

ADULT SERVICES SCRUTINY COMMITTEE – 9 SEPTEMBER 2009

MINUTES of the meeting held on 9 September 2009 commencing at 10.00 am and finishing at 12 pm.

Present:

Voting Members: Councillor Don Seale - in the chair

Councillor Anthony Gearing
Councillor Timothy Hallchurch MBE
Councillor Jenny Hannaby
Councillor Ray Jelf (in place of Councillor Arash Fatemian)
Councillor Larry Sanders
Councillor Dr Peter Skolar (part of meeting)
Councillor John Tanner (in place of Councillor Sarah Hutchinson)
Councillor Alan Thompson
Councillor David Wilmshurst (in place of Councillor Mrs Anda Fitzgerald-O'Connor)

Other Members in Attendance: Cabinet Member for Adult Services: Councillor Jim Couchman

Officers:

Whole of meeting: K. Coldwell (Corporate Core).

Agenda Item	Officer Attending
5.	Eddie McDowall (Oxfordshire Learning Disability Partnership Board) & Ann Nursey (Social & Community Services).
6.	Alan Sinclair (Social & Community Services).
7.	Paul Purnell & Alan Sinclair (Social & Community Services).
9.	Des Fitzgerald (Corporate Core).

By invitation

5. Gail Hanrahan (Parent Carer), Anup Upadhyaya (Service User), Sue Haffenden (Chairman – Oxfordshire Learning Disability Partnership Board).

The Scrutiny Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting and agreed as set out below. Copies of the agenda and reports are attached to the signed Minutes.

15/09 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence and temporary appointments were received as follows:

Apology from

Councillor Sarah Hutchinson
Councillor Mrs Anda Fitzgerald-O'Connor
Councillor Arash Fatemian

Temporary Appointments

Councillor John Tanner
Councillor David Wilmshurst
Councillor Ray Jelf

16/09 DECLARATIONS OF INTEREST

No interests were declared.

17/09 MINUTES

The Minutes of the meeting of the Committee held on 8 July 2009 were approved and signed.

Matters Arising

Minute 9/09 – Money Management Service: Update on Waiting Lists

The Committee asked Ms Coldwell to check with Legal Services the legality of the italicised text below*:

Who would be refused assistance and what would happen to them?

People who had able but unwilling family members or where solicitors were dealing with their affairs would not be assisted.

*Legal Services confirm that they are not aware of any legislation which specifically addresses this point. On a practical basis they do not see how family members can be compelled to take responsibility if they are unwilling to do so. There may be a number of reasons - which they do not wish to declare - as to why they do not wish to take responsibility for the financial affairs of a relative.

The practice is that the Money Management Team raises the issue of other relatives' involvement in the first instance to see if they might be willing. If they are not, then in practice they take on the case.

18/09 OXFORDSHIRE LEARNING DISABILITY PARTNERSHIP BOARD: PRESENTATION AND Q&A

(Agenda Item 5)

Mr McDowall (Valuing People Manager – Oxfordshire Learning Disability Partnership Board), together with Ms Ann Nursey (Assistant Head of Adult Social Care – Learning Disabilities – Oxfordshire County Council), Mrs Gail

Hanrahan (Parent Carer), Ms Anup Upadhyaya (Service User) and Mrs Sue Haffenden (Chairman of the Oxfordshire Learning Disability Partnership Board) gave a presentation to the Committee on the work of the Board. The Cabinet Member for Adult Services also attended for this item in order to contribute to the debate.

A copy of the presentation is attached to the signed Minutes.

Key points from the presentation and ensuing discussion are summarised below:

- Valuing People (published September 2001) was a new strategy for learning disability for the 21st century and was policy based. At this point in time local Learning Disability Partnership Boards were set up, involving service users;
- Valuing People Now (published January 2009) was a new three-year strategy for people with learning disabilities, making it happen for everyone and was rights based;
- before 2001 the previous government white paper for people with learning disabilities had been produced in 1971 (Better Services for the Mentally Handicapped);
- the four aims of the Valuing People strategy are rights, independence, choice and inclusion. The inclusion and involvement of people with learning disabilities and families in decision making is paramount “Nothing About Us Without Us”;
- it isn’t really known how many people with learning disabilities live in Oxfordshire. About 2,000 people are known of, of whom about 1,850 use services and have moderate or severe disabilities. There are probably people with mild learning disabilities that aren’t known about. Nationally, approximately 2% of the population have learning disabilities;
- Health is such an important issue for people with learning disabilities for a number of reasons including:
 - people with learning disabilities are 58 times more likely to die before the age of 50 than the general population;
 - people with learning disabilities are more likely to suffer poor health and poor access to health services. For example, they have double the levels of gastrointestinal cancer and more dental problems. One third of people with a learning disability also have epilepsy;
- ‘Death by indifference’ reported on the deaths of 6 people with learning disabilities, who had died as a result of receiving inadequate NHS health care. All 6 people may have lived longer had they received the same health care as the general population;
- Oxfordshire Learning Disability Partnership Board:
 - now comprises 6 members with a learning disability, 6 relatives of people with a learning disability and 11 other members;
 - listens to what service users and their families say they want in relation to improved quality of life. For example, a transition support service (to adulthood) is being set up and the Board is

- about to launch a guide to transition for families, produced by the Oxfordshire Family Support Network and supported by the Council;
 - works with Health and GPs to combat death by indifference (this is a national problem and Oxfordshire fares no worse nor better than other counties in this matter);
 - funds a worker to work with the acute hospitals to make the experiences and care of people with a learning disability better for the future;
 - funded training for GPs to enable Doctors to provide annual health checks for people with a learning disability;
 - is working with Oxfordshire PCT to implement 'Healthcare for All', the independent inquiry following 'Death by Indifference'. The PCT will write a report on the use of health services in Oxfordshire by people with learning disabilities by March 2010.
- only about 1 in 10 people with learning disabilities who are in touch with services are doing any form of paid work;
- only about 1 in 20 people with learning disabilities have an unpaid job;
- The Board:
 - works with employment organisations and employers to find more opportunities for people with learning disabilities;
 - is working with Shared Services Human Resources officers to look at job carving across teams to create viable jobs appropriate for people with learning disabilities and other long term unemployed people looking for work;
- in a recent survey, 1 in 3 people with a learning disability said that they did not feel safe using public transport. This is especially true for people with a mental health problem. Providers often lack understanding and people experience harassment from other transport users;
- the Travel Buddy scheme gives people with a learning disability more confidence, more exercise, more rights, more independence, more choice and more inclusion.

All attendees who had been involved in the presentation were asked what they valued most about working in partnership with the Learning Disability Partnership Board. The following responses were given:

- working as a team (cited more than once);
- everyone is treated as an equal;
- there is a lack of jargon and a fun atmosphere, whilst at the same time being very effective;
- it is also a good testing ground for officers to see if what they do in their job is going to make a difference to the lives of service users and their partners.

Following the presentation, the Committee thanked all concerned for their informative presentation and conducted a question and answer session.

A selection of the Committee's questions, together with the responses, is listed below:

- **Was Health involved with the Learning Disability Partnership Board?**

Oxfordshire PCT has a voting seat on the Board. A senior officer chairs the 'Health for All' Task Group. There is also a strategic health facilitator who works with the hospitals to train staff in the needs of patients with a learning disability in order to improve their experience of being in hospital. Training was also provided to GPs to enable them to provide annual health checks. Doctors from 57 out of 80 surgeries attended, sending 133 GPs, Practice Managers and Receptionists. Dentistry, and hearing and eye services could improve their services for people with learning disabilities, although there is already a special dentistry service in place which includes health promotion around good dental care and healthy eating.

- **What was the funding situation?**

Funding for the Partnership Board had been provided for the next two years. It was up to senior managers to decide how the money should be spent. There is a pooled budget between Health and Social & Community Services. The majority of funding for people with a learning disability sits in the learning disability pooled budget. Ms Nursey manages the pooled budget and reports to the joint management group as well as the Partnership Board.

- **What could be done to improve a hospital stay?**

The PCT, in conjunction with the Horton and John Radcliffe Hospitals, could fund a system to alert staff when patients with learning disabilities were admitted. This would be quite straightforward when a patient had been referred by a GP but was less easy in the case of emergencies. More work needed to be carried out in this area.

- **Whom should a Councillor contact if a constituent had asked them for help?**

The Oxfordshire Learning Disability Partnership Board web site was a good starting point and signposts people to further information (www.easywords.co.uk) Mr McDowall could put parents in touch with other groups such as the family support network. There were a huge number of very small voluntary organisations that could be accessed.

Following the question and answer session, all members of the Committee were invited to attend future meetings of the Learning Disability Partnership Board, ideally on a rota basis, to enable them to see how it works in practice and to learn more about this area. The Learning Disability Partnership Board

meets on the first Wednesday of every month in January, March, May, July, September and November and a public event is held in December.

Ms Coldwell undertook to provide the dates of future meetings to all members of this Committee.

Councillors Larry Sanders and Jenny Hannaby undertook to attend the Board's next meeting, which would be held on 4 November.

19/09 TRANSFORMING ADULT SOCIAL CARE: PROGRESS UPDATE AND Q&A

(Agenda Item 6)

It had been agreed that a report on Transforming Adult Social Care would be brought quarterly to this Committee (AS6) and would include detail on self directed support.

Mr Sinclair attended to provide the update and to answer the Committee's questions, accompanied by the Cabinet Member for Adult Services.

In addition to the information provided in the report, the Committee noted that:

- standards for information provision had been agreed, given that there were no "checking criteria" in place at present to ensure that the information provided was of good quality and would meet everyone's needs, for example, for a person with a learning disability;
- the evaluation report on the self directed support learning exercise would be sent to members of this Committee well before its December meeting.

A selection of the Committee's questions, together with the officer's and Cabinet Member's responses, is listed below:

- **Could officers justify the use of the word 'transforming' in terms of social care?**

This was a major change programme designed to enable people to make better choices, to live independently and to receive services tailored to their needs. Everyone who had been provided with a personal budget would become their own commissioner. Traditionally, social services had only dealt with a small number of people who met the eligibility criteria for service provision and the transformation of social care was a policy shift towards universal services for the whole population.

- **What was meant by the term 'user led organisation'?**

In general terms, it meant that service users - for example, older people or people with disabilities - formed the majority of trustees and governors of an organisation and were employed by the organisation and therefore

were able to dictate what services the organisation would be providing. 'My Life, My Choice' was the closest example of this.

Mr Sinclair undertook to provide the Committee with the government's definition of 'user led organisation'.

- **Wouldn't the transformation of social care be heavily reliant on care workers to embrace this change?**

Yes. It was about supporting and training care workers and social workers to ask the right questions, so that they were asking the same type of questions that brokers were asking.

A member of the Committee asked 'Why it was cheaper for a broker to do the talking and listening rather than for a care manager to do so?' and 'Following the recession would there be enough people available to provide self directed support and what was being done to ensure that sufficient numbers of specialised workers could be secured?'

Mr Sinclair commented that many of these were national issues which were being looked at nationally and undertook to respond in writing to these and a number of other questions raised, to all members of the Committee before its next meeting.

20/09 ACCESS TO CARE SERVICES CONSULTATION – Q&A AND RESPONSE

(Agenda Item 7)

(Consultation on the revision of the FACS Guidance to support councils to determine eligibility for social care services).

On 14 July 2009 the Department of Health had issued a consultation document on Fair Access to Care Services. This was before the Committee (AS7(a)(i)), together with the draft revised guidance (AS7(a)(ii)). These guidelines determine whether people are eligible for social care. This is a major review and responses are due by 6 October 2009. The Directorate is setting up arrangements to consider the consultation and consultation with elected members is also vital. A short briefing paper was also before the Committee (AS7(b)).

Mr Paul Purnell (Head of Adult Social Care), together with Mr Alan Sinclair (Programme Director – Transforming Adult Social Care) attended for this item to introduce the consultation and to answer members' questions.

The Committee was invited to discuss the consultation document, asking questions as necessary, and to forward its comments to the Directorate.

Mr Purnell advised the Committee that whilst the move towards universal preventative services was laudable, this would involve considerable resources, especially in light of demographic pressures. He added that within

the consultation document was mention of the government's assumption that no additional resources would be necessary for this shift in service provision. Responding to question 8 was the opportunity for the Committee to give feed back in terms of resource implications. He added that the Social Care Reform Grant had only been provided for 3 years and therefore he would be suggesting in his response that it should be extended for a further period.

The Committee **AGREED** that Councillor Seale would discuss the consultation with the Head of Adult Social Care and would provide a draft response via email for consideration by members of the Committee, given that the deadline for responses (6 October) was before the Committee's next meeting (15 October).

20/09 SELF DIRECTED SUPPORT TASK GROUP: UPDATE
(Agenda Item 8)

The Committee received an update on the work of the Task Group as follows:

- the vast majority of people assessed as eligible for self directed support as part of the learning exercise were now receiving a brokerage service;
- the task group:
 - was concerned about the move towards using brokers instead of social workers because they were cheaper, as social workers were specialists in this area;
 - was more concerned with the continuation of self directed support than with what had been accomplished to date. For example, many personal assistants had not been vetted [and therefore were not on the Council's list of approved PAs] although they were undertaking intimate duties. This would need to be carefully monitored;
 - wished to keep an eye on the self directed support model as it was developed;
 - wished to have more information on the proposed efficiency savings to be obtained from self directed support, for example, what they would be, if they would be sufficient and the impact that they might have on service provision.

21/09 ANNUAL SCRUTINY WORK PROGRAMME SEPTEMBER 2009 – JULY 2010
(Agenda Item 9)

The Committee had before it a proposed scrutiny work programme for this Committee (AS9).

It was asked to consider the proposals and to decide which work it wished to undertake and with what priority.

The Committee **AGREED** to defer consideration of the proposed work programme to its October meeting on the grounds that:

- it had not arrived in sufficient time for Members to consider it prior to the meeting;
- it wished to form its view regarding the necessity of the scrutiny proposal forms and officer direction of the work programme.

Councillor Seale undertook to consider the proposed list of items at the agenda planning meeting, which would take place on the rising of this meeting.

The updated version of the work programme would omit the item 'Green Paper on Care and Support: Shaping the Future of Care Together' as this would be considered at the Committee's next meeting. The wording and timing in relation to the Dementia Select Committee would also be revised to reflect that following the Committee's question and answer session in October, the Committee would be asked to consider whether there were any issues it wished to investigate in select committee format at its February 2010 meeting.

9. FORWARD PLAN
(Agenda Item 10)

The Committee was asked to suggest items from the current Forward Plan on which it might have wished to have an opportunity to offer advice to the Cabinet before any decision was taken.

Adult Social Care Inspection: Independence, Wellbeing and Choice

The Committee was reminded that the results of the performance assessment would be given to the 20 October meeting of the Cabinet where members of this Committee would have the opportunity to ask questions as a scrutiny committee of the Care Quality Commission, adult social care officers and Councillor Couchman and to make any comments on the findings and the Council's action plan.

Any members who had not already done so were asked to let Ms Coldwell know whether or not they would be able to attend.

.....in the Chair

Date of signing.....2009