

# North Yorkshire County Council

## Care and Independence Overview and Scrutiny Committee

Minutes of the meeting held on 12 November 2012 at 2.00 pm at County Hall, Northallerton.

### Present:-

County Councillor Don Mackenzie in the Chair

County Councillors: John Batt, Bill Hault, Margaret Hulme, David Ireton, Brian Marshall, John McCartney, Dave Peart, John Savage, Helen Swiers, Herbert Tindall

Representatives of the Voluntary Sector:

County Councillor Clare Wood, Portfolio Holder – Adult Services

Officers: Mike Webster (Assistant Director, Contracting, Procurement and Quality Assurance, (Health and Adult Services)), Ray Busby (Scrutiny Support Officer, (Policy, Performance and Partnerships)), Larry Hollando (Performance and Change Manager (Health and Adult Services)), Anne Marie Lubanski (Assistant Director Social Care Operations (Health and Adult Services))

Apologies: John Fox, Pat Marsburg, Alex Bird, Mike Padgham, Lynne Webb-Thorius,

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**Copies of all documents considered are in the Minute Book**

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### 134. Minutes

#### Resolved –

That the Minutes of the meeting held on 30 August 2012, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

### 135. Public Questions or Statements

The Committee was advised that no notice had been received of any public questions or statements to be made at the meeting.

### 136. North Yorkshire Safeguarding Adults Board Annual Report 2011/12:-

Considered –

**(a) The Annual Report of the Safeguarding Board**

**(b) The introductory report of the Corporate Development Officer**

Ray Busby reminded the Committee that all Councillors share a responsibility in relation to Safeguarding. Scrutiny Members in particular must ensure that arrangements for safeguarding of communities, particularly for vulnerable adults, are effective. The Committee does this by reviewing the North Yorkshire Safeguarding Board's Annual

Report. That Board oversees the development and governance arrangements of adult safeguarding in North Yorkshire

The annual report provides a comprehensive overview of safeguarding arising within the County, sets out the priorities for the coming year, reviews national and local developments, details work plan progress and provides an analysis of safeguarding referrals received.

The recently appointed Chairman of the Safeguarding Board, Jonathan Phillips addressed the meeting. He advised that being independent his prime duty is to ensure the main statutory bodies work together. As a former Director of Adult Services, he brings prior experience and knowledge of social care.

He highlighted the key priorities of the Board moving forward, which included:

- Getting governance arrangements right so that the Board can respond to challenges and develop new affective partnerships with health partners.

Jonathan reassured Members that his aim is to ensure those relationships become more meaningful by engaging with the Shadow Health and Wellbeing Board and Clinical Commissioning Groups for North Yorkshire.

- An improved sense of understanding and responding to quality and performance issues, focussing particularly on what people want to achieve and outcomes.
- Reviewing the impact of serious case reviews, particularly the Winterbourne View and the Mid-Staffordshire Enquiry proposals. The lessons learned from this should be engrained in practice supported by learning action plans, so that all partners promote the importance of dignity and wellbeing.
- Ensuring appropriate training plans in place for all statutory partners and volunteers.

Jonathan added that he had been in post for six months. His initial observations about the performance data were interesting. Figures point to a lower number of referrals from younger adults with physical disabilities. North Yorkshire has more repeat referrals than some comparator authorities. There are fewer referrals from neighbours and the community in general and proportionately more from professional staff. More analysis is needed before definitive conclusions should be made, but these are lines of enquiry we may focus on again.

Jonathan advised that measures are being taken to ensure high standards of adult protection across all agencies, particularly for those with support needs. Partners are represented at a senior level so there are grounds for confidence that things will get taken back to the organisations they represent and get done.

Members questioned Jonathan on the relationship between the work of the Safeguarding Board and activity within Clinical Commissioning Groups. He explained that, whilst he would not comment on the broader funding question and a Clinical Commissioning Group's ability to meet its objectives it was important that safeguarding responsibilities continue to be observed during a period of great health structural change.

A Member asked about repeat referrals and Jonathan advised that whilst their number and rate were not wholly out of kilter with national expectations, it was important that a full analysis was undertaken of underlying causes.

Members asked about the relationships between personalisation, personal budgets and safeguarding. He advised that whilst wholly supportive of the notion of personalisation, its implications would be assessed on an ongoing basis. In response to questions further explanation was given in relation to how Clinical Commissioning Groups will introduce personal health budgets.

Jonathan was hopeful that when the new Social Care Act becomes law it will put safeguarding boards on a statutory basis and accountability will be enshrined in law and not just as a result of expectation and guidance.

Members commented generally on the report and presentation. The Board has assessed its priorities effectively and moved forward its action plan to deliver them. There is a good balance between investment and practice, prevention and awareness raising.

The report therefore is evidence of a clear overall vision for safeguarding in the County.

**Resolved –**

- (a) Note the Annual Report of the Safeguarding Adults Board;
- (b) Agree to receive further ongoing reports of progress;
- (c) Remain aware of national developments and best practice.

**137. Learning Disabilities**

Considered –

The presentation and update by the Corporate Director – Health and Adult Services.

Anne Marie Lubanski gave an update on the Directorate's ambition and strategy in relation to learning disabilities and the timetable of action which had been agreed some time ago.

She reported on the Community Lives project and the future shape of day care provision in various locations in the County.

An update was given on transition work which was being closely undertaken with Children and Young Peoples Service. The results coming out of the Autism Steering Group were also positive. It was undeniable that learning disabilities provision would always be a controversial area and involve high cost.

**Resolved -**

That the information given be noted but Group Spokespersons consider how issues in relation to learning disabilities should be brought to the Committee in future.

**138. Progress Report on Complex Needs Placements by the Corporate Director Health & Adult Social care**

Considered –

The report of the Corporate Director – Health and Adult Services.

To report on progress made by Health and Adult Services (HAS) in identifying and reviewing placements of individuals with learning disability who have complex needs.

Larry Hollando gave an update on the various items included in the report. Substantial progress had been made in managing complex needs in the County. It was important to refocus effort following the recent scandal at Winterbourne.

Expenditure on Out of County Placements for people with complex needs, especially for people with a learning disability, is a major part of the Health and Adult Services budget. Back In January this year this was identified this as an area to monitor and review.

Information then highlighted the disadvantages and risks associated with these placements, in particular the difficulties for both families and assessment staff to keep in contact and to monitor the quality of care, as well as the high costs. The Committee had supported plans for a robust programme to map out the current position, assess placements and stimulate the development of local services.

Larry reported that approximately 240 individuals with a learning disability are in residential care, of which 111 are in placements costing over £1,000 per week. A further 330 are supported living accommodation.

Making changes on this scale in a very sensitive area is a significant undertaking. A complex needs team had been set up which had begun to assess priority cases. Brokers are in place in each of those areas to negotiate the cost of new placements and undertake a best value exercise as part of reassessment. All of this work had been completed.

Work is ongoing on stimulating the market to increase the availability of service options in the County. This will minimise the need for future placements out of area, as well as improve the options for people returning to the County.

In the light of the above, Members expressed the view that the arrangements for reducing the number of out of County placements are in place and being followed appropriately. This approach takes account of budget and service imperatives within a realistic timescale.

Larry emphasised that where people live outside the County we would continue to support them.

#### **Resolved –**

- (a) Members noted the content of this report and the steps that have been put in place.
- (b) A further report advising of the progress in addressing the needs of people with complex needs will be presented to a future committee meeting.

#### **139. Care Homes Fee Negotiations with the Independent Sector**

Considered –

The report of the Corporate Director – Health and Adult Services.

To report on the outcome of a mediation process following the lodging of a Judicial Review by the Independent Care Group and a number of individual care homes.

County Councillor Clare Wood reported on the position regarding negotiations and the results of the mediation process.

**Resolved –**

The Committee noted the report outlining the mediation process following the lodging of the Judicial Review

**140. Work Programme**

Considered –

The report of the Scrutiny Team Leader, giving Members the opportunity to be updated on work programme items and review the shape of the work ahead.

In response to Members questions it was agreed that at some point in Mid-Cycle Briefings your Group Spokespersons will look at the relationship between domestic abuse and alcohol related harm and usage. This could be a key feature should the Committee progress further the review of Alcohol Related Harm.

It was also acknowledged that throughout the year the Committee should be advised of transfer of functions to Clinical Commissioning Groups and its effect on social care.

**Resolved –**

Subject to the above the Committee agreed the work programme.

The meeting concluded at 12:30 pm

RB/ALJ