

North Yorkshire County Council

Care and Independence Overview and Scrutiny Committee

Minutes of the meeting held on 23 April 2015 at 10.30 am at County Hall, Northallerton.

Present:-

County Councillor Patrick Mulligan in the Chair

County Councillors: Liz Casling, John Ennis, Helen Grant, Mike Jordan, John McCartney, Penny Marsden, Brian Marshall, Heather Moorhouse, Joe Plant, Chris Pearson and John Savage.

Representatives of the Voluntary Sector: Jackie Snape (Disability Action Yorkshire) and

In attendance: County Councillor Clare Wood (Executive Member for Adult Social Care Health Integration)

Officers: Mike Webster (Assistant Director, Contracting, Procurement and Quality Assurance (Health and Adult Services)), Kathy Clark (Assistant Director, Health and Adult Services), Mike Rudd (Head of Commissioning - Scarborough & Ryedale, Commissioning and Partnership (Health and Adult Services)), Avril Hunter (Strategic Commissioning Manager, Commissioning and Partnership (Health and Adult Services)), Ray Busby (Scrutiny Support Officer, (Policy and Partnerships))

Apologies: Jon Carling (North Yorkshire and York Forum) and Mike Padgham (Independent Care Group).

Copies of all documents considered are in the Minute Book

58. Minutes

Resolved –

That, subject to the addition of 'County Councillor Clare Wood' in the list of Members in attendance, the minutes of the meeting held on 22 January 2015, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

59. Public Questions or Statements

A number of questions had been submitted to the Committee:

Gabriel Werth asked:

I like Botton very much and I don't want to lose the co-workers. What will you do to protect my freedom of choice and my human rights?

Response given:

NYCC has had a long involvement with Botton Village and supports many people like Gabriel to live there. Around five years ago as a result of some concerns we had to take a greater interest and have monitored the care people receive along with the arrangements for their finances.

At all points our primary aim is to ensure that residents' wellbeing is put first and that they continue to receive appropriate support whilst the dispute around the status of co-workers has continued.

This is a role that we take extremely seriously whether it is at Botton or other providers.

Eddie Thornton asked:

The chair and the spokespeople for this committee have decided with the help of council officials that the crisis at Botton village should not be discussed at this meeting. In their report they say this is because they view the plans as an "internal business matter". Do the committee members agree that the dismantling of family homes and workplaces against the stated wishes of 80% of the residents is a business decision? Or would this be a matter that they would like to discuss in accordance with the remit of this committee which is to provide scrutiny and oversight for vulnerable adults, older people and people whose independence needs to be supported by intervention from the public or voluntary sector.

Response given:

The report published in the scrutiny papers weighs up the arguments whether the issues raised by the petition should be the subject of a Scrutiny investigation. It records the views expressed by Group Spokespersons and Chairman after being advised by officers. It is the Committee that determines its work programme, which is why the report is included in that part of the agenda.

The Committee exercises its responsibilities towards vulnerable adults in a strategic way in the context of policy development and review, not by reviewing the individual circumstances of service users and/or how individual providers work with and support them.

Having read the briefing provided by officers to the area committee, the scrutiny committee's Group Spokespersons and the Chairman were reassured that experienced, high level officers had been involved from an early stage, and also that this involvement would continue. This gave those Members the confidence they were looking for that residents' wellbeing was of paramount importance for the HAS directorate.

How a provider chooses to manage its relationship with its employees is an internal, organisational matter for that business. If, as the questioner implies, CVT's business proposals have had, are having, or will have an impact on residents' residential arrangements, consequent decisions about care provisions is a commercial concern for the provider. It would be inappropriate for a NYCC Scrutiny to intervene.

The issue of the employment status of co-workers is, amongst other issues, the subject of on-going court cases. The Care Quality Commission and NYCC will only work with providers who adhere to legal, including employment, requirements.

Given that the CVT proposals are internal matters and in view of the on-going legal proceedings, the Group Spokespersons understood and supported the decision of the Directorate to adopt a neutral stance (as reported in their report to the area committee).

Fiona Wylie asked:

By allowing the CVT to force through unwanted and unnecessary changes is NYCC doing enough to comply with the Care Act which states that "local authorities should encourage a genuine choice of service type, not only a selection of providers offering similar services, encouraging, for example, a variety of different living options such as shared lives, extra care housing, supported living, support provided at home, and

live-in domiciliary care as alternatives to homes care, and low volume and specialist services for people with less common needs”

Response given:

NYCC has always promoted a diversity of service provision. The Scrutiny Committee has had examples of this brought to its attention though not usually from individual contracted organisations.

We do not normally dictate the model of care and have at all stages made clear that we are not looking to change the ethos behind the care at Botton which is unique. However we expect the regulated provider (Camphill Village Trust) to meet regulatory and statutory requirements that are in place to protect and safeguard people receiving care.

Fionn Reid asked:

From reading the Forth report, committee members will be able to see that the CVTs spending has doubled in the last three years despite the demerger of two communities. If this trajectory continues it is clear the charity that used to be one of the wealthiest in the UK will no longer be financially sustainable. What is the council's responsibility to the residents whose care provider is on its way to bankruptcy, at what point will the council intervene?

Response given:

NYCC and CQC monitor contracted organisation's financial circumstances through checks on their published accounts. Where appropriate any issues are investigated and acted upon.

Mike Webster, Assistant Director Quality & Engagement, Health and Adult Services, responded to questions from Members and representatives of Action for Botton. He emphasised that the Directorate would not normally dictate the model of care and have at all stages made clear that it is not looking to change the ethos behind the care at Botton which is unique. However, the Directorate expects the regulated provider (Camphill Village Trust) to meet contractual, regulatory and statutory requirements that are in place to protect and safeguard people receiving care.

The Directorate's concerns regarding care arrangements at the Village had come to the fore around five years ago. Whilst it was not the Directorate's responsibility, or intention, to influence the model of care, the prevailing ethos of care had given rise to questions regarding how some financial transactions were being conducted. It had come to the Directorate's attention that, amongst other issues, some residents when leaving Botton had been left in a debt position to the village.

Secondly, concerns had emerged in relation to the level of informed choice residents were allowed and able to exercise – for example in relation to medical treatment.

It was at this point in the meeting that the Chairman agreed to take the work programme item, bearing in mind this provided Group Spokespersons' views on the referral from the Area Committee.

60. Work Programme

Considered –

The report of the Scrutiny Team Leader on the Work Programme.

Whilst there was some support amongst a number of Members for some limited enquiry regarding the social care aspects, the consensus reached was that it would not be appropriate to embark on formal scrutiny work at this juncture - as the Area Committee appeared to be suggesting – for the following reasons:

- The relationship between the Trust and the co-workers is an internal business matter.
- How the current dispute regarding that relationship is resolved is an internal operational matter for the Camphill Village Trust.
- It would not be appropriate to scrutinise the preferred care arrangements of one particular provider.
- The Committee's remit it exercises its responsibilities towards vulnerable adults in a strategic way in the context of policy development and review, not by reviewing the individual circumstances of service users and/or how individual providers work with and support them.
- The Committee was mindful that the legal proceedings have yet to run their full course. Any scrutiny work whilst legal action was continuing would be not only premature, but also inadvisable.
- The contribution that Botton makes of the wider community is essentially a local matter; it is primarily, therefore, an Area Committee concern.

It was vitally important, therefore, that the Committee maintained a neutral stance. At this stage, the Scrutiny Committee was simply not in a position to take a definitive view as to whether the matter should be looked at, and if so, in what way, and in what level of detail. That said, Members acknowledged that this was a complicated issue and one in which many people believed NYCC scrutiny could legitimately could take an interest. Recognising this and the range of views expressed by some Members, the most appropriate course of action might be to keep abreast of progress so that the Committee could turn its attention to this issue when it was right to do so.

Resolved –

- a) That the Work Programme be agreed
- b) That Group Spokespersons keep a weather eye on developments in relation to Botton Village, principally through HAS Officer briefings, but have the discretion to refer the matter back to the Committee should there be any significant developments (one such reason could possibly be when the outcome of the current legal proceedings was known).

61. Healthwatch: How it Can Help the Committee

Considered -

Presentation by David Ita, Partnership Co-ordinator, Healthwatch North Yorkshire.

David expanded upon his report summarising the rationale, findings and approach to statutory 'Enter and View Visits'. David presented opportunities for Healthwatch to support the scrutiny committee using these activities.

Members agreed that it was important for regular communication between Healthwatch and the Committee on what Healthwatch is doing. Clearly there will be matters of concern which would be picked up through 'Enter and View Visits' and from members of the public about the quality of social care services.

David responded to questions about visits to what, after all, are people's homes, by describing the use of volunteers, the level of training and vetting procedures.

Members agreed that the information provided would help the Committee, but as a filtering process it would be helpful for Group Spokespersons at the Mid-Cycle Briefing to consider these on a regular basis and bring forward items as circumstances warranted, at the very least a report would be submitted annually.

Resolved -

- a) That the presentation be noted.
- b) That Group Spokespersons consider published 'Enter and View Visit' reports on a regular basis and bring forward items as and when circumstances dictate but, in any event, an annual report be submitted for the Committee on visits undertaken and on the work of Healthwatch generally.

62. Supporting People: 2020 Savings

Considered -

The report of the Corporate Director - Health and Adult Services outlining how the current savings profile for the Support People Budget has developed since February 2014.

Avril Hunter explained progress to date in achieving the target savings. Some forecasting was still being undertaken on the level of savings that would be achieved for 15/16. As a result of implementing the changes up to October last year, 375 people had been assisted during the time of their re-assessment in attracting welfare benefits, up to an estimated value of £1.2m on an annual basis.

Resolved -

That the report be noted.

63. The Care Act 2014

Considered -

The report of the Corporate Director - Health and Adult Services updating the Committee on the way that the impact of the Care Act will be monitored and the response to the Department of Health Consultation on the proposals around the introduction from April 2016 of the Care Cap and Care Account and a new Appeals system.

The Portfolio Holder, Clare Wood, emphasised that this was undoubtedly a progressive piece of legislation but there was still a great deal of uncertainty regarding the full financial impact of the Care Act. All efforts are focussed on making sure we will be ready and adequately resourced in order that we can be confident we will be fully compliant.

Resolved -

That the report be noted.

64. Domiciliary Care Contracts

Considered -

The report of the Corporate Director - Health and Adult Services informing Members of the outcome of the tender for new Framework Contracts for the provision of Domiciliary Care in Harrogate, Selby and Scarborough.

Mike Rudd outlined the strategy for the commissioning of domiciliary care, the results of the procurement exercise undertaken and outlined the progress of procurement for the remaining services in other areas of the County.

Mike Webster clarified the position where a provider, for whatever reason, chooses to withdraw from a contract before its termination date. He described how in a recent case just that situation had arisen in the Selby area where the required service had been picked up successfully, with interesting results, by the in-house Reablement team. Members agreed that they be advised of this at some point in the future.

Resolved -

That the progress made to date be noted and a further update be provided in the autumn.

65. Extra Care Procurement

Considered -

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

Resolved -

That the report be noted.

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The meeting concluded at 12:45pm