

**BRIGHTON & HOVE CITY COUNCIL**

**ADULT CARE & HEALTH COMMITTEE**

**4.00pm 18 MARCH 2013**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Jarrett (Chair) Councillor Jones (Deputy Chair), K Norman (Opposition Spokesperson), Meadows (Opposition Spokesperson), Barnett, Marsh, Mears, Powell, Wakefield and Wilson

**PART ONE**

**43. PROCEDURAL BUSINESS**

**43A Declarations of Substitute Members**

43.1 There were no substitutes.

**43B Declarations of Interests**

43.2 Councillor Jones declared a personal but non prejudicial interest in Item 50 – Adults Section 75 Review as he is an employee of Brighton & Sussex University Hospitals NHS Trust. Councillor Norman declared a personal but non prejudicial interest in item 49 – Sussex Integrated End of Life and Dementia Care Sussex Pathway as his wife is a trustee of the Martlets Hospice.

**43C Exclusion of the Press and Public**

43.3 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

43.4 **RESOLVED** - That the press and public be not excluded from the meeting.

**44. MINUTES**

- 44.1 Councillor Mears was pleased to note that some financial information had been submitted to the committee. She stressed that the committee could not operate without sufficient financial information.
- 44.2 Councillor Powell referred to paragraph 38.19. She asked for feedback on Councillor Hawtree's request for more information on some care agencies who were not paying the living wage to their staff. The Chair replied that a brief survey would be carried with providers in May. He would report back on the survey at the June meeting.
- 44.3 **RESOLVED** – That the minutes of the meeting held on 28 January 2013 be agreed and signed as a correct record.

#### **45. CHAIR'S COMMUNICATIONS**

##### **Weather Conditions**

- 45.1 The Chair referred to the bad weather the previous week. Despite the snow, a service had been delivered to the most vulnerable in the city. Meanwhile, the hospitals were experiencing pressure at the current time and the council was doing all it could to prevent further pressure.
- 45.2 The Chair thanked staff and members of the public who had helped to provide services during the bad weather.
- 45.3 Councillor Norman mentioned that most years the Adult Care & Health team and volunteers went out in 4x4 vehicles to help deliver services.

#### **46. PUBLIC INVOLVEMENT**

##### (a) Petitions

- 46.1 The Committee noted that there were no petitions from members of the public.

##### (b) Written Questions

- 46.2 The Committee noted that there were no written questions from members of the public.

##### (c) Deputations

- 46.3 The Committee noted that there were no deputations from members of the public.

#### **47. ISSUES RAISED BY COUNCILLORS**

- 47.1 The Committee noted that there were no petitions, written questions, letters or Notices of Motion received from councillors.

#### **48. FINANCE REPORT**

- 48.1 The Committee considered a report of the Director of Finance which set out the forecast outturn position for the 2012/13 financial year at Month 9 for Adult Social Care and NHS Trust Managed S75 Budgets as reported to Policy & Resources on 14 February 2013.

The report also provided information on the agreed 2013/14 budget for Adult Care & Health and NHS Trust Managed S75 Budgets set by Budget Council on 28 February 2013.

- 48.2 The Head of Business Engagement drew attention to paragraph 3.4 which related to NHS controlled S75 Partnership performance - being a projected underspend. More detail was contained in Appendix 1. The Targeted Budget Management reports would be brought to Adult Care & Health Committee roughly quarterly. Paragraphs 3.5 to 3.8 related to the budget for 2013/14. A colour pie chart showed the breakdown of net spend across Adult Care & Health. The largest area was community care (£41,806,000). Adults Provider was £13,706,000. S75 community Care was £8,582,000. Commissioning was £5,203,000 and S75 Staffing and other costs £3,968,000.
- 48.3 The Head of Business Engagement drew attention to the table on page 24 of the agenda, showing Adult Services - summary breakdown 2013/14 (net budgets). This included a breakdown of community care in Brighton & Hove and out of area. 65 to 70% of placements were in Brighton & Hove. Most of the out of area placements were in East and West Sussex. A budget book would be made available to members within the next month.
- 48.4 The Head of Business Engagement stated that she would bring regular monitoring reports to the committee relating to Adult Social Care and Public Health. She would provide trend information shown against savings agreed by budget council.
- 48.5 Councillor Meadows thanked the Head of Business Engagement and welcomed the budget information. She referred to Appendix 1, page 19 which mentioned a risk of £400,000 against extra care housing. She asked for more details about the risk. Councillor Meadows referred to the net reduction in residential client numbers of 6WTE. She asked if there would be redundancies.
- 48.6 Councillor Meadows queried the overspend for under 65's of £186,000 (page 20) and referred to the high cost of community care out of area (page 24). She asked what steps were being taken to reduce the cost.
- 48.7 The Head of Business Engagement explained that in relation to extra care housing, it was not expected that £400,000 savings could be made this year. However, it had been possible to cover the shortfall through the savings made against community care and deliver within budget. The net reduction in residential client places would not impact on staff numbers.
- 48.8 The Head of Assessment Services explained that the £186,000 overspend for under 65's related to people with complex needs. There were currently a number of placements outside the city and the strategy was to look for alternatives in order to bring these clients back to the city.
- 48.9 Councillor Mears thanked officers for the financial information. She referred to the General Fund budget for 2013/14 agreed at Budget Council on 28 February and queried whether the £400,000 figure had been originally intended for sheltered housing in 2012.

- 48.10 Councillor Mears referred to the Budget Strategy for Adult Social Care & stated that this needed to be presented as a report to the Committee.
- 48.11 Councillor Mears referred to the Section 75 budget and expressed concern that the council had had to pay the shortfall in the past. With regard to Learning disabilities Councillor Mears asked for a more detailed paper at a future meeting.
- 48.12 The Head of Business Engagement explained that the £400,000 had come from reducing residential placements. The savings of £1,640,000 in 2013/14 for Supported Living and Extra Care Housing were in addition to the £400,000. This did not just relate to extra care housing and included other accommodation options. She agreed that it might be necessary to give a more detailed briefing on this matter.
- 48.13 The Head of Assessment Services stated that the £400,000 was met out the Community Care Budget.
- 48.14 Councillor Norman commented that the table on page 24 showing the Summary Budget Breakdown 2013/14 was very useful. He asked if officers could expand on the Extra Care Steering Group, and on the current position regarding troubled families.
- 48.15 The Head of Assessment Services explained that the Steering Group was a joint housing and adult social care officer group. The troubled families work had just commenced and looked at families who cost most to the public purse. The work would target households where there were issues such as joblessness and anti social behaviour.
- 48.16 Councillor Marsh considered that the troubled families work should be extended to families without children. She asked for an update. The Head of Assessment Services replied that initially the work was targeted at families with children. However the government had given local discretion to have other groups included in the regime. An application had been made to government which related to the Brighton scene. The government had accepted the application and there would be a three year programme with stages in each year to demonstrate work with families. There would be part direct grant and part payment by results. The Chair stated that there would be an interim report submitted to the next Committee on this matter.
- 48.17 Councillor Jones stated that he would welcome a report on troubled families. He hoped that there would be a change of criteria whereby people without children might be considered in the regime.
- 48.18 The Head of Assessment Services explained that a targeted approach would address troubled adults. The criterion was people seeking work, a number of incidents of anti social behaviour and problems that were a considerable cost to the public purse.
- 48.19 Councillor Meadows referred to page 31 relating to the stretch target saving of £500,000 being attached to the community care budget. She asked for more details. Councillor Meadows referred to the Joint Commissioning provider arrangements and asked for details of savings and asked how many staff were involved and in what way. She referred to page 32 in relation to services provided during the day for older people and

older people with mental health needs. Councillor Meadows was concerned that a 2 tier system was being proposed.

48.20 The Head of Assessment Services explained that the £2.2m savings in relation to the community care budget was the continuation of a strategy adopted this year. The aim of the stretch target was to further reduce the spend on the budget. The £2.2m savings included the £500,000. With regard to the Joint commissioning provider arrangements, 6 or 7 staff were affected. The changes would be carried out in a way that avoided redundancies. There was a report on Day Services later on the agenda.

48.21 The Chair stated that there was no intention of having a 2 tier day service system in terms of quality. Some people would have building based services and others would receive a different type of service.

48.22 **RESOLVED** - (1) That the forecast outturn at month 9 for Adult Social Care and NHS Trust Managed S75 Budgets be noted.

(2) That the agreed budget for Adult Social Care and NHS Trust Managed S75 Budgets for the 2013/14 financial year be noted.

#### **49. SUSSEX INTEGRATED END OF LIFE AND DEMENTIA CARE SUSSEX PATHWAY**

49.1 The Committee considered a report of the Chief Operating Officer, Clinical Commissioning Group which requested approval of the Pan Sussex Integrated End of Life and Dementia Care Pathway. The pathway had been developed through multi-agency and multi-disciplinary stakeholder group collaboration across Sussex as part of the End of Life Care in Dementia Regional Innovation Funded project for NHS Sussex. It was part of the Joint Dementia Plan for Brighton and Hove. The Brighton and Hove CCG Strategy Group supported implementation of the pathway as agreed at the meeting on 8 January 2013.

49.2 Councillor Marsh stated that she had mixed feelings about the word pathway. She welcomed a strategy that treated people as early as possible; however she questioned whether the best medicines would be available for early on set dementia. Certain medicines that were seen as effective were not available. Councillor Marsh made the point that sometimes people with dementia were robust and end of life could be a long way off. She would be worried if the plan had anything to do with withdrawal of fluids and nutrition.

49.3 The Commissioning Manager explained that she had brought along copies of the consensus statement on the Liverpool Care Pathway. This had been supported by the Alzheimer's Society. They stated that in no way should fluids or nutrition be withdrawn from patients. The Commissioning Manager was happy to circulate this paper for discussion. There was robust training and support for the pathway. The new memory assessment service would provide early diagnosis and support. The Commissioning Manager stated that she had spoken to patients' groups regarding early on set dementia. The pathway was considered appropriate.

49.4 The Chief Operating Officer stressed that part of the strategy was to diagnose early in order to provide effective treatment as early as possible.

- 49.5 Councillor Barnett stated that she believed the Liverpool Pathway did withdraw fluids and food. She had observed this happening in her own family.
- 49.6 The Chief Operating Officer replied that within the pathway there was a full discussion with people about what the pathway meant for the person and the family. Councillor Barnett made the point that dementia was often diagnosed too late for the person to be involved in decisions about their future.
- 49.7 Councillor Mears stated that she did not support the pathway in any way and wanted to see a revised report she was happy with. She considered the Liverpool Pathway involved the removal of fluids and food. She was not happy with the tone of the report and considered that the emphasis should be how people were cared for. Councillor Mears was concerned that the membership of the Brighton and Hove Stakeholder Group only had one lay member. She referred to page 38 of the agenda – Appendix 1 Summary of Pathway – Section 5 - which stated “Implement Liverpool Care Pathway as appropriate.”
- 49.8 Councillor Jones broadly welcomed the proposals. He thought it was a good pathway but acknowledged that there were issues that arose towards the end of life. He welcomed early intervention with the emphasis on the person who needed care. He stressed the importance of early diagnosis and directing people to appropriate services and medication. Treatment worked best in the early stages. However, he considered that it would be useful to have more information about the Liverpool Care Pathway.
- 49.9 The Chief Operating Officer stressed that the pathway was about early support for people and their families. Discussions would be held at an early stage.
- 49.10 Councillor Norman agreed that it was important to work with people in the early stages of dementia. The only mention of the Liverpool Pathway was on page 38 of the agenda and if this caused a problem he suggested the reference to the pathway should be removed. Councillor Norman stressed that the Liverpool Care Pathway was only as good as the people who used it and should not be used without education and training. Councillor Norman thought that the pathway was a good step forward to help people in the last stages of their lives. It did not suggest withdrawing anything from a person.
- 49.11 Councillor Meadows agreed that there were good proposals in the report, particularly in relation to early intervention and diagnosis. However, she had witnessed her father being given a sponge on a stick rather than fluids and had seen how distressing this could be. Councillor Meadows was concerned about how the pathway would be implemented. She was unhappy with the word implement and stated that if this word was left out she might be able to support the strategy. The emphasis should be on discussion with the person and their family. Councillor Meadows considered that the Older Peoples Council should be consulted about the proposals and noted that they were not mentioned in the report.
- 49.12 Councillor Wilson questioned what happened when someone entered the pathway at a late stage and could not make a decision.

- 49.13 The Commissioning Manager replied that the aim was for people not to be in that position. The emphasis was on early intervention and for a decision to be made in conjunction with carers or families on what they would like to happen.
- 49.14 Councillor Wilson stated that it might have been more palatable if there had been mention of the pathway earlier in the document. She was concerned that the pathway might be implemented at a late stage.
- 49.15 Councillor Marsh considered that there should be more weight on the patient service user.
- 49.16 Councillor Powell considered that words were very important and needed to be clear and agreed. She referred to Appendix 1 – Phase 3 and asked for this to be reworded as not everyone had a family.
- 49.17 The Chair noted that the committee appeared happy with the work proposed for early diagnosis. However, he suggested that a decision on the report be deferred in order to consider the concerns expressed by members. The Chair suggested that the Chief Operating Officer and the Commissioning Manager should meet with him and the Opposition Spokespersons to discuss a way forward for a revised report. A draft of the revised report could be circulated to all members of the committee.
- 49.18 Councillor Mears stated that she was concerned that the Older Peoples Council had not been consulted and did not appear aware of the consultation in the city. The Commissioning Manager stated that she would check exactly who had been consulted and would ensure that the Older People's Council were consulted as appropriate.
- 49.19 **RESOLVED** - (1) That it be agreed to defer consideration of the proposals to the next meeting of the Committee on 17 June 2013 in order for a revised report to be submitted which considers the concerns expressed by members of the Committee.

## 50. ADULTS SECTION 75 REVIEW

- 50.1 The Committee considered a report of the Chief Operating Officer, Clinical Commissioning Group which outlined revisions to the Adults Section 75 Agreement between the Council and the Clinical Commissioning Group which need to come into effect on 1 April 2013 in order to reflect the changes in law.
- 50.2 The report explained that from 1 April 2013 the Clinical Commissioning Group would become the accountable body for commissioning the majority of healthcare provision in the City. Joint Commissioning agreements with the Council therefore needed to be revised in order to reflect the new commissioning landscape and changes to legal responsibility for Public Health functions that transfer solely to the Council.
- 50.3 The Chief Operating Officer stated that paragraph 3.3.1 of the report set out the changes to service areas to be jointly commissioned. The intention was to have an agreement for a three year period. There would be a non pooled budget. A detailed schedule would be submitted to the Joint Commissioning Board which would be updated annually.

- 50.4 The Senior Lawyer explained the proposals for new governance arrangements for the Joint Commissioning Board. It was proposed to have the Joint Commissioning Board on the same day as Adult Care & Health Committee, immediately prior to the committee. There would be one vote for the CCG and one vote for the Council. There was a question as to whether to involve the whole of the Adult Care and Health Committee or whether to have a Sub-Committee to sit on the Joint Commissioning Board.
- 50.5 Councillor Meadows expressed concern that the proposal was to maintain a separate Joint Commissioning Board, now that the section 75 business had decreased. She considered that the section 75 business should be considered within the Adult Care and Health Committee.
- 50.6 Councillor Meadows noted that there was still a health element to a number of the Section 75 functions. She considered that health money should be attached to these services. She stated that she would like to know how much health money was being used to support the council's budget. Councillor Meadows asked how staff were affected by the arrangements.
- 50.7 The Chief Operating Officer replied that the support grant for HIV/AIDS would need to be used by the Public Health Team led by Tom Scanlon. HIV/AIDS was now solely commissioned by the Council. However, there were a range of services that had a dual aspect. There were no proposals to make changes to staffing.
- 50.8 The Chair stated that £18 million would come across to the Council with the public health functions.
- 50.9 Councillor Mears welcomed the revisions in the Section 75 agreement but had areas of concern. She considered that the Section 75 budget should be submitted to the Adult Care & Health Committee. It needed to be a regular report. Councillor Mears referred to paragraph 5.1 (financial comments) and asked for more information on the respective contributions. With regard to the JCB, Councillor Mears agreed that changes needed to be made around saving time and cost cutting. She considered that it would be more practical to have one meeting which would add to clarity and make decision making simpler. It did not make sense to have the JCB before Adult Care & Health Committee.
- 50.10 The Head of Business Engagement informed Members that £16m of the Adult Social Care budget related to Section 75. She confirmed that it would be possible to identify the Section 75 budget in the finance report submitted to the Committee.
- 50.11 The Chair stated that there was a need to talk to the Opposition Spokespersons as to what they wanted to see happen with the review of Section 75. These views would be fed into the constitutional review.
- 50.12 The Chair thanked the Chief Operational Officer for her work with the Joint Commissioning Board and stated that he was pleased that she was continuing to work with the CCG.
- 50.13 **RESOLVED** - (1) That the requirement to revise the Section 75 Agreement to reflect changes in the law be noted.

- (2) That the revisions to the Section 75 Agreement be agreed in order to comply with the changes in the law.
- (3) That the proposals for amendments to the arrangements for future meetings of the Joint Commissioning Board be noted.

## **51. DAY ACTIVITIES REVIEW**

- 51.1 The Committee considered a report of the Director of Adult Social Services which provided an update of progress on the Day Activities Review which included day activities for all vulnerable adults. The report highlighted the need to make the best use of all day centre buildings, resources and staff in order to offer effective and responsive day services across the City and also offer value for money. The report also provided an update on the future of Buckingham Road and Connaught Day Centres.
- 51.2 Councillor Marsh referred to direct payments and personal budgets and asked what strategies were being put in place to facilitate the take up of personal budgets by making the process easier.
- 51.3 The Head of Assessment Services reported that the council's record in relation to personal budgets was good (70%). The figure for direct payments was less high. Personal budgets could be used for council services. People had the choice of whether to have direct payments or a personal budget. There was a need to support people with a learning disability to take up personal budgets.
- 51.4 Councillor Mears referred to paragraph 8.2 in relation to capital funding for day centres. She asked if this had been considered in the budget process and whether any budget had been identified.
- 51.5 Councillor Mears referred to paragraph 9.2 in relation to consultation. She would like to see a report on the outcome and views expressed in the engagement with providers, service users, carers and advocates carried out since the last meeting. Councillor Mears further referred to paragraph 10.2 in relation to in house services. She asked for a more detailed breakdown of the in house budget figures.
- 51.6 The Commissioner, Learning Disabilities & Older People explained that Budget capital funding for day centres had not been identified yet, and that she would send Councillor Mears more information about the more recent engagement. The Head of Business Engagement stated that she could provide figures on day centres in the finance report to the next meeting.
- 51.7 Councillor Jones referred to the timescales involved in finding alternative accommodation for the Connaught Day Centre and asked if another site had been identified. The Commissioner, Learning Disabilities & Older People replied that officers were working with colleagues in education to identify a site. Councillor Jones asked officers to let him know when a site was identified.
- 51.8 The Chair asked officers to send members a progress update on this matter before the next committee meeting.

51.9 The Chair referred to the Fed' Embrace Project (paragraph 8.7) and stated that this was a valuable resource. The Head of Commissioning & Partnerships informed the Committee that she would arrange for someone from the Federation to give a presentation to the Committee. Councillor Mears suggested having posters in libraries to advertise this resource. Members agreed this was a good idea.

51.10 **RESOLVED** - (1) That the progress of the Day Activities Review and the next steps proposed be noted.

(2) That the presentation of a further progress report at the next meeting in June be agreed.

The meeting concluded at 6.18pm

Signed

Chair

Dated this

day of