

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Adult Social Care Scrutiny Committee**
held on Thursday, 27th September, 2012 at Committee Suite 1,2 & 3,
Westfields, Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor M J Simon (Chairman)
Councillor J Saunders (Vice-Chairman)

Councillors C Andrew, D Bebbington, I Faseyi, L Jeuda, S Jones, F Keegan,
B Murphy, D Stockton, A Harewood and W Livesley

Apologies

Councillors J Jackson and B Silvester

In attendance

Councillor J Clowes

Officers

Lorraine Butcher – Strategic Director of Children, Families and Adults
Lucia Scally – Head of Strategic Commissioning and Safeguarding
Dominic Oakeshott – Head of Business Management and Challenge
David Laycock - Project Manager (Business Management and Challenge)
Alison McCudden - Client Finance Manager
Martin Middleton - Direct Payments Project Manager (Interim)
Mark Grimshaw – Scrutiny Officer

10 DECLARATIONS OF INTEREST

Councillor Bill Livesley declared a non-pecuniary interest on the grounds that his father was an Empower card user.

Councillor Shirley Jones declared a non-pecuniary interest on the grounds that she was a member of the Alzheimer's Society.

11 DECLARATION OF PARTY WHIP

None noted.

12 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 5 July 2012 be approved as a correct record.

13 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public who wished to address the Committee.

14 QUARTER 1 FINANCE AND PERFORMANCE REPORT

Prior to going through the Quarter 1 Finance and Performance report for Adult Social Care, the Officers from the Directorate provided some background information in order to contextualise the budget position.

Lorraine Butcher, the Strategic Director of Children, Families and Adults, noted that it had been well documented that the adult social care system, both nationally and locally was under considerable pressure. The recent White Paper 'Caring for our future: reforming care and support' (July 2012), demonstrated that the Government was aware of the need for change and reform and to some extent the White Paper also suggested how this reform would be achieved. Having said this, Lorraine Butcher explained that the changes proposed in the White Paper would take time to be implemented and in the meantime the Council was undertaking a number of steps to ensure that the budget was being managed correctly.

For instance, Lucia Scally, Head of Strategic Commissioning and Safeguarding, reported that the Directorate had recently invited a consultant to carry out an independent review of the Adult Social Care budget spend over the life of the Council. Part of this review had included bench marking the Council with other CIPFA (The Chartered Institute of Public Finance and Accountancy) comparator authorities in terms of the following:

- Review of business plans and proposals to achieve financial sustainability for Adult Social Care
- Review of fees to providers

The key conclusion from this review was that the prices that the Council paid for care and support were aligned to those in other authorities. However, the amount and type of care and support was greater when compared with the other CIPFA Councils e.g. use of nursing care. Additionally, Lucia Scally noted that the demographics of Cheshire East meant that the Council had to provide high cost individual support packages to deal with an increasingly older population. In summary, the Council had to address these pressures on the budget but in order to do so a change of approach was required. Lucia Scally explained such a change would require the Council to move away from a traditional approach of providing care for people to helping people to re-gain independence from care support, drawing on the existing assets in the local community and by continuing to support unpaid carers.

In light of this background, Dominic Oakeshott, Head of Business Management and Challenge presented the Quarter 1 Finance and Performance Review highlighting the following key points:

- The Adults Service had a net budget of £98.6m with an emerging pressure on this budget identified at £11.4m.
- The pressures on the budget were primarily from care costs, particularly for those customers with learning disabilities.

- £7.3m of remedial measures had been identified which would reduce the net forecast position to an estimated £4.1m overspend.
- That the service had been able to manage the demand for services which had resulted in limited growth in the number of new customers entering services. In part, this could be attributed to the enhanced use of re-ablement services.

It was queried why the Council had seen a consistent overspend in the Adults Service since Local Government Reorganisation and whether this was due to the budget being set at an insufficient level. Dominic Oakeshott acknowledged that it had taken time to understand the unique nature of Cheshire East, particularly in terms of the amount of nursing home beds and returning self funders. He reported however that the Council now had a better understanding of the situation and good idea of what action was required. As part of gaining this understanding, the Council had taken steps to learn from other Councils on how to successfully reduce costs.

It was questioned whether, as part of the benchmarking process, the Council had compared how much sheltered accommodation was available against other authorities. Lucia Scally acknowledged that this hadn't been done and that the service would explore performing such a comparison.

It was stated that it appeared in order to reduce the demand on services and to encourage people to remain independent for longer this would require a change of culture throughout the Council. Councillor Janet Clowes noted that work was ongoing with a range of Council services and partners in order to try and change cultures and attitudes to assist people to remain independent for longer. Providing a couple of examples, Councillor Janet Clowes drew attention to the dialogue that was occurring between officers from the Adults Service and those involved in developing the Local Plan. Additionally, the Council was working with hospitals in order to attempt to reduce the number of unnecessary discharges from hospital care into residential or nursing care. Lorraine Butcher added that the only Adults Service performance indicators that the Council had not met their targets on related to the number of hospital discharges into residential care. Cheshire West and Chester had the same issue and this therefore suggested that a long term cultural issue was behind this.

It was queried how the Council intended to enhance the use of re-ablement. Lucia Scally explained that at the current time, re-ablement services were only offered to customers at particular points in their care pathway. Moving forward, it was intended to embed re-ablement throughout all services.

It was asserted that unpaid carers were vital for managing the costs of social care. It was therefore queried whether the Council was making the requisite investment to support carers. Lucia Scally reassured the Committee that in the re-design of the Council's Adult Services, Carers would have a key role in helping to deliver positive outcomes. The Council had produced a Carers' Strategy to articulate how Carers would be supported in their role.

It was questioned how the Council would ensure that it was achieving value for money on its contracts with providers – both corporately and for individuals. Lucia Scally asserted that this was a whole system responsibility in which the Care Quality Commission (CQC), the Council and the individual would all have a role to play. Lucia Scally acknowledged however that the Council needed to get better at linking information together so that collective action could be taken.

It was queried whether the issue relating to returning self funders was unique to Cheshire East. Lucia Scally reported that this was not the case and other CIPFA comparator Councils had or were experiencing the same challenge. Lucia Scally noted that the Council was planning to speak to individuals and their families to understand why people had taken that particular care pathway.

RESOLVED:

- a) That the report be noted.
- b) That the Head of Strategic Commissioning and Safeguarding be requested to explore comparing the number of sheltered accommodation places in Cheshire East with Comparator CIPFA authorities.

15 BRIEFING PAPER ON THE WHITE PAPER 'CARING FOR OUR FUTURE: REFORMING CARE AND SUPPORT' (JULY 2012)

Lorraine Butcher explained that on 11 July 2012, the Government published its White Paper on the future of Adult Social care together with a draft 'Care and Support' Bill covering its implementation. Lorraine Butcher continued to summarise the key issues contained within the paper.

Lorraine Butcher explained that whilst the White Paper had been criticised by some organisations as not being far reaching enough, it was on the whole a relatively radical report. For instance, it had sought to re-write the statutory framework around Adult Social Care and for this and other reasons it had been well received by the Directors of Adult Services.

In terms of the main themes in the report, Lorraine Butcher noted that personalisation was still the main driver for reform. Additionally, there was a clear expectation that Councils would work increasingly with partners to deliver social care services and in doing so make the most of the skills and talents in local communities.

Lorraine Butcher summarised by explaining that much of what the paper espoused in terms of principles and good practice was not new and was already being actively pursued and developed within the Council. Having said that, there was still uncertainty over how the Council would be expected to deliver on the more far reaching parts of the Act without national funding reform. Lorraine Butcher reported that the Council would be able redesign the current use of resource to a certain extent but extra funding would be required if the proposals were to be fully achieved.

Attention was drawn to the 'person centred approach' outlined in 'The Vision' on page 40 of the agenda. It was queried whether this would be appropriate for those service users with dementia who perhaps would not be able to express or articulate their need. Lucia Scally explained that the approach espoused by the White Paper was to move from a reactive system to a proactive system. Those service users with dementia would therefore be involved in the choices about their care at an earlier stage.

Reference was made to the 4th bullet point on page 33 of the agenda which made reference to providing carers with a right to assessment 'if they appear to need

support'. It was suggested that this language could be perceived as being imprecise. Councillor Janet Clowes acknowledged that this was an issue but noted that it was difficult for the Council to speak with any certainty on how all carers would be supported because very often, there were a high number of 'hidden carers'. Councillor Janet Clowes noted that the Council was working hard to engage and support all people who were in a caring role.

It was queried whether carers' needs were included in a re-ablement package. Councillor Janet Clowes confirmed that they were but that further work was required to follow up whether the service was being received. Lucia Scally added that the Council was also working to improve access to information for carers.

It was questioned whether there would be any implications for the Council following the proposal to outsource social care assessments. Lorraine Butcher explained that the Council was still unsure how this would be modelled. Having said this, there were some concerns about the proposal particularly in terms of moving the delivery away from the decision making process.

It was noted that the closing date for the consultation on the White Paper was the 19 October 2012. It was suggested that a small group of Councillors from the Committee meet with Lorraine Butcher to provide some input to the Council's corporate response.

RESOLVED:

- a) That the report be noted.
- b) That the Scrutiny Officer arrange a meeting with the Strategic Director of Children, Families and Adults and representatives from the Committee to discuss the Council's response to the White Paper consultation prior to 19 October 2012.

16 ADULT SOCIAL CARE FINANCIAL SYSTEMS - THE VISION AND FUTURE DIRECTION

David Laycock, Project Manager (Business Management and Challenge) attended to present the vision and future direction for the Adult Social Care financial systems.

David Laycock explained that the financial arrangements supporting the Adult Social Care Department were complex with a range of payment and charging arrangements, including Empower, traditional Direct Payments, directly commissioned services and internal provision. These arrangements relied on a variety of IT systems and processes which were no longer considered viable due to a range of issues including obsolescence, lack of interfacing and insufficient audit trail production.

The Council was proposing therefore to purchase the following three systems to improve the 'social care offer' to Adult Social Care service users:

- A replacement customer record system
- A new contract management system
- A new banking product

Expanding on the latter product, David Laycock noted that this would allow Cheshire East to have viewing access to service users' accounts in order to assist with auditing.

In terms of implementation dates, David Laycock reported detailed plans had yet to be developed as the decision on what systems to purchase had not been made. Having said this, the Council's intention was to keep the procurement timescale as short as possible with a proposed implementation date proposed for 2013/14.

In terms of the proposed new banking product, it was queried whether the Council had explored the legal implications of gaining viewing access to people's accounts. Dominic Oakeshott explained that when the Empower account was offered to the service user they would be asked to sign for the Council to have viewing access.

In light of the issues that the Council had encountered with the implementation of the original Empower product, it was questioned whether lessons had been learned for the roll out of the proposed new systems. Dominic Oakeshott reported that lessons had been learned and the implementation for the new systems would be phased. This gradual implementation would allow for the resolution of any 'teething' problems without major impact. Lorraine Butcher added that the Committee could be reassured that rigorous challenge would be applied to the implementation process.

RESOLVED:

- a) That the reasons justifying the need to purchase new systems be noted.
- b) That the Committee supports the vision for commissioning, delivery and payment of Adult Social Care

17 ADULT SERVICES DEBT

Alison McCudden, Client Finance Manager, attended to inform the Committee of the current Adult Services debt levels and also to highlight the progress made in respect of debt recovery.

Alison McCudden reported that the current client contribution invoices were valued at £16m per annum and 95.5% of invoice debt was collected within 7 weeks. There had been 900 service users who had debts outstanding and this totalled £2.1m. Good progress had been made on recovering this debt and the number cases had reduced to 800 which totalled £1.9m.

In order to build on this progress, Alison McCudden explained that the Council was exploring further initiatives to reduce the amount of debt owed. Key to this was embedding debt avoidance practice across the Directorate in order to try and ensure that service users avoided entering into debt with the Council.

In addition to debt avoidance, the Council was also developing further recovery initiatives. Alison McCudden noted that whilst the Council would always work closely and sensitively with service users to manage their payments, it was

necessary to reclaim debts to ensure fairness to all those who had paid for a Council service. With this in mind, the Council was exploring the use of Small Claims Court action where debt cases were deemed suitable for final debt recovery actions.

A concern was expressed about the possible use of Bailiffs for collecting debts off vulnerable adults. Dominic Oakeshott explained that whilst the Council did need to become more rigorous in how it dealt with debt, Bailiffs and Small Claims Court action would only be used as a last resort.

RESOLVED: That the report be noted.

18 EMPOWER UPDATE

Martin Middleton, Direct Payments Project Manager (Interim), attended to provide a high level briefing and further update on the Council's prepaid social care card product (known as the Empower Card) since the last update to the Committee on 15 March 2012.

He explained that due to a number of challenges created by the rapid take up of the Empower product, the Council had approved a 'pause' in the roll out of the Empower Card in November 2011 as part of a post-implementation review. This pause became indefinite in March 2012 pending the completion of a detailed review of all card accounts and during this time, no new customers had been given an Empower card.

Martin Middleton reported that a strategic Empower steering group continued to oversee the 'pause', meeting on a regular basis. He noted that complexity of the audit process had resulted in the review taking far longer than had been anticipated at the outset. Having said that, the 'pause' had also enabled Officers to review all processes around the Empower card thoroughly which had resulted in a far more stable system.

Work was ongoing to review alternative products available in the market place that could potentially meet the needs of CEC and its customers including prepaid card developments.

Martin Middleton explained that the Council was looking to establish a new platform and system in a phased and managed way from April 2013 and that this work would progress alongside the continued audit and stabilisation processes for the existing product. Once the review had been completed, it was suggested that a report be brought to the Scrutiny Committee for consideration.

RESOLVED:

- a) That the report be noted.
- b) That the continued progress of the review of all Empower card customer accounts (and associated care reviews) be noted.
- c) That the Committee endorse the Council's continued exploration and evaluation of the current prepaid card product against alternative options available in the market.

- d) That the Direct Payments Project Manager (Interim) be requested to provide the Committee with an update report once the review reaches completion.

19 WORK PROGRAMME UPDATE

The Committee considered the work programme. An update was provided on the two ongoing task and finish reviews. Councillor Laura Jeuda, Chairman of the Adult Social Care Complaints Process Task Group noted that it was likely that the Group would report in February 2013. Councillor Shirley Jones, Chairman of the Dementia Task Group noted that the review would be ready to report in November 2012.

RESOLVED: That the work programme be noted.

The meeting commenced at 10.10 am and concluded at 12.35 pm

Councillor M J Simon (Chairman)