

MINUTES of the meeting of the **ADULT SOCIAL CARE SELECT COMMITTEE** held at 10.00 am on 16 January 2014 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Thursday, 6 March 2014.

Elected Members:

- * Mr Keith Witham (Chairman)
- * Mrs Margaret Hicks (Vice-Chairman)
- * Mrs Liz Bowes
- A Mr Graham Ellwood
- * Miss Marisa Heath
- * Mr Saj Hussain
- * Mr George Johnson
- * Mr Colin Kemp
- * Mr Ernest Mallett MBE
- Ms Barbara Thomson
- * Mrs Fiona White
- * Mr Richard Walsh

Ex officio Members:

- Mr David Munro, Chairman of the County Council
- * Mrs Sally Ann B Marks, Vice Chairman of the County Council

In attendance

Mr Steve Cosser, Cabinet Associate for Adult Social Care

1/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Barbara Thomson and Graham Ellwood. Sally Marks acted as a substitute for Barbara Thomson.

2/14 MINUTES OF THE PREVIOUS MEETING: 5 DECEMBER 2013 [Item 2]

These were agreed as an accurate record of the meeting.

3/14 DECLARATIONS OF INTEREST [Item 3]

There were no declarations of interest.

4/14 QUESTIONS AND PETITIONS [Item 4]

There were no questions or petitions.

5/14 RESPONSES FROM THE CABINET TO ISSUES REFERRED BY THE SELECT COMMITTEE [Item 5]

The Committee did not refer any items to Cabinet at their last meeting so there were no responses to report.

6/14 DIRECTOR'S UPDATE [Item 6]

Declarations of interest: None.

Witnesses: Dave Sargeant, Interim Strategic Director, Adult Social Care
Steve Cosser, Cabinet Associate for Adult Social Care

Key points raised during the discussion:

1. The Committee expressed its sadness at the departure of Sarah Mitchell, the former Strategic Director for Adult Social Care. The Chairman commented that the advice and support she provided would be missed, and wished her success for the future. Officers gave assurance that Adult Social Care would work together as a team to continue to deliver the Directorate's priorities.
2. The Committee was given an update regarding the Better Care Fund, formerly known as the Integration Transformation Fund. It was confirmed that the County had been allocated £71.4 million for the next 3 years, and that the Council was currently in discussion with the Clinical Commissioning Groups (CCGs) about how this fund would be utilised, with the proposals due to be finalised in April 2014. It was explained to the Committee that one of central government's stipulations was that the Better Care Fund must be used to prevent hospital admission and ensure timely discharge, and much of the conversation was around how these principles could be supported.
3. The Committee was informed that the governance structure for the Better Care Fund monies would be complex, as the money received would be held in respect of each of the individual 6 CCGs. The Committee raised concerns that this would lead to the budget spend being fragmented. Officers commented that the challenges had

encouraged the Council to work with the CCGs around recognising the common strategic objectives around improving health and wellbeing. It had also been agreed as a principle that no money would be spent without the full agreement of both the Council and the CCGs.

4. The Cabinet Associate for Adult Social Care provided a brief summary of the work he had undertaken to ensure that every Surrey school had a school governor responsible for young carers. It was highlighted that the legislation was changing to strengthen the rights of young carers, and that the Cabinet Associate would be writing to Surrey schools to encourage them to designate a school lead for young carers.

Recommendations:

None.

Actions/further information to be provided:

None.

Committee Next Steps:

The Committee will have a joint meeting with the Health Scrutiny Committee on 13 February 2014 to focus on the plans for the Better Care Fund.

7/14 SAFEGUARDING ADULTS [Item 7]

Declarations of interest: None.

Witnesses:

Dave Sargeant, Interim Strategic Director, Adult Social Care
Christine Maclean, Senior Manager, Safeguarding Adults

Steve Cosser, Cabinet Associate for Adult Social Care

Key points raised during the discussion:

1. The Committee was provided a presentation on the Council's responsibilities in relation to safeguarding adults. Officers outlined the proposed changes to safeguarding under the Care Bill. The Committee was informed that officers were members of two Department of Health working groups examining the levels of thresholds for safeguarding intervention, and how service user evaluation was undertaken in regard to safeguarding.
2. It was highlighted that, where the threshold for a police investigation had not been met, the Local Authority would not undertake an investigation of another agency. However, the Committee was informed that the Council would ask that agency to undertake their own internal investigation.
3. The Committee queried whether the Council had the power to suspend workers from external providers. Officers commented that

discussions would be had with the provider about how they intended to manage risk in light of an allegation. If it was felt that their response was inadequate then the future commissioning of services from that provider would be reviewed.

4. The Committee asked what support the Council could offer in instances of forced marriage. It was confirmed that referral was made to the Forced Marriage Unit, and they would provide legal advice and counsel. The Council would also look at how it could support a person if they undertook to leave the marriage.
5. The Committee questioned how the Directorate co-ordinated safeguarding with Children, Schools & Families. It was highlighted that the Directorates had met recently and made a commitment to ensure that the work of the Safeguarding Adults Board (SSAB) and Safeguarding Children Board (SSCB) was well connected. Officers confirmed that there were frequent meetings with Children safeguarding leads. It was highlighted that the Senior Manager for Safeguarding Adults was a member of the SSCB, and that Children's Services was also represented on the SSAB. The Committee was informed that there were joint protocols in place in relation to raising safeguarding alerts and that there was a "think family" protocol in place between the two Directorates.
5. The Committee also raised a question in relation to health services and safeguarding, officers commented that there had been no specific concerns identified and that the Directorate worked positively with health partners to address safeguarding.
6. The Committee requested further details regarding the level of training compliance. It was agreed by officers that these figures would be circulated.
7. The Committee was informed that there had been a re-organisation of staff to ensure that those with safeguarding expertise were on the front-line. The Elmbridge locality team was highlighted as an example of this, and the Committee was informed that the structure would be applied to other localities.
8. The Committee queried who acted as a third party advocate in any safeguarding meeting. Officers commented that this model was in the process of being developed as part of a national pilot named 'Making Safeguarding Personal'. It was anticipated that the pilot would end April 2014, with a possibility of further wide-spread implementation.
9. The Committee had a discussion around the process in instances where a number of low level safeguarding alerts had been raised in relation to a single individual or care provider. It was explained that each team kept a log, and would consider historic concerns in relation to any new alert as a matter of common practice.
10. The Committee queried what actions had been undertaken to address recommendations made as part of an internal audit in October 2013. The Cabinet Associate assured the Committee that the recommended actions had been taken, and highlighted that the quality assurance

framework for commissioning was due to be completed in the next month.

Recommendations:

- a) That the Committee recognises Surrey's preparedness for the forthcoming changes to safeguarding as result of the Care Bill.
- b) That the Directorate provide further evidence of co-operation with the Children's Safeguarding Board and the six Clinical Commissioning Groups.

Action by: Interim Strategic Director, Adult Social Care

- c) That the Directorate support the roll-out the Elmbridge model county-wide.

Action by: Interim Strategic Director, Adult Social Care

- d) That the Directorate explore how trusted third parties can be involved in the safe-guarding process.

Action by: Senior Manager, Safeguarding Adults

- e) That recommendations of internal audit reports be addressed and included in future reports where appropriate.

Action by: Democratic Services/Adult Social Care

Actions/further information to be provided:

The Directorate to provide information on the level of training compliance.

Action by: Senior Manager, Safeguarding Adults

Committee Next Steps:

None.

8/14 IMPROVEMENT TO THE ADULTS INFORMATION SYSTEM (AIS) FOLLOWING 'RAPID IMPROVEMENT EVENTS' [Item 8]

Declarations of interest: None.

Witnesses: John Woods, Assistant Director for Policy & Strategy

Key points raised during the discussion:

- 1. The Committee was provided with an update in relation to the current status of the Adults Information System (AIS) and the improvements to business processes surrounding it. The Committee questioned whether the assessment process now featured a shorter and higher level assessment option. Officers outlined that there had been a

reduction in the number of fields that the assessor was obliged to complete. The Committee was informed that staff were talking positively about the changes in process.

2. It was highlighted that the Care Bill would bring in new regulations around how assessments were undertaken, and any future information system would need to reflect those changes. Consequently the market providers were awaiting the publication of the draft regulations concerning assessment before developing their response.
3. The Committee was informed about possible future developments, including the development of applications in partnership with FutureGov. It was also highlighted that a self-assessment model would be adopted where the public could input their own information in order to access advice and guidance.

Recommendations:

- a) That the Committee note the work done by the Directorate to improve the business process around the Adults Information System.
- b) That the Directorate involve the Committee in future development of a new system specification.

Action by: Assistant Director for Policy & Strategy

- c) That the Committee encourages the Directorate to include feedback from officers who use the system in any future update item.

Action by: Assistant Director for Policy & Strategy

Actions/further information to be provided:

The Committee to receive copies of the assessment forms.

Committee Next Steps:

None.

9/14 CO-OPTED MEMBERS [Item 9]

Declarations of interest: None.

Witnesses: None.

Key points raised during the discussion:

1. The Committee discussed the principles surrounding the co-option of members. Members commented that stakeholders were welcome to attend meetings and give their views where appropriate. It was recognised that a large number of organisations had input into Adult Social Care in Surrey, and it would potentially prove difficult to identify organisations to act as representative without disadvantaging other groups. It was recognised that there was flexibility in the current

informal arrangements, and the Committee took the decision not to pursue the course of action outlined in the report. The Committee commented that there was recognisable value in the input that non-members provided on an informal basis, and that it would continue to be welcomed.

Recommendations:

None.

Actions/further information to be provided:

None.

Committee Next Steps:

None.

10/14 EXCLUSION OF THE PUBLIC [Item 13]

Resolved: That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information under the relevant paragraphs of Part 1 of Schedule 12A of the Act.

11/14 ADULT SOCIAL CARE LOCAL AUTHORITY TRADING COMPANY BUSINESS CASE [Item 10]

THE FOLLOWING ITEMS OF BUSINESS WERE CONSIDERED IN PRIVATE BY THE SELECT COMMITTEE. HOWEVER, THE INFORMATION SET OUT BELOW IS NOT CONFIDENTIAL.

Declarations of interest: None.

Witnesses:

Simon Laker, Lead on Trading and Income Generation – Business Services
Paul Carey-Kent, Strategic Finance Manager - Adult Social Care

Key points raised during the discussion:

1. The Committee was provided with an update on the creation of a Local Authority Trading Company (LATC) to deliver a variety of Adult Social Care services. It was highlighted that the approach had been to exercise caution, and learn from the experiences of other local authorities in implementing LATC models. The Committee was informed that the business principle had been to ensure a continuity of service. It was outlined that the LATC was expected to be implemented by April 2014. It was explained that the Council wanted to ensure a continuity of service, with the new branding for the LATC being gradually introduced.

2. The Committee was informed that the LATC would receive no favourable terms when considered alongside other commissioning options for the Council. It would be commissioned for five years with a break clause after three years.
3. The Committee queried who would be appointed as directors for the LATC. It was confirmed by officers that this was in the process of being decided, and the appointments would be made by the shareholder board. The Committee was informed that the shareholder board consisted of the Chief Executive, the Council's Leader, Deputy Leader and the Cabinet Member for Business Services. It was clarified that the Council would retain full control of the LATC as sole shareholder. The Committee asked what contingencies were in place if the LATC proved unsuccessful, and officers commented that an exit strategy was in the process of being developed.
4. The Committee raised concerns about the potential to create a two-tier staffing system through the transfer to a LATC, with new staff being paid at a lower rate than those who had Transfer of Undertakings (Protection of Employment) (TUPE) arrangements. Officers assured the Committee that both the Leader and Chief Executive had made it a clear priority that the LATC continued to invest in staff. The Committee was informed that it was proposed that Local Government pension schemes remain open to current and new employees. Officers commented that the business case made no assumptions about reducing staff levels of pay.
5. The Committee was informed that the properties currently used by services in the LATC would be transferred, with a review of business requirements planned. Officers commented that the intention would be to make the LATC services more community-based. Officers outlined the details of the loan made by the Council to the LATC.
6. The Committee queried whether the transfer of staff would increase the cost-per-head expenditure of staff remaining in the Council. Officers commented that the LATC would be strongly encouraged to continue using the Council's support services, and that this would reduce a potential impact on the Council.
7. Members expressed concern that the LATC model would lead to a decline in the quality of service. Officers gave assurance that both the Chief Executive and Cabinet had indicated that quality of service was considered paramount.
8. The Committee questioned where the potential for growth existed for the LATC. It was explained that Surrey had a large self-funder market, as well as the potential to offer community support for those not eligible for Adult Social Care services. Options around providing services to other local authorities were also in the process of being explored.
9. The Committee asked whether any profits made by the LATC would be re-invested into Adult Social Care. It was explained that the decision regarding any subsidy would be made by the shareholder board, and the Council through its business planning process.

Members expressed concern that the finances may not be re-invested back into Adult Social Care.

Recommendations:

- a) That officers provide the finalised arrangements for the Local Authority Trading Company for the Committee to review at the 1 May 2014 meeting.

Action by: Lead on Trading and Income Generation – Business Services

- b) That a performance review of the Local Authority Trading Company is presented to the Committee in January 2015.

Action by: Lead on Trading and Income Generation – Business Services

- c) That the quality and safety of services provided by the Local Authority Trading Company remain paramount above revenue generation.

Action by: Lead on Trading and Income Generation – Business Services

- d) That any profit resulting from the Local Authority Trading Company be reinvested back into Adult Social Care Services.

Action by: Lead on Trading and Income Generation – Business Services

Actions/further information to be provided:

None.

Committee Next Steps:

The Committee will continue to review the LATC in accordance with the timescales set out in the above recommendations.

12/14 ADULT SOCIAL CARE LOCAL AUTHORITY TRADING COMPANY BUSINESS CASE [Item 14]

13/14 PUBLICITY FOR PART TWO ITEMS [Item 15]

RESOLVED: That the reports considered under Part Two of the agenda should remain confidential and not be made available to the press and public.

14/14 RECOMMENDATION TRACKER AND FORWARD WORK PROGRAMME [Item 11]

The Committee was asked to note its Forward Work Programme and Recommendation Tracker. There were no further comments.

15/14 DATE OF NEXT MEETING [Item 12]

The Committee noted its next meeting would be held on 6 March 2014 at 10am

Meeting ended at: 1.15 pm

Chairman