

**Brighton & Hove City Council**

**Adult Social Care & Public Health Sub-Committee**

**4.00pm 11 January 2022**

**Hove Town Hall - Council Chamber**

**Minutes**

**Present:** Councillor Shanks in the Chair, Fowler (Opposition Spokesperson), Mears (Group Spokesperson), and Appich

**Part One**

**30 PROCEDURAL BUSINESS**

**Arrangements for The Meeting**

- 30.1 Before proceeding to the formal business of the meeting, the Deputy Chair, Councillor Shanks explained that the Chair, Councillor Nield had needed to give her apologies for that afternoon's meeting and that in her absence she would be Chairing the meeting.
- 30.2 Councillor Shanks went on to explain that in line with current Government guidance the decision making process would rest solely with the Members of the Committee who were present in the Council Chamber and were accompanied by key officers. Other presenting officers would be involved in the meeting via Microsoft Teams. It was noted that this meeting was being webcast and would be available for repeated future viewing.

**30(a) Declarations of Interest**

- 30.3 There were none.

**30(b) Declaration of Substitutes**

- 30.4 There were none.

**30(c) Exclusion of Press and Public**

- 30.5 In accordance with Section 100A of the Local Government Act 1972 ("The Act"), the Adult Social Care and Public Health Sub Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the

proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

- 30.6 **RESOLVED** – That the public not be excluded during consideration of any item of business set out on the agenda.

### 31 MINUTES

- 31.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 7 September 2021 as a correct record.

### 32 CHAIR'S COMMUNICATIONS

#### Availability of Lateral Flow Test Kits

- 32.1 The Chair explained that if people had been struggling to get hold of lateral flow test kits online or from pharmacies, they should keep trying. The website was being refreshed throughout the day and pharmacy stocks were being delivered regularly. Test kits remained available locally Monday to Friday from Hove Town Hall and every day at Jubilee Library.

#### Availability of Vaccination Services

- 32.2 For anyone due a Covid vaccine, there was capacity in Brighton & Hove. Appointments were available at Churchill Square until 7.30pm each day. They must be booked through the national booking system but same day appointments were usually available. Vaccinations could also be booked at the racecourse, and walk-ins were available across the city. More information was available on at the Sussex Health & Care Partnership website.
- 32.3 The Chair went on to commend the continuing hard work by those in the health and care sector, against the backdrop of continuing pressures caused as a staff sickness due to the pandemic and bed space capacity due to the pandemic in addition to the usual pressures caused due to the usual winter surge in accidents and illness. It was very important for individuals to protect themselves and others in order not to place additional strain on services which were already stretched.
- 32.4 **RESOLVED** – That the contents of the Chair's Communications be received and noted.

### 33 CALL-OVER

- 33.1 The Democratic Services Officer called over items appearing on the agenda. Members agreed that the recommendations appearing in the following reports be recorded as having been agreed unanimously without discussion:

Item 38 – Adult Social Care Fees 2022 - 23;

Item 40 – Adult Social Care Commissioning Strategy;

Item 43 – Community Equipment Service Commission

**34 PUBLIC INVOLVEMENT**

**34(a) Petitions**

34.1 There were none.

**34(b) Written Questions**

34.2 There were none.

**34(c) Deputations**

34.3 There were none.

**35 MEMBER INVOLVEMENT**

**35(a) Petitions**

35.1 There were none.

**35(b) Written Questions**

35.2 There were none.

**35(c) Letters**

35.3 There were none.

**35(d) Notices of Motion**

35.4 There were none.

**36 ITEMS REFERRED FROM COUNCIL**

36.1 There were none.

**37 PRESENTATION -ADULT SOCIAL CARE WORKFORCE**

37.1 The Acting Assistant Director, Commissioning and Partnerships, Andy Witham, gave a power point presentation updating the Sub Committee in respect of the workforce pressures which were being experienced currently. These were long standing but had increased over the past two years in the wake of the pandemic. Problems had been experienced with both recruitment and retention and in order to appreciate the situation within Brighton and Hove, the Acting Assistant Director gave an over-view of the situation nationally. Interestingly, nationally there had been growth in the domiciliary care market, due in part to pandemic and the huge growth in the number of people wanting to go home and recognition that those who could be going home should be going home.

- 37.2 In respect of residential care this had remained static in terms of their workforce, partly due to the way in which those services were commissioned and delivered. The following factors had impacted on recruitment and retention:

The pandemic had complicated our ability to quantify the impact of Brexit. To date there had been little evidence of the existing non-British Workforce leaving at an increased rate since the new immigration rules had come into place in January 2021;

As would be expected the Covid 19 travel restrictions in place had shown a sharp drop in the number of people arriving in the UK to take up Adult Social Care jobs;

Opening up of the wider economy had been reported by employers to have impacted adversely on retention with many reporting that recruitment and retention had been more difficult than before the pandemic;

Mandatory vaccinations for care home staff from November 2021 had, had a 2 – 3 % impact on staffing locally and the impact of mandatory vaccinations wef April 2022 was as yet unknown and wider discussions were needed with providers to ascertain what the impact of that might be.

- 37.3 The Acting Assistant Director went on to summarise the actions and support this sector and to work on the social care plan with partners in order to focus with providers across the city on the importance of business continuity. The following was being put into place:

A refreshed Adult Social Care Workforce Strategy was in development;

Workforce briefings were taking place with providers on raising awareness of support and initiatives;

Government Grants had over the last 18 months. For BHCC this equated to a total of £4.66m for a range of measures to support providers with infection control, testing measures and workforce recruitment and retention;

Support to the domiciliary care market through the joint health and social care 18 month plan;

Continued focus on the importance of business continuity plans and support in place from the Local Authority including work with and input from the public health team;

Reviewing VCS support and the role of Pas etc to support pressures; and

Proposed fee increases to all providers across adult health and social care were recommended for approval across the Board (Item 39) in recognition of the pressures being experienced by this sector.

- 37.4 Councillor Mears stated that she considered that the information provided was very detailed and informative requesting that the slides be circulated to Members following the meeting and it was agreed that this would be done.

37.5 Councillor Appich asked for clarification regarding employment of those working in the sector and the structure of the workforce, nationality, age etc. It was explained that the workforce was diverse and that a number of staff were engaged under similar arrangements to those in the domiciliary care system.

37.6 **RESOLVED** – That the contents of the presentation be noted and received.

### 38 ADULT SOCIAL CARE FEES 2022-23

38.1 Members agreed that the report recommendations be agreed without discussion.

38.2 **RESOLVED** – That the Adult Social Care and Public Health Sub Committee agrees to the recommended fee increase of 2% to all care providers providing services as set out in the table at Appendix 1 for the 2022-23 financial year. The underpinning background to the fee changes are contained in the main body of the report.

### 39 ANNUAL REVIEW OF ADULT SOCIAL CARE CHARGING POLICY 2022-23

39.1 The Sub Committee considered a report of the Executive Director, Health and Adult Social Care detailing the annual review of the Adult Social Care Charging Policy 2022-23.

39.2 It was noted that the Care Act 2014 provided councils with power to charge for care and support services subject to a means test which was set down in government regulations with prescribed limitations.

39.3 It was noted that a proposed amendment had been received from the Labour Group proposed by Councillor Appich and seconded by Councillor Fowler as set out below:

2.1 To agree that the council continues with the current charging policy for care and support services which includes an individual financial assessment to determine affordability and complies with the requirements of Section 17 of the Care Act 2014;

2.2 To agree to a **3.1%** increase on all current charges with the exception of Carelink at 3.1% with effect from 11th April 2022:

2.3 To agree an increase to miscellaneous fees at **3.1%** as follows (set out in the report);

2.4 To agree an increase to Carelink charges at 3.1% as follows (set out in the report); and

2.5 To continue with the existing policy not to charge carers for any direct provision of support to carers.

39.4 Councillor Appich was invited to speak to her proposed amendment and explained that she was very concerned that increasing the charges for those were not on very large incomes and where the threshold was not particularly high who were facing increased a doubling of fuel and other costs as well and their families were too, would have a very detrimental impact. As far as she could see and she had looked this up for increasing by 3 point 1% to ask for a five point was too steep and would therefore seek for a 3.1%

increase. Figures had been provided to Policy and Resources Committee in early December 2021, she did not have those figures with her but she believed that those had figures had been based on a 3.1% increase and life had moved on since then anyway and updated figures to the Policy and Resources Committee were currently awaited. The amendment was recommended for two reasons, firstly that she thought it was too much and secondly she could not see that the proposed increase fitted into any context at this stage and did not consider that the impact on Council budgets would be huge and sought clarification on that point.

- 39.5 The Head of Financial Assessments and Welfare Rights, Angela Emerson, explained that the rationale for the increases (which was in line with those proposed across Council budgets) was set out in the appendices towards the end of the report. This showed figures for five point 1% and what it would be at three point 1% and the overall difference between the which would be around £8,000, although that would be a guesstimate as it really depended on each individual using an in house and whether they had sufficient funds to pay or not because everyone was means tested.
- 39.6 In answer to questions regarding whether recent increases in line with CPI were accounted for in those figures it was explained that final detailed figures from the Government were still awaited.
- 39.7 Councillor Mears stated that she understood the points made and where the amendment was coming from but her biggest concern was that, the previous Adult Social Care Committee, which had been replaced by the Health and Wellbeing Board and now this Sub Committee but nowhere in that process had members seen the actual budget details at all and on that basis it was very difficult to give approval when she did not feel that she had sufficient information to give her approval, for those reasons she would be abstaining. In the past the predecessor of this Sub Committee had been given full budget details in advance of them being agreed at Policy and Resources Committee. By that means Members could see exactly what was being spent and what the budget pressures were.
- 39.8 It was explained that all of the costs incomings and on-goings were monitored and that information as were the overall budget details which were agreed by the Policy and Resources Committee. Councillor Mears remained of the view that for her it was worrying that nowhere had Members actually seen the overall budget and on that basis she had insufficient knowledge to decide whether or not she was in agreement with the proposed amendment. Overall social care and health was one of the biggest spending budgets within the council and represented significant resources which the council had to find.
- 39.9 The Chair, Councillor Shanks, noted the comments made and stated that prior to approval of budgets in February of each year Members would not necessarily expect to see a budget as each meeting of a Sub Committee. However, she was in agreement that it was appropriate for these matters to be scrutinised and for that information to be provided to the Sub Committee.
- 39.10- The proposed amendments were then voted on and were agreed on a vote of 2 to 1 with 1 abstention and then therefore became the substantive resolutions of the Sub Committee, the original recommendations being lost. The resolution as set out below

reflects the Labour Group Amendments which were agreed and are shown marked with an\*.

39.-- **RESOLVED** – (1) That the Sub Committee agrees that the council continues with the current charging policy for care and support services which includes an individual financial assessment to determine affordability and complies with the requirements of Section 17 of the Care Act 2014;

\* (2) That the Sub Committee agrees to a 3.1% increase on all current charges with effect from 11 April 2022;

\* (3) That the Sub Committee agrees an increase to miscellaneous fees at 3.1% as follows in the report;

(4) That the Sub Committee agrees an increase to Carelink charges as 3.1% as follows in the report; and

(5) That the Sub Committee agrees to continue with the existing policy not to charge carers for any direct provision of support to carers.

\* **Note:** The above resolutions reflect the Labour Group amendment which was accepted at Committee and therefore became and were agreed as its substantive resolutions.

#### 40 ADULT SOCIAL CARE COMMISSIONING STRATEGY

40.1 Members agreed that the report recommendations be agreed without discussion.

40.2 **RESOLVED** – (1) That the Sub Committee notes this draft Commissioning Strategy and the principles the Council currently applies in the commissioning, delivery and monitoring of Adult Social Care and Public Health Services;

(2) That the Sub Committee notes intended direction of travel with regards to the refresh of the Adult Social Care Market Position Statement and Commissioning Strategy; and

(3) That the Sub Committee notes the content of the Commissioning Forward Plan set out at Appendix 2 to the report.

#### 41 CARE HOME/NURSING HOME PRIOR INFORMATION NOTICE

41.1 The Sub Committee considered a report of the Executive Director, Health and Adult Social Care which detailed the difficulties which the council was facing in securing residential nursing and complex needs care home provision at competitive and sustainable rates. To help address this Commissioners were seeking approval to block contract beds where it was deemed in the best interests of the council and the Clinical Commissioning Group (CCG).

41.2 By entering into block contracts arrangements capacity could be secured at more competitive rates, whilst maintaining good quality provision. Commissioners intended to

issue a Prior Information Notice (PIN) to seek expressions of interest from providers. The council was seeking to award multiple block contracts for a maximum of 100 units of residential and nursing care beds, within the boundaries of Brighton and Hove. Providers would be required to respond to the PIN as a call for competition detailing the number of units they were offering the weekly rate. Further competition might be required depending on the response to the PIN.

- 41.3 In answer to questions, The Commissioning and Performance Manager, Alex Saunders, explained that this process would enable the market to be tested ahead of this bigger tender to see what appetite there was for block contracts ahead of letting out larger contracts, the existing contract due to expire in March 2022 having been extended to July 2023 and would enable this process to be completed as part of the wide ranging re-commissioning which needed to take place in the wake of the widespread consultation which was taking place. It was anticipated that the tender process would take place that summer and that following that these contracts would be let in the spring of 2023. This report was being presented to the Sub Committee ahead of that re-commissioning process in order to take advantage of opportunities that officers were aware of in the market-place.
- 41.4 It was confirmed that the information which came forward as a result of this prior information notice would be reported back to the Sub Committee prior to these bigger contracts being let.
- 41.5 Councillor Mears stated that provided that it was agreed that there would be a further report back to Committee before these contracts were let that she was prepared to vote for the report recommendations
- 41.6 **RESOLVED** – (1) That the Sub Committee grant delegated authority to the Executive Director of Health and Adult Social Care to issue a Prior Information Notice to seek expression of interest from providers interested in entering into block contract arrangements for residential and nursing care beds; and
- (2) That the Sub Committee grant delegated authority to they Executive Director of Health and Adult Social Care to procure and award block contracts for residential and nursing beds following the publication of the Prior Information Notice.

## 42 RESIDENTIAL REHABILITATION SERVICES

- 42.1 The Sub Committee considered a report of the Executive Director, Health and Adult Social Care, the purpose of which was to describe the residential rehabilitation provision for drugs and alcohol in Brighton and Hove and to seek approval of the Sub Committee to undertake a procurement process for the ongoing provision of residential rehabilitation services at the end of the current contracts.
- 42.2 Brighton and Hove had the 8<sup>th</sup> highest rate of deaths related to substance misuse and the 12<sup>th</sup> highest rate of alcohol specific related mortality in the country. Brighton and Hove had a large population with substance misuse issues and a large population with multiple complex needs; in particular, a significant proportion of people in treatment had substance misuse, mental health and other support needs. There was a strong evidence base for the effectiveness of residential rehabilitation, especially for those with additional



or more complex needs and for those who were committed to an abstinence-based recovery journey.

- 42.3 Councillor Mears stated that she understood the rationale for the approach identified but enquired why/whether it was possible for some individuals to be accommodated within Brighton and Hove. It was explained that in a number of instances the level of care needed was very specific could only be provided by the few limited units which were able to provide that level of care wherever they were located.
- 42.4 Councillor Mears stated that she was prepared to support the report recommendations provided that it was agreed that a further update report would be brought back before the Sub Committee in advance of the contracts being let. It was agreed that that would be done.
- 42.5 **RESOLVED** – (1) That the Sub Committee agrees to advertise the provision of residential rehabilitation services via a Prior Information Notice (PIN) as a call for competition for contract periods of three years with the possibility of a two-year extensions;
- (2) In the event that multiple expressions of interest are received, and an open competition is required, that the Sub Committee grants delegated authority to the Executive Director of Health and Adult Social Care to extend the current contracts for as short period as possible to facilitate a competitive process;
- (3) That the Sub Committee grants delegated authority to the Executive Director of Health and Adult Social Care to undertake a procurement process and award subsequent contracts.

#### 43 COMMUNITY EQUIPMENT SERVICE COMMISSION

- 43.1 Members agreed that the report recommendations be agreed without discussion.
- 43.2 **RESOLVED** – (1) That the Sub Committee approves the joint re-procurement of the Integrated Community Equipment Service Contract in collaboration with the Brighton and Hove Clinical Commissioning Group (BHCCG); and
- (2) That the Sub Committee delegates authority to the Executive Director of Health and Adult Social Care to award the contract to the successful bidder for an initial term of five years, subject to satisfactory delivery and performance.

#### 44 ITEMS REFERRED FOR COUNCIL

- 44.1 There were none.

The meeting concluded at 5.30pm

Signed

Chair

Dated this

day of