

## Notice of a Meeting

### **Adult Services Scrutiny Committee Tuesday, 17 January 2012 at 10.00 am County Hall**

#### **Membership**

Chairman - Councillor Don Seale  
Deputy Chairman - Councillor Mrs Anda Fitzgerald-O'Connor

*Councillors:*

Jenny Hannaby	Larry Sanders	Alan Thompson
Ian Hudspeth	Dr Peter Skolar	David Wilmshurst
Peter Jones	Richard Stevens	

#### **Notes:**

*Date of next meeting: 6 March 2012*

#### **What does this Committee review or scrutinise?**

- Adult social services; health issues;

#### **How can I have my say?**

We welcome the views of the community on any issues in relation to the responsibilities of this Committee. Members of the public may ask to speak on any item on the agenda or may suggest matters which they would like the Committee to look at. **Requests to speak must be submitted to the Committee Officer below no later than 9 am on the working day before the date of the meeting.**

#### **For more information about this Committee please contact:**

Chairman	-	Councillor Don Seale E.Mail: don.seale@oxfordshire.gov.uk
Committee Officer	-	Simon Grove-White, Tel: (01865) 323628 simon.grove-white@oxfordshire.gov.uk



Peter G. Clark  
County Solicitor

January 2012

## **About the County Council**

The Oxfordshire County Council is made up of 74 councillors who are democratically elected every four years. The Council provides a range of services to Oxfordshire's 630,000 residents. These include:

schools	social & health care	libraries and museums
the fire service	roads	trading standards
land use	transport planning	waste management

Each year the Council manages £0.9 billion of public money in providing these services. Most decisions are taken by a Cabinet of 9 Councillors, which makes decisions about service priorities and spending. Some decisions will now be delegated to individual members of the Cabinet.

## **About Scrutiny**

Scrutiny is about:

- Providing a challenge to the Cabinet
- Examining how well the Cabinet and the Authority are performing
- Influencing the Cabinet on decisions that affect local people
- Helping the Cabinet to develop Council policies
- Representing the community in Council decision making
- Promoting joined up working across the authority's work and with partners

Scrutiny is NOT about:

- Making day to day service decisions
- Investigating individual complaints.

## **What does this Committee do?**

The Committee meets up to 6 times a year or more. It develops a work programme, which lists the issues it plans to investigate. These investigations can include whole committee investigations undertaken during the meeting, or reviews by a panel of members doing research and talking to lots of people outside of the meeting. Once an investigation is completed the Committee provides its advice to the Cabinet, the full Council or other scrutiny committees. Meetings are open to the public and all reports are available to the public unless exempt or confidential, when the items would be considered in closed session

**If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named on the front page, giving as much notice as possible before the meeting**

**A hearing loop is available at County Hall.**

## AGENDA

1. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest - see guidance note**
3. **Minutes** (Pages 1 - 10)

To approve the minutes of the meetings held on December 6<sup>th</sup> 2011, and December 15<sup>th</sup> 2012.

4. **Speaking to or petitioning the Committee**
5. **Development in the Oxfordshire Care Partnership Agreement** (Pages 11 - 42)  
10.05

### EXEMPT INFORMATION

It is **RECOMMENDED** that the public be excluded for the duration of item 5 (since it is likely that if they were present during that item there would be disclosure of exempt information as defined in Part I of Schedule 12A to the Local Government Act 1972 (as amended) and specified below in relation to that item and since it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information on the grounds set out in that item.

**THE REPORT RELATING TO THE EXEMPT ITEM HAS NOT BEEN MADE PUBLIC AND SHOULD BE REGARDED AS STRICTLY PRIVATE TO MEMBERS AND OFFICERS ENTITLED TO RECEIVE IT.**

The committee are invited to examine the principles for developing the Partnership Agreement with the Oxfordshire Care Partnership and specific service developments to achieve service and financial objectives of the Council and the Oxfordshire Care Partnership.

*The information in this case is exempt in that it falls within the following prescribed categories:*

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

*and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information, in that otherwise commercially sensitive information would be disclosed to the detriment of the companies involved.*

**6. Close of Meeting**  
12:00

## Declarations of Interest

This note briefly summarises the position on interests which you must declare at the meeting. Please refer to the Members' Code of Conduct in Part 9.1 of the Constitution for a fuller description.

### **The duty to declare ...**

You must always declare any "personal interest" in a matter under consideration, i.e. where the matter affects (either positively or negatively):

- (i) any of the financial and other interests which you are required to notify for inclusion in the statutory Register of Members' Interests; or
- (ii) your own well-being or financial position or that of any member of your family or any person with whom you have a close association more than it would affect other people in the County.

### **Whose interests are included ...**

"Member of your family" in (ii) above includes spouses and partners and other relatives' spouses and partners, and extends to the employment and investment interests of relatives and friends and their involvement in other bodies of various descriptions. For a full list of what "relative" covers, please see the Code of Conduct.

### **When and what to declare ...**

The best time to make any declaration is under the agenda item "Declarations of Interest". Under the Code you must declare not later than at the start of the item concerned or (if different) as soon as the interest "becomes apparent".

In making a declaration you must state the nature of the interest.

### **Taking part if you have an interest ...**

Having made a declaration you may still take part in the debate and vote on the matter unless your personal interest is also a "prejudicial" interest.

### **"Prejudicial" interests ...**

A prejudicial interest is one which a member of the public knowing the relevant facts would think so significant as to be likely to affect your judgment of the public interest.

### **What to do if your interest is prejudicial ...**

If you have a prejudicial interest in any matter under consideration, you may remain in the room but only for the purpose of making representations, answering questions or giving evidence relating to the matter under consideration, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

### **Exceptions ...**

There are a few circumstances where you may regard yourself as not having a prejudicial interest or may participate even though you may have one. These, together with other rules about participation in the case of a prejudicial interest, are set out in paragraphs 10 – 12 of the Code.

### **Seeking Advice ...**

It is your responsibility to decide whether any of these provisions apply to you in particular circumstances, but you may wish to seek the advice of the Monitoring Officer before the meeting.

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# Agenda Item 3

## ADULT SERVICES SCRUTINY COMMITTEE

**MINUTES** of the meeting held on Tuesday, 6 December 2011 commencing at 10.00 am and finishing at 1.30 pm

**Present:**

**Voting Members:** Councillor Don Seale – in the Chair

Councillor Mrs Anda Fitzgerald-O'Connor (Deputy Chairman)

Councillor Jenny Hannaby

Councillor Ian Hudspeth

Councillor Peter Jones

Councillor Larry Sanders

Councillor Dr Peter Skolar

Councillor Richard Stevens

Councillor Alan Thompson

Councillor David Wilmshurst

**Other Members in Attendance:** Councillor Arash Fatemian (for Agenda Item )

**By Invitation:**

**Officers:**

Whole of meeting John Jackson  
Simon Grove-White

Part of meeting Sara Livadeas  
Ann Nursey  
John Dixon  
Sara Walters  
Dan Harbour  
Fernella Trevillion  
Anita Higham  
Lisa Gregory  
Adrian Chant

*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.*

**172/11 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

None

**173/11 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE**

(Agenda No. 2)

None

**174/11 MINUTES**

(Agenda No. 3)

The minutes of the meeting of October 25<sup>th</sup> were approved.

**175/11 SPEAKING TO OR PETITIONING THE COMMITTEE**

(Agenda No. 4)

None

**176/11 DIRECTOR'S UPDATE**

(Agenda No. 5)

John Jackson, Director of Social and Community Services, updated the committee on national and local developments in Adult Social Care.

On the national level, the passage of the Government White Paper on social care was discussed. The paper is due to be released in April of this year, and, assuming a smooth passage, would pass into statute by the end of the year.

At the local level, the director confirmed that all Southern Cross homes have now transferred to Four Seasons. The financial position of the care group was discussed, and it was pointed out that the group are in a stable financial position. Different tenancy arrangements to those which precipitated the collapse of Southern Cross, make a similar scenario unlikely.

Concerns were raised about the capacity of CQC to provide a sufficiently in depth level of monitoring. The director accepted that the remit of CQC is very broad and is growing. These issues are currently being debated in government committees and members were encouraged to raise concerns through these channels.

Sara Livadeas **AGREED** to bring a report to the committee on current and proposed arrangements for contract monitoring and raising safeguarding concerns.

A paper on the Oxfordshire Care Partnership will go to cabinet on December 20<sup>th</sup>. This will be scrutinised by the committee at a meeting in early January.

Recent changes in the procurement process for Tier 2 Day Services were discussed. In summary, there will be less direct member involvement in the decision making process than originally proposed, with the director making the final procurement



decision. Members will have the chance to input into the process through face to face meetings with relevant Officers in December. The reasons for the changes were the tight time constraints and the lack of training.

Members expressed some frustration at the lack of guidance and the late changes to the process.

### **177/11 POOLED BUDGETS**

(Agenda No. 6)

John Jackson outlined the work taking place alongside NHS colleagues towards creating a genuine pooled budget for older people. A summary of this work is attached (**AS6a, b, c**).

Members were broadly supportive of the direction of travel and questioned why this had not already been achieved. The director stated that the recent strengthening of partnerships has created a better position to achieve these goals. The debate around Delayed Transfers of Care brought senior personnel together and was helpful in drawing attention to the importance of joint budgeting.

Cllr Stevens supported the general aspiration but wished to explore the implications for governance and accountability further. He **AGREED** to share his findings with members of the committee at a later date.

### **178/11 ADULT SERVICES BUDGET**

(Agenda No. 7)

Lorna Baxter, Head of Corporate Finance, outlined the major developments for the council as a whole, as detailed in the tabled papers (See agenda for December 15th 2011).

John Jackson discussed the papers as they relate to Adult Social Care. In summary there will be more money for Adult Services than in the previous year but a number of unforeseen pressures mean that there is little room for manoeuvre.

The committee were invited to consider the papers and return with comments at the meeting on December 15<sup>th</sup>.

### **179/11 OUTSOURCING OF INDEPENDENT LIVING SERVICES FOR PEOPLE WITH A LEARNING DISABILITY**

(Agenda No. 8)

Councillor Richard Stevens posed a number of questions to Ann Nursey, Head of LD Commissioning, on the proposed changes to the learning disability service.

1. What is the reasoning behind the phased approach to the savings?

2. The proposals appeared to suggest that providers would be non-profit making. Why hasn't this been the case?
3. What is the scope for bringing in mutuals/micro-mutuals on a cooperative basis?

In response to the first question, Ann Nursey, Assistant Head of Adult Social Care (Learning Disabilities), suggested that a number of things had impacted on the original phasing. Firstly a serious staff incident in a centre led meant that the transition was stalled. Secondly TUPE protections meant that savings could only be realised through the natural turnover of staff. It was asserted that staff savings would be passed on to the council rather than remain with the provider.

Regarding the question of profit making providers, the officer highlighted the fact that this applied to one provider but that most providers were non-profit organisations. The use of framework contracts and the open procurement process mean that the directorate unable to discriminate on the basis of the profit making intentions of any organisation.

Similarly, the question of mutual ownership was presented as one of practice rather than principle. The directorate is not opposed to the principles of mutual ownership but would need to be satisfied that the organisation was sustainable. This option was explored by a group of staff who subsequently encountered difficulties in the complexity of setting up.

Arash Fatemian, Cabinet member for Adult Services, **AGREED** to send a statement on the monitoring and provision of the service.

## **180/11 CONTINUING HEALTHCARE** (Agenda No. 9)

John Dixon, Deputy Director for Adult Social Care, Sara Walters, Area Service Manager for the SCS City team, Fernella Trevillion, Head of Partnerships at NHS Oxfordshire, and Dan Harbour, Continuing Care Advice Team Age UK, explained the complexities in the application of government guidelines for Continuing Healthcare. Current and historic performance was discussed with particular reference to the relatively low numbers receiving continuing care in Oxfordshire. Further detail is provided in the attached report (**AS9**).

Fernella Trevillion stated that although the numbers in Oxfordshire are low relative to other counties, the process is applied fairly across the county. Other counties are at different stages and it is likely that they will see numbers fall following reviews.

Dan Harbour stated that there had been improvements in the processes and that guidelines were being followed more closely. He also emphasised the role of Age UK in helping people to understand the assessment process and to provide independent challenge to drive improvement across the health and social care spectrum.

Members pointed out that many of the problems inherent in delivering services at the interface of Health and Social Care would be solved by genuine pooled budgeting and by implementing the recommendations of the Dilnot Commission.

**181/11 LINK UPDATE**

(Agenda No. 10)

Sue Butterworth, LINK Chair, and Adrian Chant, LINK Host Manager, discussed the attached update on the Local Involvement Network (**AS10**).

Anita Higham, LINK Deputy Chair, gave a detailed account of the complexities of the health and social care system as they relate to the function and remit of Local Healthwatch Organisations. Anita **AGREED** to distribute a copy of the statement.

Lisa Gregory **AGREED** to send a link to the Healthwatch consultation.

**182/11 FORWARD PLAN**

(Agenda No. 11)

Members proposed that the former TASC workgroup reconvene in January to outline an approach for future workgroup activity.

It was proposed that the issues of waiting lists and reviews should be brought to the committee in the future.

It was **AGREED** that a report on Day Services and Community Transport would come to the committee in March.

**183/11 CLOSE OF MEETING**

(Agenda No. 12)

..... in the Chair

Date of signing .....

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## ADULT SERVICES SCRUTINY COMMITTEE

**MINUTES** of the meeting held on Thursday, 15 December 2011 commencing at 12.15 pm and finishing at 2.15 pm

**Present:**

**Voting Members:** Councillor Don Seale – in the Chair

Councillor Mrs Anda Fitzgerald-O'Connor (Deputy Chairman)  
Councillor Jenny Hannaby  
Councillor Ian Hudspeth  
Councillor Larry Sanders  
Councillor Dr Peter Skolar  
Councillor Richard Stevens  
Councillor Alan Thompson  
Councillor David Wilmshurst  
Councillor Stewart Lilly (as substitute for Councillor Peter Jones)

**Other Members in Attendance:** Councillor Arash Fatemian

**By Invitation:**

**Officers:**

Whole of meeting John Jackson  
Lorna Baxter  
Sara Livadeas  
Sue Scane

Part of meeting

*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.*

**184/11 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS**

(Agenda No. 1)

Councillor Peter Jones sent his apologies. Councillor Stuart Lilly attended as a substitute.

**185/11 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE ON THE BACK PAGE**

(Agenda No. 2)

None

**186/11 SPEAKING TO OR PETITIONING THE COMMITTEE**

(Agenda No. 3)

None

**187/11 SERVICE AND RESOURCE PLANNING 2012/13 - 2016/17**

(Agenda No. 4)

Lorna Baxter, Head of Corporate Finance, gave an overview of the report and responded to members' questions for clarification. John Jackson, Director of Social and Community Services, then invited the committee to comment on the proposals.

The committee wished to bring the following comments to Cabinet:

- The possible impact of acceptance of the Dilnot recommendations and the possible impacts on the Social and Healthcare budget. The need for adequate central government funding.
- The need for increased Health funding after the planned restructure of Health to reduce pressures on Social and Health care, and the need for an adequate provision of funds for Continuing Healthcare.
- The need to understand the origin and impacts of the increased demand for Health and Social Care.
- The reliance on reducing the costs of care through private providers, and the possible impact on the quality of care.
- The risk of private providers experiencing financial difficulties and the potential impact on service users.
- The capacity of management within the directorate to adequately deal with service changes and new providers whilst undergoing significant internal restructuring.
- The current capacity of ICT infrastructure and the need for upgrades in the near future.
- The long term funding and potential overspends on Physical Disabilities support services.
- The provision of transport for those who wish to use day services.

The committee applauded the following:

- The efforts to reduce the needs for long term support by prevention strategies.
- The emphasis on Extra Care Housing provision.
- The emphasis on Telecare support services.
- The increased emphasis on Adult Family Placements.
- Efforts to reduce the number of people going into long term residential care
- The support for carers and day opportunities.
- The efforts to coordinate community transport by Adult Services, Growth and Infrastructure, and the NHS under the Health and Wellbeing Board.
  
- The County Council Support for the Dilnot proposals.

A minority opinion was expressed, which did not endorse moves towards increased commissioning of services. The possible fragmentation of the system and the difficulties in reliably monitoring providers were given as the main reasons for these reservations.

**Overall the committee supported the proposals outlined in the directorate Business Strategy and the Capital Plan, accepting them by a majority of 8 votes to 2.**

..... in the Chair

Date of signing .....

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