

MINUTES of the meeting of the **ADULT SOCIAL CARE SELECT COMMITTEE** held at 10.30 am on 5 September 2013 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, 24 October 2013.

Elected Members:

- * Mr Keith Witham (Chairman)
- * Mrs Margaret Hicks (Vice-Chairman)
- * Mrs Liz Bowes
- * Mr Graham Ellwood
- * Mr Mike Goodman
- * Mr Saj Hussain
- Mr Daniel Jenkins
- 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

Mel Few, Cabinet Member for Adult Social Care

34/13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Colin Kemp. There were no substitutions.

35/13 MINUTES OF THE PREVIOUS MEETING: 20 JUNE 2013 [Item 2]

The minutes were agreed as an accurate record of the meeting.

36/13 DECLARATIONS OF INTEREST [Item 3]

There were no declarations of interest.

37/13 QUESTIONS AND PETITIONS [Item 4]

Declarations of interest: None.

Witnesses: Sarah Mitchell, Strategic Director, Adult Social Care

Key points raised during the discussion:

1. A Member's question was received from Hazel Watson. The questions and responses were tabled, and are enclosed with these minutes.
2. The Chairman invited Hazel Watson to ask a supplementary question. The Member asked that the report following the Serious Case Review (SCR) be published in full, and that the contact details of Chair of the Surrey Safeguarding Adults Board (SSAB) are made available to the public.
3. Officers confirmed the report would be published in full on the Safeguarding Adults website following completion of the SCR. It was agreed that the direct contact details of the Chair of the SSAB could be shared with Members, pending permission of the Chair being obtained to do so.

Recommendations:

None.

Actions/further information to be provided:

None.

Committee Next Steps:

None.

38/13 RESPONSES FROM THE CABINET TO ISSUES REFERRED BY THE SELECT COMMITTEE [Item 5]

Declarations of interest: None.

Witnesses: None.

Key points raised during the discussion:

1. The Committee noted the response from the Cabinet Member in reference to Social Capital and agreed to review it in conjunction with the Budget Update (item 7).

Recommendations:

None.

Actions/further information to be provided:

None.

Committee Next Steps:

None.

39/13 DIRECTOR'S UPDATE [Item 6]

Declarations of interest: None.

Witnesses: Sarah Mitchell, Strategic Director, Adult Social Care

Mel Few, Cabinet Member for Adult Social Care

Key points raised during the discussion:

1. The Strategic Director for Adult Social Care thanked Members for their engagement during Learning Disabilities Awareness Week. The Committee was informed that the information and feedback collected during the week was being collated and would be circulated to the Committee. Members commented that they had been impressed with the level of information available as part of the engagement exercises, but also asked that this information was shared with key referral agencies as well.
2. The Committee queried whether there were concerns regarding the level of staffing in Adult Social Care. Officers commented that the Directorate was more fully staffed than it had been historically, and that levels of sickness were below the national average for Adult Social Care staff. Officers outlined the measures the Directorate had to identify where service pressures were and when extra staffing support was required. The Committee was informed that a number of initiatives were in place to recruit social workers from universities, as well as continuing to fund qualifications where appropriate.
3. The Committee had a discussion regarding the use of agency workers. It was raised that agency workers were more costly to the Directorate, but that many experienced practitioners found agency placements preferable to contracted work. The Committee requested that a report on social worker recruitment and retention be brought to a future meeting.

Recommendations:

None.

Actions/further information to be provided:

A report on social worker recruitment and retention will be brought to a future Committee meeting.

Committee Next Steps:

None.

40/13 BUDGET UPDATE - JULY 2013 [Item 7]

Declarations of interest: None.

Witnesses: Paul Carey-Kent, Senior Finance Manager, Change & Efficiency
Neill Moore, Senior Principal Accountant
Sarah Mitchell, Strategic Director, Adult Social Care

Mel Few, Cabinet Member for Adult Social Care

Key points raised during the discussion:

1. Officers outlined the financial position as of July 2013. The Committee was informed that the Adult Social Care budget was complex, due to it being demand driven and required to meet significant saving challenges. It was highlighted that savings of £24 million for 2013/14 were still to be met. Officers commented that the actions to meet these savings challenges would begin to take effect as of September 2013. The Directorate would then be able to make a judgement as to whether further action was required.
2. The Committee asked for clarification regarding Whole Systems funding, it was explained that this was funding the NHS was required to pass onto the local authority.
3. The Committee invited the Cabinet Member to comment on the decisions he had taken on 4 September 2013 in relation to the Invest to Save fund. The Committee was informed that the decision related to the development of an IT portal that would enable assessment teams to identify and access placements. It would also be linked to the Surrey Information Point, allowing a maximisation of the use of social capital and beds already available.
4. Members asked for clarification on the individual actions that would account for the savings in relation to social capital being made. The Cabinet Member explained that social capital was making use of resources both in the voluntary sector and community to meet need, and that part of implementing this would be to embed it within the assessment process.

5. The Committee was informed that work was being undertaken in conjunction with the community to identify where there were resources to meet people's needs. Officers commented that user groups had initially identified social capital as a means of empowering them. It was recognised that there was risk attached to the savings being made through social capital.
6. The Cabinet Member expressed the view that of the overall saving target of £46 million in 2013/14, £5 million was at risk of not being achievable. The Committee challenged this view as optimistic, and commented that the projected budget should reflect a more realistic outcome.
7. Members queried whether £9.5 million overspend forecast in the Older People budget for 2013/14 was achievable given overspend was £6.1 million in the first financial quarter. Officers commented that the majority of savings connected to social capital were in the Older People budget, and that the implementation of this management action plan through the year would impact on the current rate of spend.
8. The Committee expressed the view that the budget position of the Directorate was still of serious concern, and that there should be recognition of the need to prioritise the safeguarding of vulnerable adults and older people.
9. Members asked for clarification around the reclaiming surplus balances for direct payments. The Committee was informed that the surplus balance was created as a result of service users spending less than the originally assessed amount identified. Officers expressed the view that this was due to service users being better at identifying their individual needs, and their decision-making often lead to a reduction in costs. It was clarified that direct payments were encouraged only where it was felt appropriate for a service user.

Recommendations:

- That -- in light of the Committee's serious concerns about the possibility of budget overspend -- the Adult Social Care budget for this year be reviewed again to reflect increased demand on the services.

Action by: Cabinet

Actions/further information to be provided:

None.

Committee Next Steps:

None.

41/13 INCOME / DEBT UPDATE REPORT [Item 8]

Declarations of interest: None.

Witnesses: Paul Carey-Kent, Senior Finance Manager, Change & Efficiency
Sarah Mitchell, Strategic Director, Adult Social Care
Toni Carney, Benefits and Charging Consultancy Team Manager

Mel Few, Cabinet Member for Adult Social Care

Key points raised during the discussion:

1. The Committee asked how the Council's social care debt position stood in comparison to other local authorities. Officers confirmed that it was within the upper quarter in terms of performance. It was agreed that figures could be circulated to the Committee.
2. Members commented on a significant level of write-offs in 2009-2010 and asked officers whether they were confident that the Rapid Improvement Event (RIE) would lead to a reduction in the level of debt being written off, as well as the level of unsecured debt. Officers expressed the view that the changes would have an impact when they became fully effective. It was highlighted that one of the key outcomes of the RIE was ensuring that the paying for care conversation was undertaken by financial assessments and benefits staff. This was being piloted in September 2013, with it being implemented fully across the Directorate by November 2013.
3. The Committee asked for clarification about what financial advice could be provided to service users, and whether they could be advised to raise finance against properties. Officers commented that service users were encouraged to seek independent financial advice when identifying the means for paying for care. The Committee was informed that the Council is prevented by legislation from providing financial advice or directing service users in how to pay for their care. It was further highlighted that the statutory duty of the local authority was to provide care, irrespective of an individual's ability to pay.

Recommendations:

None.

Actions/further information to be provided:

Comparative social care debt data from other local authorities to be circulated to the Committee.

Committee Next Steps:

The Committee will receive an update on the social care debt position in six months.

42/13 THE CARE BILL - REFORMING CARE AND SUPPORT [Item 9]

Declarations of interest: None.

Witnesses: John Woods, Assistant Director for Policy & Strategy
Sarah Mitchell, Strategic Director, Adult Social Care

Mel Few, Cabinet Member for Adult Social Care

Key points raised during the discussion:

1. The Committee was provided with a presentation on the proposed changes contained within the Care Bill. A copy of this is provided as an appendix. The Committee was informed that the changes presented a significant financial and cultural challenge, and that a working group had been set up to examine the implications of each clause contained within the Bill.

Recommendations:

- a) That the Directorate deliver further Care Bill awareness events for staff and Members across all localities.

Action by: Assistant Director for Policy & Strategy

- b) That the Care Bill implementation Group is initiated.

Action by: Assistant Director for Policy & Strategy

- c) That updates on implementation progress to come to the Adult Select Committee

Action by: Scrutiny Officer/ Chairman

- d) That the Chairman of the Committee send a letter to the Department of Health, requesting that the funding formula for the allocation of central Government funding to meet the costs of the Care Bill is clarified and adequately reflects the demographic

Action by: Scrutiny Officer/ Chairman

Actions/further information to be provided:

- All future reports to the Committee to contain a section that outlines the implication of the Care Bill in relation to the item.

Committee Next Steps:

None.

43/13 CARE HOME TOP-UP FEES [Item 10]

Declarations of interest: None.

Witnesses: Sarah Mitchell, Strategic Director, Adult Social Care
Toni Carney, Benefits and Charging Consultancy Team Manager

Mel Few, Cabinet Member for Adult Social Care

Key points raised during the discussion:

1. The Committee was informed that the Directorate was happy to discuss its practices with organisations or individuals, and that often Freedom of Information requests were not the most practical means of exploring an issue. Members commented that Surrey's categorisation seemed unfair.
2. The Committee asked whether there was a plan to update how information on top-up fees was held. It was confirmed that the new IT portal being developed would enable this information to be stored centrally.

Recommendations:

None.

Actions/further information to be provided:

The Directorate to reissue guidance on the use of top-ups to care practitioners.

Committee Next Steps:

None.

**44/13 RECOMMENDATION TRACKER AND FORWARD WORK PROGRAMME
[Item 11]**

Declarations of interest: None.

Witnesses: None.

Key points raised during the discussion:

1. The Committee noted its Forward Work Programme and Recommendation Tracker. It was agreed that an item on recruitment practices and procedures would be brought to the Committee as a future item.

Recommendations:

None.

Actions/further information to be provided:

An item on recruitment practices and procedures to be added to the Committee's Forward Work Programme.

Committee Next Steps:

None.

45/13 DATE OF NEXT MEETING [Item 12]

It was noted that the next meeting of the Committee would be on 24 October 2013 at 10.30am

Meeting ended at: 12.57pm

Chairman

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Questions to Adult Social Care Select Committee – 5 September 2013

A response from Surrey Police to a Freedom of Information request submitted by me on 29 May but not responded to until 19 August states that their Individual Management Review (IMR) as part of a Serious Crime Review (SCR) (sic) into the death of Gloria Foster who died in February, over 6 months ago, was commissioned by the Surrey Safeguarding Adults Board (SSAB) in March 2013. It goes on to state that the SCR is still ongoing.

I am informed by Surrey County Council officers that the new Independent Chair of the SSAB was appointed on 17 May 2013, after the previous Chair resigned in April 2012, 13 months earlier.

1. Who Chaired the SSAB from April 2012 to 17 May 2013?
2. Which meetings of the SSAB have taken place between April 2012 and May 2013?
3. At which meetings of the SSAB has the Gloria Foster case been discussed?
4. Has the Serious Case Review Group (SCRG), chaired by Adam Colwood of Surrey Police, met to consider the Gloria Foster case? If so how often and when?
5. At which meeting and by whom was the IMR commissioned?
6. Has the lack of a Chair for the SSAB resulted in delays in the investigation into Gloria Foster's death?
7. When is there likely to be a report on the findings of the the Serious Case Review?
8. What is the process for appointing the Independent Chair of the SSAB?
9. Who appointed the present Chair of the SSAB?
10. I am informed that the Independent Chair of the SSAB can only be contacted via officers of the County Council. Why is it thought necessary to gatekeep access to the Independent Chair, which could lead to serious concerns about the independence of access given the sensitivity of safeguarding cases?

Hazel Watson (Dorking Hills)

Response

The existence of the Surrey Safeguarding Adults Board (SSAB) is not currently a statutory function. The board was chaired from April 2012 to May 2013 by Sarah Mitchell, Strategic Director for Adult Social Care, until an appropriate independent chair was found.

During this period, SSAB meetings took place on 28 June 2012, 18 October 2012, 24 January 2013 and 16 May 2013. The minutes of all these meetings are available on request. Further information on the Surrey Safeguarding Adults Board can be found at the following web address:

<http://www.surreycc.gov.uk/social-care-and-health/adult-social-care/protecting-adults-from-harm/surrey-safeguarding-adults-board>

The current independent chair, who is happy to be contacted directly by anyone, was appointed after making a presentation and attending an interview by a panel made up of key partner agencies.

The board's Serious Case Review (SCR) Group looks at cases and makes a recommendation to the SSAB chair conducting an SCR. In this case, the chair had already decided one was needed. Members of the board were advised about this at the meeting on 24 January 2013.

An SCR panel was set up and all the agencies involved were asked to complete IMRs in a letter from the independent chair. The SCR is being completed and will be published shortly.

Keith Witham
Chairman – Adult Social Care Select Committee