

Adult Social Care Committee
Minutes of the Meeting Held on 12 January 2015
10:00am Edwards Room, County Hall, Norwich

Present:

Ms S Whitaker (Chair)

Mr B Borrett

Ms J Brociek –Coulton

Mr D Crawford

Mr J Dobson

Mr T FitzPatrick

Ms D Gihawi

Mrs S Gurney

Mr C Jordan

Ms E Morgan

Mr R Parkinson-Hare

Mr J Perkins

Mr A Proctor

Mr E Seward

Mrs M Somerville

Mrs A Thomas

Mr B Watkins

The Chair welcomed Jim Perkins to his first meeting and thanked Alexandra Kemp for her contributions during her period as a member of the Adult Social Care Committee.

It was agreed to take Item 10 on the agenda (Adult Social Care Finance Monitoring Report Period Eight (November) 2014-15) before Item 9 (Service and Budget Planning 2015-18).

1. Apologies

1.1 Apologies for absence were received from Tim East and Tom Garrod (substituted by Eric Seward and Tom FitzPatrick respectively).

2. Minutes

2.1 The minutes of the meeting held on 17th November 2014 were agreed by the Committee and signed by the Chair.

3. Declarations of Interest

3.1 Mrs Thomas declared an 'other' interest in respect of item 7 as a member of the border hopper plus project board, which is supporting the border hopper project going forwards.

3.2 Mr Parkinson-Hare declared an 'other' interest as he had a daughter with learning difficulties.

3.3 Mr Seward declared an 'other' interest as he had a daughter with worked with

individuals with learning difficulties, and has difficulties herself.

- 3.4 Ms Whitaker declared an 'other' interest in respect of item 14 as she was formerly a trustee of Norwich and West Norfolk Citizens Advice Bureau.

4 Items of Urgent Business

- 4.1 There were no items of urgent business received.

5 Local Member Questions

- 5.1 There were no local Member questions.

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

- 6.1 The Chair reported that she had attended two meetings of the Mental Health Trust, one of which was in an observing role of the Directors meeting, and the other was of the Governors meeting. She had also attended an efficiency group meeting where the majority of the discussion held had been regarding car parking at County Hall.

- 6.2 There had also been two meetings of the Chairs of the service Committees which the Chair had attended. Savings and the forthcoming budget discussion had been the main topics of conversation. The Chair confirmed that nothing had been raised in these meetings regarding additional savings had appeared and needed to be made. She had expressed the Committee wish for a corporate approach to be implemented and she had explained the situation that Adult Social Services was in. However there was no spare money in the budget.

- 6.3 Elizabeth Morgan reported that she had attended two meetings of the Norfolk Community Health and Care NHS Trust.

- 6.4 John Dobson reported that he had received his induction at Queen Elizabeth Hospital. There would be a meeting later in the month which he would be attending.

- 6.5 Alison Thomas reported that she had met with the Chairman of South Norfolk forum in order to create an initial link.

7 Director's Update

- 7.1 The Executive Director of Adult Social Services reported that recently the department had been concentrating on the setting of the County Council budget, and Adult Social Services department's role in that. A consequence of this was the monitoring of placements; those which were being made and those which were ending. It was reported that there needed to be a radical change in the provision of adult care and consultant John Bolton was spending some time with the department analysing how to improve the way of working. There would also be a session with Mr Bolton which Members would be able to attend, and this would take place on 25th February 2015 pm.

- 7.2** It was reported by the Executive Director of Adult Social Services that there appeared to be a national crisis with Accident and Emergency departments. In Norfolk, the Henderson Ward on the Julian Hospital site had to be closed for Christmas Day due to staff shortage, and patients had to be taken to the Norfolk and Norwich University Hospital.
- 7.3** Although concern was expressed by members of the Committee at the temporary closing of the Henderson Ward on Christmas day, the Director confirmed that it was a temporary closure and the ward had re-opened and working effectively.
- 7.4** The implementation of the Care Act was being prepared for which would mean significant changes in the way the department operated.

8 Adults Safeguarding Board Peer Review Update

- 8.1** The annexed report (8) by the Executive Director of Adult Social Services was received. The reports Set out the key findings and the progress made on the recommendations. The Safeguarding responsibilities of Local Authorities would become statutory under the Care Act from April 2015.
- 8.2** It was reported that the Safeguarding Board would become a statutory body from April, and therefore would be subject to external review. Although the timetable to put everything in place for April was challenging, good foundations had already been built and it seemed everything was now in place for the re-refresh of the Board from April.
- 8.3** The Committee were informed that training would be taking place in the next month, and it was suggested that the training should be available to all Members not just members of the Committee.
- 8.4** A cross committee group between Adult Social Care Committee and Children's Services Committee was being created, with a provisional terms of reference having been agreed.
- 8.5** The Committee were informed that there was now a working budget for the first time, as a significant rise in income had been secured rising to £20k per year from £3-£4k per year.
- 8.6** The Safeguarding Board would be ratifying the new business plan and strategic plan in January, and from this the constitution would be created. This would be provided to the Committee at a future meeting for information.
- 8.7** The Committee were assured that the practices of the Safeguarding Board, although were deemed as sufficient, were being reviewed. Resources were being reviewed to ensure they were being used as effectively as possible.
- 8.8** Member of the Committee expressed concern that only one member of the Committee was appointed to the Norfolk Safeguarding Adults Board, and as the report highlighted the need to reorganise, it was felt that one member could not be enough.

8.9 The Committee RESOLVED that;

- All Members note the progress on the recommendations of the Peer Review as set out in Appendix 1 of the report.
- All Members should undertake the training in Basic Awareness of Adult Safeguarding in order to support the profile of the work of NSAB.

9. Adult Social Care Finance Monitoring Report Period Eight (November) 2014-15

- 9.1** The annexed report (10) by the Executive Director of Adult Social Services was received. The report provided the Committee with financial monitoring information, based on information to the end of November 2014. It provided a forecast for the full year, analysis of variations from the revised budget, with recovery actions to reduce the overspend and the forecast use of Adult Social Care (ASC) reserves.
- 9.2** Members asked if the executive summary of the reports could be made easier to understand, as the figures in the report seemed confusing.
- 9.3** The Committee heard that there would hopefully be an improvement in the financial situation of the department by the end of the financial year.
- 9.4** Concern was expressed about the proposed budget and if it realistically achievable. It was noted that to be in the current situation, the budget could not have been set realistically last year and it was not achieved. The Executive Director of Adult Social services replied that there was nationally a rise in funding requirements along with the amount of grants being reduced from central Government. All Local Authorities were in a similar situation.
- 9.5** After an explanation of the whole Council budget to the Committee and the effect of the overspend, the Committee noted that it was useful to have received this, and maybe it would be useful to have a whole Council picture for future budget discussions. Nevertheless, the Committee felt that radical change was needed to prevent substantial overspend in the future.
- 9.6** The Committee received assurance that none of the proposed savings would alter the fundamental task of safeguarding vulnerable people. However it would restrict people's choice but NCC would provide cost-effective alternatives.
- 9.7** The Committee expressed concern about the proposal to use earmarked reserves to prevent the overspend. The Committee were assured that although they were earmarked reserves at one point, there were no longer needed for that requirement and therefore could be used.
- 9.8** The Committee noted that the provision of housing with care beds from Norse Care were not cheaper than a private provider, but they were block purchased which made them more cost effective.

9.9 The Committee RESOLVED to note:

- The forecast revenue outturn position for 2014-15 as at Period Eight of an overspend of £6.094m.
- The recovery actions being taken to reduce the overspend.
- The current forecast for use of reserves.
- The forecast capital outturn position for the 2014-15 capital programme.

The Committee had a short break for 35 minutes at 12.30pm and returned at 1.05pm.

10. Service and Budget Planning 2015-18

- 10.1** The annexed report (9) by the Executive Director of Adult Social Services was received. The report contained proposals which would contribute towards the County Council setting a legal budget for 2015/16 which would see its total resources of £1.4billion focused on meeting the needs of residents.
- 10.2** Concern was expressed by the Committee about the use of earmarked reserves to fill the shortfall in the budget, and it was thought that general reserves should be used over earmarked reserves. It was confirmed by the Interim Director of Finance that Norfolk County Council were holding general reserves of approximately £19million and the use of earmarked reserves was part of normal financial planning. The budget book was approved at County Council, and part of that stated how earmarked reserves would be used over the next three years.
- 10.3** Members were concerned that although it appeared that there was no longer a need for the earmarked reserves for what they were intended, this decision had not been reported to the Committee, and there did not appear to be a process in place for bringing this financial information to the Committee. It was clarified to Members that there had traditionally not been many earmarked reserves for Adult Social Services, and if the Committee wished so, it could recommend to Policy and Resources that they were not prepared to accept the recommended budget.
- 10.4** The Committee was made aware that the use of the reserves for the budget shortfall would result in limited funds being available for the use of the transformation programme from April 2016.
- Norfolk County Council had created a reserve to deal with the potential liabilities associated with the funding of aftercare under section 117 of the Mental Health Act. This is used to fund these costs through the purchase of care budget, and it is forecast that all of the reserve will have been used by the end of this financial year (2014-15).
- 10.5** In response to Members' questions which related to the realistic savings targets which had been set, the Executive Director of Adult Social services responded that

the savings targets which had been set as part of the proposals had been scrutinised and were realistic yet challenging savings. It was the intention of the department to use the forthcoming financial year to understand the impact of the reduced transport budget and once this was known, the transport budget could be reviewed.

- 10.6** Members expressed an interest in the details of where the increased revenue from the Council tax base had been used. The Committee heard that the increase of the Council tax base had resulted in an extra £7 million for Norfolk County Council. This extra funding had been used to balance the overall budget for the Council but it meant that departments still had savings to realise. The figure received from the Council tax base had changed throughout the process of setting the budget and there had been no expectation from the Council that this would be the final figure.
- 10.7** As the increased funds had been used overall for the budget, it would have been more helpful for the Committee to have received information on the whole NCC budget rather than just for the individual Committee.
- 10.8** Although the Equality Impact Assessment had revealed that the proposal for the reduction of transport for service users would impact on the older and rural based service users, some Members claimed that it would not be possible for those affected to use the hopper bus service in conjunction with bus passes. The Executive Director for Adult Social Services clarified that service users would not be forced to use public transport where they were unable and would work alongside service users to find alternatives.
- 10.9** Members noted there was a risk of relying upon the money the Council would receive in conjunction with the Better Care Fund. This in turn relied on achieving a reduction of planned admissions into acute services, which carried a potential risk of not being met. The Executive Director of Adult Social Services confirmed that the £13 million agreed funding from the Clinical Commissioning Groups for the Better Care Fund settlement was secured aside from the performance element and was part of the legal transfer. If the target was not met, Norfolk County Council would not bear the risk of the loss of funding.
- 10.10** Members asked that future reports were made easier for Members to understand, as they needed to relay the information to their residents and parishes.
- 10.11** The following additional recommendation was moved by Cllr Andrew Proctor and was duly seconded;
“Adult Social Services reserves should not be used to support the 2015/16 budget shortfall because of the adverse impact on the ability to make future savings and changes but instead Policy and Resources Committee should consider a ‘whole Council’ approach to the use of reserves to fund budget shortfalls.”

After a recorded vote, which is attached at appendix A, the motion was **CARRIED**.

- 10.12** The following amendment to recommendation 3 was moved by Cllr John Dobson and duly seconded;
“Agree and recommend a budget as set out in Appendix A of the report and any

associated risks or issues and with the exception of the proposed use of reserves contained in Appendix C of the report to Policy & Resources Committee for consideration on 26 January 2015, to enable Policy & Resources Committee to recommend a sound, whole-Council budget to Full Council on 16 February 2015.”

On a show of hands, the Committee **AGREED** the amendment and it became the substantive recommendation.

10.13 Upon being put to the vote, with 8 votes in favour and 9 votes against the recommendation was **LOST**.

10.14 The Committee **RESOLVED** to:

- Consider and agree the findings of public consultation.
- Consider and agree the findings of equality and rural assessment, and in doing so, note the Council's duty under the Equality Act 2010 to have due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act
 - Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- Recommend to Policy and Resources that Adult Social Services reserves should not be used to support the 2015/16 budget shortfall because of the adverse impact on the ability to make future savings and changes but instead Policy and Resources Committee should consider a ‘whole Council’ approach to the use of reserves to fund budget shortfalls.

11. Better Care Fund (BCF)

11.1 The annexed report (11) by the Executive Director of Adult Social Services was received. The report provided information with regards to the Better Care Fund. It explained that the BCF required local authorities with responsibility for social services and clinical commissioning groups (CCG's) to create a pooled commissioning fund for the provision of integrated health and community care services, with a priority purpose of reducing unplanned admissions to hospitals. It forms part of a wider programme of integration with health services.

11.2 The Committee asked for a breakdown of the funds mentioned in 5.3 of the report which related to the total amount made up of a variety of measures to protect social care, support carers, invest in reablement and implement the Care Act. The Executive Director of Adult Social Services clarified that approximately £4.3m was for reablement, £2.204m for the Care Act implementation, £2.015m to support carers and £7.1m for the protection of social care.

11.3 The Committee were informed how funds were devolved from the Clinical Commissioning Groups (CCG's) to the Local Authority. Funding was given to CCG's

to add to the BCF and NCC entered into a legal section 75 agreement with them to provide the funds.

11.4 It was confirmed to the Committee that the systems of NCC and NHS were fit for data sharing and this had begun to take place.

11.5 The Committee RESOLVED to;

- Endorse the proposed approach to preparing for the Better Care Fund pooled fund under section 75 of the NHS Act.
- Agree the final proposal for a pooled fund was brought to Committee In March for final approval.

12. The Care Act 2014

12.1 The annexed report (12) by the Executive Director of Adult Social Services was received. The Care Act consolidates existing legislation for adult social care in England into a single framework and introduces reforms to the way care and support will be accessed and funded in future. The Care Act is the biggest change in social care legislation since 1948. It became law on 15 May 2014.

12.2 Norfolk's 'new' charging policy for residential and non-residential care would come into effect on 1 April 2015 and is based on the Care and Support (Charging and Assessment of Resources) Regulations 2014. The proposed charging policies for residential and non-residential care were very similar to the existing NCC policies. As part of these new charging policies, it was recommended that the Council started charging an arrangement fee for self-funders receiving non-residential care when they ask NCC to arrange their care for them. It was confirmed that it would be implemented on a flat fee basis as no profit was allowed to be made, and reviewed on an annual basis.

12.3 The Committee heard that the department was confident that all work in preparation for the implementation for the aspects of the Care Act in April 2015 would be achieved in the timescales.

12.4 Members of the Committee were concerned that ICT were unable to provide a project manager to oversee the IT resources being implemented for the Care Act. The Committee felt that the project manager should not be paid for out of the already stretched budget of Adult Social Services. The Committee agreed that an approach should be made to ICT for the cost of the project manager which was being paid for by Adult Social services, to be paid back to the department.

12.5 The Committee heard that there could potentially be an increased risk of deferred payments but the administrative charge of this could be covered by the Council being able to charge interest during the life of the agreement to cover the costs under the Care Act.

12.6 The Committee AGREED to;

- Continue to not charge for support to carers.
- Continue with the current policy that the person making the 'top-up' payments pays the 'top-up' amount to the local authority.
- Continue with the current policy of charging for respite based on the Residential Charging Policy.
- Charge an arrangement fee to those people who pay for their own care when Norfolk County Council arranged their care for them and to set a fixed price which would be reviewed annually.
- Offer deferred payments to those receiving Housing with Care and supported Living as well as those living in residential care.
- Assess all new cases from April 2015 in line with the non-residential policy, i.e. on an individual basis, leave the existing couples' assessments as is and review them in 2016.
- For people in prisons who need social care - keep social care and assessments in house and commission the provision of services, building on what already exists, e.g. NRS contract for equipment, existing prison healthcare contract.

13. Care and Support Services Quality Framework

13.1 The annexed report (13) from the Executive Director of Adult Social Services was received. The report explained that the Care Act 2014 would place new statutory duties on councils with adult social care responsibilities to promote an effective and efficient market in high quality social care and support services focused on promoting independence and individual wellbeing. The council currently invests over £260m a year in the market and it was imperative that the investment secures the quality of services that people actually need to support their independence, meet core care needs and represents good use of, and value for, public money. A new quality assurance framework is proposed that will enable the Council to ensure that it is only investing at the scale it needs to and that the investment is buying high quality, effective value for money services.

13.2 The emphasis initially would be on providers who were not CQC regulated. These were primarily day services.

13.3 Due to the implementation of the Care Act, the redesign of the Council's services would be initiated such as Independence Matters. This would change the way it worked and develop a different model of social work.

13.4 The introduction of the Quality Framework would mean there would be a large number of contracts with various condition attached which would ensure that NCC

would not be liable for services which didn't fit the specified criteria. The financial investment into the support of the new quality assurance framework would be offset by the savings achieved in the purchase of care budget.

13.5 The Committee were reassured by the Executive Director of Adult Social Services that providers were excited by the launch of the new quality framework as it would identify those who were not providing the highest standards.

13.6 There was a close link between procurement and the quality framework in terms of achieving value for money and contract monitoring.

13.7 The Committee AGREED;

- To adopt the proposed care and support quality framework to secure high quality, effective value for money social care services in Norfolk.
- To the proposed initial investment

14. Review of Citizens Advice Bureau Funding

14.1 The annexed report (14) by the Executive Director of Adult Social Services was received. The proposals identified in the report would enable the Council to retain valued information and advice services and in addition to address statutory duties placed on local authorities by the Care Act 2014.

14.2 It was noted that the Citizens Advice Bureau (CAB) was a hugely valued service and the County Council should support a strategic review to ensure that resources were being maximised. The CAB was invaluable in other ways such as outreach work.

14.3 It was evident that the CAB were experiencing challenges and the Committee heard that North Norfolk branches had limited volunteers. It was suggested that more should be done for CAB to work alongside parish and town councils in terms of fundraising.

14.4 The Committee heard that North Norfolk District Council (NNDC) gave grants to the Norfolk and Dereham branches of the CAB. Issues had been reported to NNDC, and a review of the needs of the CAB had been agreed with NNDC on the same timescales of the review with NCC.

14.5 The Committee RESOLVED to;

- Approve the extension of CAB grant funding at the current levels for an additional six months to 30/09/15 with the following conditions;
 - That CAB engages with the Council to support the strategic review of information, advice and advocacy services.
 - That CAB implements an effective plan within the resources they have

to manage unanswered calls to the countywide CAB Adviceline.

- Requires commissioners to complete a strategic review of information, advice and advocacy services and to bring a commissioning proposal to Committee for implementation from October 2015. This will address Care Act duties, seek a Norfolk-wide approach with district councils and will identify any efficiency savings.

15. Transfer of Mental Health Social Care from Norfolk and Suffolk NHS Foundation Trust to Norfolk County Council

- 15.1** The annexed report (15) by the Executive Director of Adult Social Services was received by the Committee. The report highlighted that the Adult Mental Health social care teams moved to NCC from Norfolk and Suffolk Foundation Trust (NSFT) on 1 October 2014.
- 15.2** The Committee heard that there had been a positive response from staff affected by the transfer.
- 15.3** The caseload under the Foundation Trust had been successfully transferred to the management of Norfolk County Council and was now being managed effectively through Care First.
- 15.4** The Committee heard that there was now clear boundaries in the roles of the staff such as assistant practitioners and team managers. There were an increased number of approved mental health professionals (AMHPS), plus additional staff were undertaking training. Adding team managers and assistant practitioners had added to the robust arrangements.
- 15.6 The Committee RESOLVED to;**
- Note the report.

16. Exclusion of the Public

- 16.1** The committee is asked to consider excluding the public from the meeting under section 100A of the Local Government Act 1972 for consideration of the items below on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 3 of Part 1 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 16.2** The committee was presented with the conclusions of the public interest tests carried out by the report author and resolved to confirm the exclusion.

17. Exemption to Contract for Ashcroft Residential Care Home

17.1 The annexed report (16) by the Executive Director of Adult Social Services was received by the Committee.

17.2 The Committee RESOLVED to;

- Approve the extension to the existing contract with Julian Support for Ashcroft Residential Care Home as detailed in the report.

Meeting finished at 5.10pm.

CHAIR



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