



## MINUTES

Meeting: **ADULT SOCIAL CARE AND HEALTH  
DEPARTMENTAL BRIEFING MEETING**

Date: **23<sup>rd</sup> April 2008**

Present: **'A' denotes absent**

Councillor Peter Barnes  
A Councillor Ken Bullivant  
Councillor Richard Butler  
Councillor John Carter  
A Councillor Steve Carr  
Councillor Jim Creamer  
A Councillor Yvonne Davidson  
A Councillor Vincent Dobson  
Councillor Paul Henshaw  
Councillor Rod Kempster  
Councillor Pat Lally  
Councillor Joe Lonergan  
Councillor Alan Rhodes (Chair)  
A Councillor Michael Storey  
A Councillor Lynn Sykes  
A Councillor the Hon. Joan Taylor  
Councillor Yvonne Woodhead

Also in Attendance:

Councillor Reg Adair  
Councillor Jen Cole  
Councillor Kay Cutts  
Councillor Sybil Fielding  
Councillor Albert Haynes  
Councillor Bruce Laughton  
Councillor Thomas Pettengell  
Councillor Chris Winterton  
Linda Bayliss Service Director, Strategic  
Services  
Jon Wilson Service Director, Mental Health  
and Learning Disability  
Paul McKay Service Director, Physical  
Disability and Independent Living  
Sylvia Rowley Project Officer, Smart Cards  
Judith Horsfall Head of Equalities and Business  
Performance  
Caroline Baria Service Head, Purchasing and

Linda Metcalfe	Market Management Service Manager – Policy and Practice
Marion Chapman	Contracts Officer
Dan Godley	Contracts Officer
Lynda Simpson	Personal Assistant to the Service Director, Strategic Services (J/S)
Daniel Smith	Administrative Assistant, Committee Support
Lisa Swift	Committee Support Officer

### **1. Welcome and Introduction**

Councillor Alan Rhodes welcomed everyone to the meeting.

### **2. Apologies for Absence**

Apologies were received from:

Councillor Ken Bullivant  
Councillor Yvonne Davison  
Councillor Vincent Dobson  
Councillor Michael Storey  
Councillor Lynn Sykes  
Councillor the Hon. Joan Taylor  
Councillor Jason Zodronzy  
David Pearson, Strategic Director, Adult Social Care and Health  
David Hamilton, Service Director for Older People and Strategic Partnerships.

### **3. Minutes of the last meeting**

Councillor Lonergan commented that there was an error with those who were marked as attending the meeting. Subject to this change the minutes of the last meeting held on the 22<sup>nd</sup> January 2008 were agreed as a true record.

### **4. Priorities for 2008/09 – Adult Social Care and Health Business Plan**

Linda Bayliss, Service Director (Strategic Services) introduced Judith Horsfall the Service Head for Equalities and Business Performance.

Judith explained that copies of the business plan and executive summary are available on the internet and intranet. The business plan is separated into two parts; past achievements and what the department aims to achieve in the forthcoming year. In addition to the Key Performance Results, the department is committed to delivering a range of action plans and initiatives which are aligned with the Commission for Social Care Inspection assessment framework. This framework is based on the nine outcomes contained in the Adult Social Care White Paper, 'our health, our care, our say' and includes two additional outcomes in relation to 'leadership' and 'commissioning and use of resources'.

Councillor Lonergan asked how the Key Performance Results are measured. Linda Bayliss explained that key performance results are based on terminology use by the EFQM model where outcomes and results are considered first for service users. These are starting points of where we want to be and we work back on how we can achieve them. However, there are numerous performance indicators which sit under each key performance result to measure different areas of the department's work. The department has just completed a self assessment survey with over 360 questions. There are many targets and much detail and it is not possible to include all of this in the business plan.

Councillor Lonergan said that he was happy with the response provided, but would be interested to find out how the targets are being met and it would be useful to have a report later in the year.

Councillor Lonergan asked further about the development of self-directed support and people receiving individualised budgets and direct payments. He wanted to know how the department is managing this and how service users are advised on which one to take.

Paul McKay explained that the department assesses a person under the Community Care Act. They are then asked what support they require. Currently 900 people are receiving a direct payment, feedback from service users is positive as it gives them more choice and control. Self Directed Support is an extension of Direct Payments. Service users still have a Community Care Act assessment to find out their needs. Money is allocated to a service user by assessment of needs by the resource allocation system. A person still has a choice of how their needs can be met and they can continue to have their services arranged for them or they can have a combination of both. Paul explained that he is leading a project for Nottinghamshire to look at developing self directed support and the Government is giving Nottinghamshire £7.4 m to help fund this over the next 2-3 years.

Councillor Bruce Laughton asked if the figures provided to the inspectors are checked by them. Linda Bayliss explained that the Commission for Social Care Inspection uses a variety of methodologies. For example, via self assessment, performance indicators and surveys with service users. They triangulate information to ensure that what we say is what service users are saying. They look at all areas and visit service users if necessary.

Councillor Laughton was concerned that there was not enough information available about the different areas of direct payments to service users. Some service users have problems finding suitable care and a system should be developed and a list made available with accredited private and voluntary sector providers.

Paul McKay explained that there is a list of accredited providers available which is passed on to people. The department has a contract with the Rowan organisation to provide support and guidance for people managing a direct payment. Rowan can provide a full managed support service if

required. Rowan is run by people with a disability.

Councillor Paul Henshaw said that two service users attended a previous meeting to speak about their experience with Direct Payments which included the choice and control it gave to their lives. Councillor Henshaw asked about progress on the learning disability action.

Jon Wilson, Service Director (Mental Health and Learning Disability) explained that the Commission for Social Care Inspection had picked some actions that were not in the department's control. The action plan was sent back to the Commission for Social Care Inspection explaining this and they have since signed it off.

Councillor John Carter queried whether assessments are considered by a panel. Paul McKay explained that assessments are undertaken by County Council staff. The assessments are done in either a hospital setting or in the community. All new assessments are started within the first 24 hours and we are in the top performance band of completing assessments within 28 days and having 70% completed within 14 days. When an assessment has been completed, a decision is made about the resource allocation. Team Managers make a decision, taking into consideration the financial regulations about the money to be provided but if there are concerns these are directed to the service manager or service director. If the service user does not agree with the judgement, a manager quality checks the assessment to ensure that the allocated resource is correct. Care packages are managed within a finite budget, but there have been no cases where the resource allocated did not meet the service user's needs.

Councillor Pat Lally said that the health service is currently restructuring and he queried whether the authority has any joint target with them in the Local Area Agreement. Jon Wilson explained that the whole of the Local Area Agreement is a joint framework. However, there are only 3 targets out of 35 indicators that are specific to Adult Social Care and Health.

## **5. Mental Capacity Act and Deprivation of Liberty**

Linda Metcalfe, Service Manager (Policy and Practice) introduced the report. The Mental Capacity Act provides a statutory framework to empower and protect people who cannot make decisions for themselves. Set within the framework is a structure for assessments of capacity and it clarifies who can make decisions or act on the behalf of others and how this can be actioned. It covers day-to-day and more serious decisions and enables people to plan ahead. The Act was implemented in October 2007 and the Deprivation of Liberty will take effect in April 2009.

Councillor Richard Butler asked whether the 30-40,000 people affected in Nottinghamshire was an accurate figure. Linda Metcalfe explained that it was difficult to know but this figure is a rough estimate.

Councillor Lonergan commented that he understood that the subjectivity had been removed in the main, but there still remains a degree of this. We live in a society where people who commit crimes are only penalised with up to 5

years in prison. People who work for the authority will have difficulty in this regard. With regard to the Lasting Power of Attorney, if a person has made a Will regarding their finances do they need to do a further one for their care arrangements? Linda Metcalfe confirmed that another Lasting Power of Attorney would need to be done for welfare. The forms for this can be found on the government website.

Councillor Chris Winterton asked how criminal neglect is defined. Linda explained that two cases of criminal neglect have been to Court, and the Court up-held them as criminal neglect.

Councillor Jen Cole said that with regard to law and order and diminished capacity, how does this fit together in high profile cases?

Jon Wilson explained that within the department's safeguarding process there are six assessments and there are restrictions on who can do an assessment. Jon added that a scrutiny review is starting shortly which is looking at the Mental Capacity Act and a report will be brought back on the recommendations from that review.

## **6. Managing the Market – how we work closer with the independent sector**

Linda Bayliss introduced Caroline Baria the Head for Purchasing and Market Management. To clarify terminology, Linda explained that the independent sector means the private, voluntary and not for profit organisations.

Caroline Baria explained that the roles and responsibilities of the Purchasing and Market Management Team is to have sound knowledge of the market place by knowing how many providers there are in each area and what and where the gaps in the market are and why. The team has a responsibility to know what the key issues are facing providers and to ensure the quality of the services provided. It ensures that there is sufficient capacity in the market to meet people's needs by encouraging existing providers to grow and develop their services. Joint commissioning and provision of services is undertaken with Supporting People and Health to eliminate duplication and / or unnecessary competition. The market is tested for value for money by undertaking competitive tenders. If a contract is awarded to an approved provider this is based on an assessment of quality and cost. There are monitoring, evaluation and review processes in place to ensure that services meet quality standards. Contracts are annually reviewed to ensure that they continue to meet needs and training is provided and funded from the Training Strategy Grant.

Caroline introduced Sylvia Rowley, Project Officer (Smart Cards). Sylvia introduced the Electronic Monitoring of Home Care Services via the InfoCare system. All home care providers of older people's services are required to use the InfoCare system. The InfoCare unit is fitted in the service user's home by telephone link. There is no cost to the service user, it uses an 0800 number and the unit is powered by a battery. The unit enables real time monitoring of the time the care worker is with the service user and the number of tasks undertaken. The unit also monitors room temperature of a

service user's home. If this goes below a certain temperature a call is made to a central point of contact and the service user is contacted to ensure that they are okay. The Unit also has an evaluation system that the service users can use on the service provided. The Unit has won an award from e-government.

Councillor Lonergan was interested to hear that the system is working. He also asked for a further explanation about the Quality Assessment Framework and he was worried about a care home operator being suspended. Are we getting a good service and do we still have a paper based system to pay organisations for services.

Caroline Baria explained the Quality Assessment Framework is based on the seven outcomes from the Commission for Social Care Inspection. Three Quality Monitoring Officers have been employed to audit homes. The team has just completed the first round of quality audit checks. The document they use is very detailed but allows for the inputting of evidence on good and poor practice which can be shared with providers. The Quality Assurance visits take a whole day to complete but Linda stressed that the audits are "a moment in time" or snapshot of the quality of the home. The home is given 10 days notice of the visit as there may be problems with accessing records and the manager needs to be present. The owner also may wish to be present.

Linda Bayliss added that this quality audit differs to the role of the Commission for Social Care Inspection. This is the first year of completing the quality audit assessments and lessons have been learnt. The framework will be adjusted for the future. The Commission for Social Care Inspection is responsible for regulating all care homes and home care organisations, where as the department's quality work is over and above Commission for Social Care Inspection's national minimum standards.

Caroline added that with regard to the suspension of a contract, the contract is not ceased straight away. The department gives the home time to improve. The home carries on providing a service to the people they already have but no new people are placed with the provider. It is unusual to terminate a contract but the department will do so and move residents if there are safeguarding issues.

Councillor Cole asked for a copy of the Quality Assurance document.

Councillor Lonergan asked about the InfoCare Unit and wanted to know what experiences had been like so far. Sylvia Rowley explained that the system is working well but will not replace paper timesheets between the care worker and the organisation. Some care workers are provided with timesheets from their own provider and we cannot interfere with these. However, the department will only pay providers for the hours recorded by the Infocare system

Councillor Lonergan queried whether there had been any dispute over payment and questioned whether or not records can be divulged. Sylvia explained that the authority provides self billing invoices via the Units and

can match any anomalies.

Councillor Carter asked if private homes still notify the authority of a person's death and whether over payments had been tightened up. Paul McKay said that monitoring practices had improved and a system was in place to ensure that there were no over payments as a result in change of ownership. This is shown by the drop in bad debits. Didn't Cllr Carter ask how much bad debt we had? I agreed to find this out

Councillor Lally was concerned that money was a common theme in suspensions and was worried that recruitment and retention is a big issue. This, together with low wages in the sector, may mean things get worse.

Caroline Baria explained that any contract the County Council has with a provider, third party top-ups are discussed at the beginning of a placement. Work is being undertaken with the Care Home Association regarding third party top-up to ensure the families do not struggle. With regard to suspension, these are usually about quality rather than money. Some providers try to cut corners and if this is identified homes will be asked to improve their practice and quality. Recruitment and retention is still an issue, especially in home care services.

Councillor Winterton commented that home care providers employ people on low wages and queried if there were any safeguards in place like the Criminal Record Bureau check and qualification of residency and does the Commission for Social Care Inspection check these. Caroline explained that the Commission for Social Care Inspection regularly audits and monitors care providers. If there are any issues then they follow this up with an unannounced visit. Safeguards around employment are required and need to be robust. All necessary checks are undertaken for work permits etc and overseas workers must be able to speak English.

Linda Bayliss added that there is a map of Care Homes in Nottinghamshire within today papers and would welcome Councillors to visit some Independent Sector homes with her. Members should contact Lisa Swift, Committee Support Officer, so this can be arranged.

## **7. Dignity and Respect to All**

Councillor Rhodes introduced this item.

Linda Bayliss explained that she and Councillor Rhodes had been nominated as dignity Champions. A national campaign was launched by Ivan Lewis MP which was initially aimed at the Health Services. This challenge has been taken up in all of our services whether they are directly provided or from the independent Sector. Dignity launch was held last year to increase awareness and understanding of the dignity challenge and share good practice. Rota Visit inspection forms have been revised to include dignity and respect.

**8. Questions from the public**

There were no questions from the public or media.

Finally, Councillor Rhodes thanked everyone for attending and asked if members wished for items of interest to be included on the agenda to let himself or Linda Bayliss know.

The meeting closed at 4.00pm