

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Adult Social Care Scrutiny Committee**
held on Thursday, 15th March, 2012 at Committee Suite 2/3 - Westfields,
Middlewich Road, Sandbach, CW11 1HZ

PRESENT

Councillor M J Simon (Chairman)
Councillor B Silvester (Vice-Chairman)

Councillors I Faseyi, J Jackson, L Jeuda, S Jones, B Murphy, J Saunders,
D Stockton and A Thwaite

Apologies

Councillors C Andrew and F Keegan

In Attendance

Councillors R Domleo, O Hunter and D Flude and Barrie Towse (LINK) and Bill
Brookes (LINK)

Officers

Lisa Quinn - Director of Finance and Business Services
Jacqui Evans - Head of Local Delivery/Independent Living Services
Martin Middleton - Direct Payments Project Manager
Dave Caldwell - Senior Information Officer
Alison McCudden - Commissioning Manager (Income Maximisation),
Mark Grimshaw – Scrutiny Officer

49 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 18 January 2012 be
approved as a correct record and signed by the Chairman.

50 DECLARATION OF INTERESTS/PARTY WHIP

None noted.

51 PUBLIC SPEAKING TIME/OPEN SESSION

Charlotte Peters-Rock, a representative from Knutsford Area for Knutsford Action,
attended to address the Committee. She made the following points:

- 1) It was queried what progress had been made in the Carers Strategy – and why had it yet to be finalised?
- 2) It was alleged that Cheshire East Council was working outside the law in its closure of all Social Care Day and Respite facilities in Knutsford, with

no public consultation and pre-empting the decision yet to be taken by East Cheshire NHS Trust in respect of The Tatton Ward. It was also alleged that there had been collusion between the Council and the Trust and referred the Borough Solicitor towards the decision taken by Mr Justice Hodge at the Judicial Review, in respect of Regina v Trafford Health in 2006/7.

- 3) It was queried what the Committee intended to do to inform the Borough Solicitor of the allegation that the Council was acting unlawfully?
- 4) It was asserted that the Budget allocation for Adult social services for the elderly was not adequate to meet its needs. With this in mind, it was queried whether the Committee would do anything to inform the Council of this issue.
- 5) It was suggested that the adult transport review would not address the ongoing structural social care issues in the Knutsford area.
- 6) It was queried when the Committee would explore the potential health and wellbeing of service users and their family carers.

The Chairman thanked Mrs Peters-Rock for her attendance and assured her that a written response would be provided.

52 THE CHESHIRE AND WIRRAL COUNCILS' JOINT SCRUTINY COMMITTEE MINUTES

The Committee considered the minutes from The Cheshire and Wirral Councils' Joint Scrutiny Committee. Attention was drawn to item 30: Future of the Cheshire and Wirral Joint Scrutiny Committee. There was a concern that a recent resolution by the Health and Wellbeing Scrutiny Committee to recommend the disbanding of the Joint Committee was incommensurate with the discussion that was held in the Joint Committee meeting. Indeed a number of comments were made regarding the good work of the Joint Committee and it was stated that all stakeholders should be looking at ways to continue and improve practice rather than seeking to disband it. This was felt particularly pertinent considering the challenges and flux that the impending Health and Social Care Bill could bring.

As Vice-Chairman of the Health and Wellbeing Scrutiny Committee, Councillor Saunders provided the rationale behind the resolution. She explained that there was a feeling that Councillor resources would be better spent focusing on the needs of Cheshire East residents and that this could be achieved by merging issues around mental health, learning disabilities and drug and alcohol services into the relevant local Committees.

Having heard this, a number of comments suggested that until the Council fully understood how commissioning would work once the Health and Social Care Bill became enacted and embedded, the Joint Committee should remain. With this in mind, it was suggested that the Committee should state to the Constitution Committee its concerns about the recommended disbanding of the Joint Committee in a time of flux and uncertainty. It was also agreed that further information was required on the value and practice of the Joint Committee before any other statements on its future could be made.

RESOLVED:

- a) That a recommendation be made to the Constitution Committee to place a moratorium on any decision to disband the Joint Committee until there was clarity on the full implications of the Health and Social Care Bill on commissioning.
- b) That further information on the value and practice of the Joint Committee be brought to a meeting in the near future.

53 EMPOWER CARD

Martin Middleton, Direct Payments Project Manager, attended to provide an update on the status and progress of the Council's prepaid social care card product – known as the Empower Card. It was reported that as of March 2012, there were approximately 2000 Empower cards in existence (not all active) holding in the region of £2.5m in prepaid social care funding (including client contributions). Martin explained that such a rapid take up of the process in its formative period had created a number of issues, both with the product itself and the associated processes. As a result the Council had approved a three month 'pause' in the roll out of the Empower Card in November 2011 as part of a post-implementation review.

Martin described that the review was under way and that the service had collated and analysed issues from a variety of sources including service users, carers, the third sector and internal departments among others. Initial analysis of these responses had suggested that on balance most people were happy with the card and liked the concept. Having said this, Martin also outlined that a number of areas for improvement had emerged, mainly as a result of getting the existing infrastructure and established mechanisms to adapt to the new ways of working. Martin asserted that these issues did not originate from any single source and many pre-dated the Empower card. As a result of these findings, it was described how task teams had been put in place to undertake a detailed review on all the 3000 or so Empower and Direct Payment accounts on the Council's books. Internal administrative processes had been reviewed and improved and training for all relevant staff on the revised processes was planned for April 2012. Martin also noted that work was ongoing to identify whether any alternative products were on the market which could better meet the needs of Cheshire East residents.

Lisa Quinn, Director of Finance and Business Services, attending as a member of the Strategic Empower Steering Group added that the Empower 'pause' was part of a wider review of client social care finance. She also reasserted that the 'pause' had been a useful mechanism to review what had been going well with the Empower card and where there was need for improvement. As this had yet to be completed she described how the Steering Group had asked for the 'pause' to be extended indefinitely until the Council was confident that all the issues had been fully rectified.

It was described how the Committee had been recently informed that there was occasionally money in service users' Empower accounts that was not being used and was therefore sitting idle. It was queried what could be done to retrieve this money. Martin explained that if identifiable unused money was sat in client's

accounts, it was moved to the Council's holding account with Citibank and from here to the Council's budget. He reported that Citibank had recently cleared £500k to be transferred back to the Council from its holding account. Martin continued to explain however that there was often a need to carry out detailed reviews on large balances above the agreed care plan package and to not assume that the money was simply unused. For instance, service users could be back loading their funds for respite care at the end of the year or they could be involved in a dispute with a provider that they hadn't paid for a service already received. It was noted therefore that there was potential for more than £500k that could be retrieved but that this would require further work.

It was questioned whether the service had any idea in terms of an end date for the 'pause' period. Martin reported that there were a number of variables which impacted on the 'pause' period being ended. An example of such a variable was waiting for information from care providers which was outside of the Council's control. Providing an approximate date, it was estimated that the 'pause' would come to an end in December 2012.

With regards to the survey results, attention was drawn to the fact that only 65% of those asked understood and endorsed the Empower product. This suggested that nearly a third of those surveyed had some element of disconnect with the package. It was stated that this was a concern as a paucity of information could undermine the whole concept and consequently, it was queried whether any further work was being done to uncover the reasons behind this. Martin acknowledged that this was an issue and that the service was going back and looking at the survey responses in detail to identify recurrent themes. He also noted that work was ongoing to improve the customer feedback and resolution process.

Reference was made to the fact that those service users with Direct Payments could not purchase Council services. It was queried therefore whether any attempts had been made to lobby central government or the LGA over this issue. Jacqui Evans, Head of Local Delivery/Independent Living Services, confirmed that questions had been asked of the Association of Directors of Adult Social Services and the LGA and that they were awaiting a response. Martin also noted that service users could have a hybrid package in which they received both services from the Council and had a card for other services.

Barrie Towse, LINK Chair, noted that the LINK had played a significant part in bringing this issue forward and she stated that she was grateful for the 'pause'. Barrie explained that the LINK had been concerned that service users were having choice taken away by being given the Empower Card as their only Direct Payment option. She confirmed that this had now been clarified and was no longer a concern. Overall, Barrie reported that the LINK believed the Empower Card was a good product but they were now worried that the longer the 'pause' continued for the bigger the step backwards the personalisation agenda would take.

In terms of the audit of the Empower Card it was queried who carried this out and whether the Council could retrieve money that had been misspent. Martin confirmed that the Empower Card had made auditing the Direct Payment process much easier as it provided almost automatic electronic intelligence on purchases. He explained that a team within the client finance unit were tasked to carry out the process of audit and if an inappropriate purchase was identified this would then lead to a conversation with the client and their social worker. This

conversation could then lead to an adjustment in the care package if it was determined that money had been spent on unnecessary goods/services.

RESOLVED –

- a) That the Committee note the progress of the review and the extension of the Empower 'pause' until all Empower card customer accounts had been audited and customers given a care review.
- b) That the Committee acknowledge the pressure that the review is putting on officers.
- c) That the Committee endorse the Council's continued exploration and evaluation of the current pre-paid card produce against alternative options available in the market.
- d) That the Committee receive an update report once the review is completed and that this include all the relevant financial information and implications.

54 PROGRESS REPORT ON THE ADULTS LOCAL ACCOUNT

Building on a report that the Committee received on 22 November 2011, the Committee considered an update report on the progress of the production of the Local Account for Adults who were in receipt of Social Care intervention. Dave Caldwell, Senior Information Officer explained that producing a Local Account was part of government proposals following the abolition of the Annual Performance Assessment by the CQC and the National Indicator Set. This was intended to be a document published by the Council on how it believed it had made progress on achieving its goals for adult social care over the past year.

Dave continued to explain that the Council had set up a 'Local Account Steering Group' to oversee the development of the Local Account. The Steering Group had agreed that since the Local Account was intended to be a document local people could use to hold the Council to account, it should reflect their priorities and be in a format that is meaningful to them. As a result work was carried out to gather service users' and other partner organisation's views through surveys, questionnaires and focus group/face-to-face interview work.

Following from this, a number of principles were established:

- In order to be a credible document, the Local Account should be **honest and transparent**: it should address areas of weakness in performance and priorities going forward.
- The document format and content should be "**interesting, simple, informative and bright**"
- It needed to be **concise** and written from the **customer perspective** - avoiding internal and professional jargon; and reflect **customer priorities**.
- The Local Account should be an **ongoing process** not just an annual document. The Local Account document was merely a part of the process of transparency and accountability to local citizens.

Similarly in terms of the structure of the document, the following themes were established as a framework:

- person centred care;
- having independence, choice and opportunities;
- quality of care; and
- feeling safe and protected.

In terms of completion, Dave Caldwell reported that it was hoped that the final version of the Local Account would be available in July 2012.

It was queried whether the document had to be called a 'Local Account' as this could be deemed confusing in terms of a presumed relationship with 'financial accounts'. Dave Caldwell acknowledged that this was an issue and confirmed that service users would be involved in the naming of the document.

It was questioned whether the document would be compared with other authorities. Dave Caldwell reported that whilst there would be no external inspection from government there would be the opportunity for informal peer review.

A discussion was had over the reach and purpose of the document. It was stated that whilst it was understood that the document needed to be adapted to suit its target audience, this would be misguided if that audience had no demonstrable interest in reading the document. It was also asserted that the simple format of the document could possibly leave those with a deeper, more professional interest in the information not catered for. It was suggested that it perhaps would better to produce a more detailed document from which simpler, more reader friendly summary sheets could be produced. Dave Caldwell acknowledged that this was a challenge but reasserted that the development of the document would be an ongoing process that would improve and adapt to demand over time.

RESOLVED –

- a) That the Committee note the progress on the Local Account Development
- b) That the Committee have sight of the draft document in order to make comment and that this be shared with the LINK and Adult Safeguarding Board.

55 PERFORMANCE REPORT

Jacqui Evans, Head of Local Delivery/Independent Living Services, attended to provide the Committee with information on performance monitoring within Adult Social Care. She noted that the report was based on data at February 2012.

Jacqui continued to go through a number of performance indicators which had been retained following the removal of the National Indicator Set. Jacqui also drew attention to a new Departmental Management Team activity report that had been developed in which a number of key, additional analyses had been developed and incorporated. This included financial assessment timeliness activity and the impact of 'returning' self funders. It was noted that those

performance indicators presented had, on the whole, improved from the previous year.

It was queried whether there were any areas of substantial underperformance that had not been reported on. Jacqui confirmed that all of the performance data for individual commissioning had been presented and that other data for the other areas could be provided at a future meeting.

Attention was drawn to the indicator relating to the Timeliness of social care packages (LI002). It was stated that whilst it was pleasing that an improvement had been made, the service needed to look at shortening the target completion time from 4 weeks in order to provide a more instructive and worthwhile measure. It was asserted that 4 weeks was too long a period to be acceptable for a care package to be put in place.

A number of concerns were expressed about the time and effort that was required to put together the data sets for the indicators. It was argued that the department should concentrate on building a framework on performance measures that were informative, readily available and easy to compare. Jacqui Evans agreed with this comment and stated that she would be happy to give more thought as to what measures would provide value and give a rounded picture. She acknowledged that there needed to be a balance between having worthwhile performance measures whilst not letting the construction of these get in the way of actually doing the work.

RESOLVED –

- a) That the report be received
- b) That performance data from the other areas in Adult Social Care be brought to a future meeting.

56 ADULT SERVICES TRANSPORT

Alison McCudden, Commissioning Manager (Income Maximisation), attended to provide the Committee with an update on the Review of Adult Services Transport.

Alison outlined the key messages of the review as thus:

- Adult Services had worked closely with the Places Directorate
- The Portfolio Holder had been constantly briefed on the progress of the review
- Only a small number of issues had emerged from the changes with feedback from the completed area (Crewe & Nantwich) being positive.

Alison noted that it had been recognised by the service that there might be a need to retain a small element of strategically commissioned transport for those individuals who could not be supported to travel through alternative transport options. It was indicated how many service users were still in receipt of a commissioned service (60) and how many of these remained with fleet vehicles (38). Those using a fleet vehicle had indicated that they wanted to start travelling with Dial-a-ride which the service was working on achieving. The other 22 people were using a commissioned taxi service and it was explained that these people

had complex needs. The service was reviewing whether it had the resources to retain this and if not those people would be provided with a personal budget top up to support their transport needs. Alison reassured the Committee that the implications and success of the changes would continue to be monitored going forward.

A number of questions were asked about the future of Dial-a-ride/Shopmobility in Macclesfield. It was stated that staff at the organisation had been told that their contracts would cease on 31 March and no assurances had been given about the retention of their services post this date. Alison reported that this issue was being dealt with by the Places Directorate and that she would feed this comment back to the Transport Manager to ask him to clarify the position with the Committee.

Barrie Towse drew attention to comments that the LINK had received regarding the high cost of the Dial-a-ride service in the Crewe and Nantwich area. Alison confirmed that she would feed this back to the Transport Manager.

RESOLVED –

- a) That the Committee note the progress on implementing the transport review.
- b) That Alison McCudden feed back the Committee's comments regarding the future of Dial-a-ride/Shopmobility in Macclesfield and the high cost of Dial-a-ride in Crewe and Nantwich to the Transport Manager.

57 WORK PROGRAMME UPDATE

Members considered the work programme. It was noted that a full review of the work programme would take place at the next meeting.

RESOLVED – That the work programme be noted.

The meeting commenced at 10.03 am and concluded at 12.30 pm

Councillor M J Simon (Chairman)