges given to them; he assured the Committee that debt was followed up robustly by the council.
- 11.2.4 The Finance Business Partner (Adult Social Services) reported that Officers worked with operational teams to see where service users were waiting for services every month; this was highlighted as a risk as it fluctuated.
- 11.2.5 There would be a stabilisation in cost of care due to increased reablement which would support people to stay longer in their homes in the long term.
- 11.2.6 A query about stability of the care market was raised in reference to 4 Seasons; the Executive Director of Adult Social Services reported that Officers monitored and worked with providers who were in trouble through the Care Quality Service to solve problems within the market.
- 11.2.7 Concern was raised following discussions in the media about the sustainability of Carillion; the Executive Director of Adult Social Services was not aware that Norfolk County Council used this company's services.
- 11.3 The Committee unanimously **AGREED**:
- a) The forecast outturn position at Period 7 for the 2017-18 Revenue Budget of £261.313m;
 - b) The planned use of reserves;
 - c) The forecast outturn position at Period 7 for the 2017-18 Capital Programme.

12. Fee levels for adult social care providers 2018/19

- 12.1.1 The Committee considered the report outlining the recommended approach to fee uplifts for purchasing adult social care for the 2018/19 financial year.
- 12.1.2 Work had been done across the sector to understand the market and ensure they were adequately funded. Consultation with the market would start the following week for 28 days. As 2018 was the last year for a separate cost of care update for older people, the overall uplift exceeded 6%. Officers would look at the cost model for 2019 onwards with providers; the current model had been co-produced with providers and included an impact of the increase of national minimum wage.
- 12.1.3 The Head of Quality Assurance and Market Development reported that Officers were in regular contact with the Regional Director of 4 Seasons. Abbyville care home in Great Yarmouth had recently closed for quality reasons, so Officers were looking at how to provide care in this area moving forward.
- 12.2.1 The choice of a stepped rate for care and travel over a flat hourly rate was queried. The Head of Quality Assurance and Market Development clarified that the cost model was developed with providers. It included travel time and payment for travel; the hourly rate included all paid travel time and other on-costs. NCC could not direct providers as to how much of the rate to pay to staff other than at least minimum wage however most paid in excess of the national living wage. Included in the rate was the ability for providers to pay the living wage plus 50p per hour.
- 12.2.2 Concern was raised that increases for living wage may go towards profits. The Director of Integrated Commissioning reported that providers paid by Norfolk County Council (NCC) worked to the NCC framework; this required them to work with NCC,

including paying their staff. The Chairman noted that Norse provided a more efficient and better value service than when care homes were run in-house.

- 12.2.3 The base for calculating travel was GP surgeries, chosen due to being a centre of a community or population; visits were logged on Liquid Logic so where people were located in relation to GPs could be seen and provide an audit trail. The distance of each round could be audited if required and banding checked retrospectively.
- 12.2.4 NCC had carried out audits to ensure all workers were paid at least the national minimum wage.
- 12.2.5 A list of providers who did not pay travel time was requested. It was clarified HMRC calculated this as “payable work time”. There was no requirement to pay this; only “eligible work time” was legally required therefore this information was not held.
- 12.2.6 Further detail was **requested** on how GP surgeries were used to calculate travel time and payments; the Chairman **suggested** this was brought to a Member workshop.
- 12.3 The Committee **CONSIDERED** and unanimously **AGREED** the approach to fee uplifts for the 2018/19 financial year:
 - a) In respect of contracts where an inflation index or indices were referenced an uplift was implemented to match any changes in the relevant index or indices;
 - b) In respect of contracts where there was a fixed price for the duration of the contract, no additional uplift in contract prices takes place;
 - c) In other contracts, where the Council had discretion in relation to inflationary uplifts, that uplifts were considered in line with those set out in this report.

13. Strategic and Financial Planning 2018-19 to 2021-22 & Revenue Budget 2018-19

- 13.1.1 The Committee received the report outlining proposals to inform Norfolk County Council’s (NCC) decisions on council tax and contribute towards the Council setting a legal budget for 2018-19.
- 13.1.2 The Executive Director of Adult Social Services introduced the report which set out policy context and the 7 County Council priorities, and Council-wide funding gap in context of which the Committee would make their decision. He highlighted some national uncertainties such as ending of the non-recurrent improved Better Care Fund (BCF) grant at the end of 2020 and uncertainty around funding for social care, noting publication of the associated social care green paper later in the year.
- 13.2.1 Concerns were raised and discussed about proposed changes to disability related expenditure discussed in the report related to disability disregards when calculating the amount an individual can afford to contribute towards their care payments. The impact on service users was queried. The Executive Director of Adult Social Services reported it was proposed that a standard disregard would no longer be applied to those without eligible disability related expenditure, and that where people have disability related expenditure service users would need to apply for this. Through consultation, service users had been contacted and over 900 responses received.
- 13.2.2 The Executive Director outlined that the Council funded a range of advice agencies to provide support and advice for people in the social care assessment process. There was no planned reduction in funding to advice agencies to support service users, and in fact following the improved Better Care Fund proposals a £1m increase due to increased advice and support funding through social prescribing in GP surgeries on

top of existing specialist advice contracts. Service user support would include ensuring clear and simple processes and enabling providing advocacy services to get the right information to support people to apply for disregards and benefits they were eligible for.

- 13.2.3 Concern was raised that some service users affected by the proposed changes may not be able to respond by letter or have internet access, and that the 20% response from letters sent to service users did not give a clear or full picture.
- 13.2.4 It was raised that the proposed increase in Council tax precept could cover the proposed decrease in disability related expenditure.
- 13.2.5 It was confirmed that disability related expenditure disregard could cover expenditure such as community alarms, increased bill costs such as excessive laundry or fuel costs caused by disability conditions, or privately arranged care services among others; the main area where the disregard did not cover items was those that could be obtained through the NHS services, such as incontinence pads.
- 13.2.6 The Finance Business Partner (Adult Social Services) confirmed annual reviews and assessments were carried out with service users by phone, or with representatives where appropriate or via face to face meetings. Work was being planned with user representative organisations to improve and simplify forms, improve easy read text and it make as easy as possible to identify what people needed.
- 13.2.7 Concern was raised that some service users may “fall through the cracks” if they were unable to complete the forms or did not know they were eligible for the funding.
- 13.2.8 The Chairman clarified that the proposed changes would mean disability disregard was no longer paid to people who were not eligible to receive it; those who qualified would still be paid, having applied for it, therefore the benefit was available to all those who needed it.
- 13.3
- a) With 8 votes for and 5 abstentions, the Committee **NOTED** the new corporate priorities – Norfolk Futures – to focus on demand management, prevention and early help, and a locality focus to service provision as set out in section 2 of this report;
 - b) With 13 votes in favour the Committee **CONSIDERED** the service specific budgeting issues for 2018-19 as set out in section 5;
 - c) With 13 votes in favour, the Committee **CONSIDERED** and **COMMENTED** on the Committee’s specific budget proposals for 2018-19 to 2021-22, including the findings of public consultation in respect of the budget proposals set out in Appendix 2 of the report;
 - d) With 13 votes in favour the Committee **CONSIDERED** the findings of equality and rural impact assessments, attached at Appendix 3 to this report, and in doing so, **NOTED** the Council’s duty under the Equality Act 2010 to have due regard to the need to:
 - i. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - ii. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - iii. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it;
 - e) With 13 votes in favour, the Committee **CONSIDERED** and **AGREED** any

mitigating actions proposed in the equality and rural impact assessments;
f) With 8 votes for and 5 abstentions, the Committee **CONSIDERED** the recommendations of the Executive Director of Finance and Commercial Services, and:

i. **RECOMMENDED** to Policy and Resources Committee that the Council's budget includes an inflationary increase of 2.99% in council tax in 2018-19, within the council tax referendum limit of 3.0% for 2018-19

ii. **RECOMMENDED** to Policy and Resources Committee that the Council's budget planning includes an increase in council tax of 3.0% for the Adult Social Care precept in 2018-19, meaning that no increase in the Adult Social Care precept would be levied in 2019-20

g) With 8 votes for and 5 against, the Committee **AGREED** and **RECOMMENDED** to Policy and Resources Committee the draft Committee Revenue Budget as set out in Appendix 4 including all of the savings for 2018-19 to 2021-22 as set out;

For consideration by Policy and Resources Committee on 29 January 2018, to enable Policy and Resources Committee to recommend a sound, whole-Council budget to Full Council on 12 February 2018.

h) With 13 votes in favour the Committee **AGREED** and **RECOMMENDED** the Capital Programmes and schemes relevant to this Committee as set out in Appendix 5 to Policy and Resources Committee for consideration on 29 January 2018, to enable Policy and Resources Committee to recommend a Capital Programme to Full Council on 12 February 2018

13.4 Cllr Sands clarified that the extra 1% was not part of the consultation and was put in afterwards.

The meeting finished at 12.10

**Mr Bill Borrett, Chairman,
Adult Social Care Committee**

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Member Briefing

Adult Social Care Update

15 January 2018

Financial monitoring – Period 9 update

The financial monitoring report to January Committee includes the forecast position at the end of October 2017 (Period 7). Ordinarily, the period 8 position would be reported to this committee, but, due to the implementation of the new social care and financial system, a forecast at the end of November (during implementation) was not planned.

To provide assurance and the latest information to Members when considering the medium term financial planning and 2018-19 revenue budget, a summary position at the end of December 2017 (Period 9) is shown below.

Period 9 Revenue forecast

No change is reported to the forecast outturn position for 2017-18.

Expenditure Area	Budget 2017/18 £m	Forecast Outturn £m	Variance £m
Total Net Expenditure	261.313	261.313	0.000

As in previous months, a contingency has been held to manage potential increases during the final two quarters of the years, which will include the impact from winter pressures across the health and social care system. The forecast contingency at Period 9 is £4m.

Reserves

The monitoring report at Period 7 shows forecast reserves at 31st March 2018 of £11.035. This includes carry forward of the improved Better Care Fund grant of £9.618m in order to manage the agreed work plan and specific investment initiatives, including capacity and transfer of care workstreams. The carry forward at Period 9 is forecast at £9.819m, which is included in the proposed committee revenue budget for 2018-19 to 2021-22, elsewhere on this agenda.



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