

Brighton & Hove City Council
Adult Social Care & Public Health Sub-Committee
4.00pm 10 January 2023

Hove Town Hall - Council Chamber

Minutes

Present: Councillor Nield (Chair) Shanks, Robins (Opposition Spokesperson) and Appich

Part One

16 PROCEDURAL BUSINESS

16 (a) Declaration of Substitutes

16.1 Councillor Barnett gave her apologies.

16 (b) Declarations of Interests

16.2 There were none.

16 (c) Exclusion of Press and Public

- 16.3 In accordance with Section 100A of the Local Government Act 1972 (“The Act”), the Adult Social Care & 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 of them of confidential information as defined in Section 100A (3) of the Act.
- 16.4 **RESOLVED –** That the public be not excluded during consideration of any item of business on the agenda.

17 MINUTES

17 (a) Minutes, 14 June 2022

- 17.1 **RESOLVED –** That the minutes of the meeting held on 14 June 2022 be agreed as a correct record.

17 (b) Minutes, Special Meeting, 18 November 2022

- 17.2 **RESOLVED** – That the minutes of the special meeting held on 8 November 2022 be agreed as a correct record.

18 CHAIR'S COMMUNICATIONS

- 18.1 The Chair gave the following communications:

Critical Incident Status

- 18.2 Last week's critical incident status across health services has been stepped down. However, all services remain extremely busy and people must continue to use health services appropriately. NHS services in Sussex will remain in business continuity with additional measures in place and people may continue to experience disruption over the coming weeks. In addition, industrial action is expected to take place across local ambulance services on 11 January and for nursing staff on 18 and 19 January.
- 18.3 Please think carefully about the best service for your needs. Only use 999 and A&E departments for serious or life-threatening emergencies. Remember you can get expert clinical advice about minor health concerns from a pharmacist without the need for an appointment, and that NHS111 provides support 24 hours a day online or over the phone and will direct you to the most appropriate service for your need. Please stay at home if you have symptoms of Covid or flu and get your vaccines if you're eligible. With Covid and flu circulating at high levels, staying protected is important this winter. If you're aged 50+, pregnant or have certain health conditions, you are at higher risk of serious illness from these viruses. It's not too late to have your vaccines to protect yourself and others. Flu and Covid vaccine appointments are available at many pharmacies in the city, and walk-in Covid vaccination sessions remain available at Hove Tesco, Hove Polyclinic and St Peter's Church each week throughout January. Find out more or make a booking at www.nhs.uk/wintervaccinations.

Adult Social Care Charging Reforms

- 18.4 "As announced in November Budget Statement that ASC Charging Reforms have been postponed by 2 years, until October 2025. Our preparation for the introduction of the legislation created an officer led project group that was looking at all of the changes required to meet the dates as set by DHSC. The group had anticipated the postponement, but it is a significant change that will affect us along with other Local Authorities. The project Group will continue having identified some key areas of service improvement.

Care Quality Commission - Adult Social Care Inspection

- 18.5 The Care Quality Commission was due to inspect Local Authorities on their delivery of Adult Social Care Services from 1st April 2023. Just before the Christmas break we have had confirmed that they have released a revised timetable, meaning that Inspections are likely to start towards the end of 2023. The additional time presents an opportunity for Brighton & Hove Council to be even more prepared for Inspectors arrival."

18.6 **RESOLVED** – That the contents of the Chair's Communications be received and noted.

19 CALL-OVER

19.1 The following items were not called for discussion and the report recommendations were therefore agreed without debate:

24. Car Quality Commission Assessment of Adult Social Care
(this item was withdrawn and would form the subject of a detailed presentation to a future meeting;

25. Locally Commissioned GP & Pharmacy Services PIN;

27. Brighton & Hove City Council Strategic Risk Focus Report SR13 & SR 37;

29. Annual Adult Social Care Fees report 2023 - 24

20 PUBLIC INVOLVEMENT

20. There were no public involvement items.

21 MEMBER INVOLVEMENT

21.1 There were no Member involvement items.

22 ITEMS REFERRED FROM OR FOR COUNCIL

22.1 No items had been referred from Full Council for consideration.

23 CARE HOMES CONTRACT EXTENSION

23.1 **RESOLVED** – That the Sub Committee delegates authority to the Executive Director, Health and Adult Social Care to extend the current Care Homes Contract for a period of nine months.

24 CARE QUALITY COMMISSION ASSESSMENT OF ADULT SOCIAL CARE

24.1 It was noted that this item had been withdrawn and would form the subject of a detailed presentation to a future meeting of the Sub-Committee.

25 LOCALLY COMMISSIONED GP AND PHARMACY SERVICES PIN

25.1 The report recommendation was agreed without discussion.

25.2 **RESOLVED** – That the Sub Committee delegates authority to the Executive Director, Health and Adult Social Care to procure and award a contract for Locally Commissioned Services via a Prior Information Notice (PIN) as a call for competition for an initial period of three (3) years with two (2) optional extension periods of a further three (3) years each (Three (3) Years + Three (3) Years +

Three (3) Years in Total) and delegates authority to the Executive Director, Health and Adult Social Care to grant those extensions, subject to satisfactory performance.

26 WEIGHT MANAGEMENT SERVICES CONTRACT

- 26.1 The Sub Committee considered a report of the Executive Director, Health and Social Care the purpose of which was to describe the provision of Tier 2 Weight Management Services and to seek approval of the Sub Committee to undertake a procurement process for the ongoing delivery of the Service at the end of the current Contract.
- 26.2 It was noted that Tier 2 services were delivered by local community weight management services which provided a free community based diet, nutrition, lifestyle and behaviour change advice, normally in a group setting environment. The numbers of those in the city who were not of a healthy weight had increased due to a number of factors, thus increasing the risk of cardiovascular disease and cancer amongst other conditions by assisting individuals to a healthy weight that risk was significantly reduced.
- 26.3 The rationale as to how the service operated in practice was explained in answer to questions. Referrals could be made from a number of sources. GP's referrals were important in providing and could be made online. Intervention for children could come through the weight management arrangements in place in schools and family referrals could also be made.
- 26.4 **RESOLVED** - That the Adult Social Care and Public Health Sub-Committee delegates authority to the Executive Director, Health and Adult Social Care to procure and award a contract for Tier 2 Weight Management Services for a term of three (3) years with the optional extension of a further two (2) years and delegates authority to the Executive Director Health and Adult Social Care to grant that extension subject to satisfactory performance.

27 BRIGHTON & HOVE CITY COUNCIL STRATEGIC RISK REGISTER: HEALTH & ADULT SOCIAL CARE RISKS

- 27.1 The report recommendations were agreed without discussion.
- 27.2 **RESOLVED** - That the Adult Social Care and Public Health Sub Committee:
 - (1) Appendix 1 with details of the two SRs and mitigating controls and actions;
 - (2) Note Appendix 2 which provides:
 - i.a guide on the risk management process;
 - ii.guidance on how Members might want to ask questions of Risk Owners, or officers connected to the strategic risks; and
 - iii.details of opportunities for Members, or officers, to input on Strategic Risks at various points and levels; and
 - (3) Make recommendations for further action(s) to the Risk Owner.

28 ANNUAL REVIEW OF ADULT SOCIAL CARE CHARGING POLICY 2023-24

- 28.1 The Sub Committee considered a report of the Executive Director, Health and Adult Social Care in respect of Adult Social Care Charging Policy 2023.2024.
- 28.2 The Care Act 2014 provided councils with the power to charge care and support services subject to a means test set down in government regulations with prescribed limitations, currently people with funds over £23, 250 must pay the full cost or maximum charge for care services and those eligible for adult social care services were means tested to establish whether they must contribute towards the cost. Most care services, funded by this council were provided by private organisations and the maximum charge depended upon the fees charged. Most charges were subject to a financial assessment to determine individual affordability, but the charging policy also included several, low cost, fixed rate charges and additional one-off fees.
- 28.3 An increase in the current maximum charges of 10% was recommended for all services except Carelink which was a vital preventive service. Carelink saved a significant drain on other services for example when vulnerable people had a fall and it was likely that people would cancel this service if the charges were to increase significantly. Therefore the proposal was for Carelink to increase set fees by 6%.
- 28.4 It was noted that the following amendment had been received from the Labour Group:

Recommendations:

- 2.1 That Committee agrees 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 That Committee agrees to a 10% increase (rounded) on the following maximum charges from 10th April 2023 (when state benefits increase):
- 2.3 That Committee agrees that the changes to in-house residential care charges take effect from 13 February 2023, thus providing 1 month's notice.

Maximum Charges	2022-2023	2023-2024
Means Tested Charges	Maximum	Proposed Maximum
In-house home care/support	£28 per hour	£31 per hour
In-house day care	£42 per day	£46 per day
In-House Residential Care	£133 per night (£931 per week)	£146 per night (£1022 per week)
Fixed Rate Charges		
Fixed Rate Transport	£4.30 return	£4.70 return

- 2.4 That Committee agrees to an increase for miscellaneous fees at 10% as follows:

2022-23

2023-24

Deferred Payment set up fee (see 2.13)	£561 single charge	£617 one off charge
Initial fee for contracting non-residential care for self-funders	£296 single charge	£325 one off charge
Ongoing fee for contracting for non-residential care for self-funders	£92 per year	£101 per year

- 2.5 That Committee agrees to increase Carelink Service fees by 10%, subject to a report to P&R on 9 February, as follows:

2022-23	2023-24	
Standard Carelink Plus	£20.30 per month	£22.30
Enhanced Carelink Service	£24.30 per month	£26.70
Exclusive Mobile Phone	£26.30 per month	£28.90

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- 2.6 That Committee agrees to continue with the existing policy not to charge carers for any direct provision of support to carers.
- 28.5 Councillor Appich had proposed the amendment and it had been seconded by Councillor Robins. Both Councillors were invited to speak to their proposed amendments.
- 28.6 Councillor Appich explained that their group amendment was simply intended to pick up on what was already set out in the body of the report (paragraph 4.11), but did not appear to have carried over into the recommendations. As Councillor Appich understood it, it was suggested that charges to residential in-house care could be implemented in the current financial year and she wanted to see whether it was feasible to implement other charges in the same time frame. In view of the council's current financial situation, Policy and Resources Committee was due to consider the budget at its meeting on 9 February, she considered that the council needed to maximise its income whilst maintaining its level of care. Councillor Robins concurred with all that had been said and formally seconded the motion.
- 28.7 Councillor Shanks, sought confirmation regarding the timeframe to go to Policy and Resources Committee and stated that she supported the motion. It was clear that no one wanted to raise fees and charges, but the current situation through no fault by the council was messy and difficult. Monies promised by central government had not been forthcoming and the authority was placed in a difficult position.
- 28.8 Councillor Nield, the Chair concurred, stating that she was in agreement with all that had been said.

- 28.9 There was discussion regarding the best way forward and it was agreed that the most appropriate course of action would be for a separate report to be prepared for consideration by the Policy and Resources Committee which would set out the implications of these changes. The Executive Director, Health and Adult Social Care stated that it was important to do this to ensure that there were no unintended consequences. Members of the Sub Committee agreed to that.
- 28.10 Following discussion and debate the following Labour Group amendment was therefore agreed unanimously:

28.11 RESOLVED - Report Recommendations agreed as amended:

- 2.1 That Committee agrees 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 That Committee agrees to a 10% increase (rounded) on the following maximum charges from 10th April 2023 (when state benefits increase):
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- 2.6 That Committee agrees to continue with the existing policy not to charge carers for any direct provision of support to carers.

Note: It was noted that the amended recommendations would form the subject of a separate report for consideration by the Policy and Resources Committee setting out the revised financial implications arising from them.

29 ANNUAL ADULT SOCIAL CARE FEES REPORT 2023-24

- 29.1 The report recommendation was agreed without discussion.
- 29.2 **RESOLVED** - That the Adult Social Care and Public Health Sub Committee agrees to the recommended fee increases as outlined in Appendix 1 to the report. The underpinning background to this proposed fee change is contained in the main body of the report. The proposed fee increases are within the council funding allocated for uplifts for 2023-24.

30 RECOMMISSIONING HOME CARE AND EXTRA CARE

- 30.1 The Sub Committee considered report of the Executive Director, Health and Adult Social Care which set out the proposed approach to the recommissioning of both Home Care and Extra Care and sought Member agreement to proceed with a tender process.
- 30.2 It was noted that a Labour Group amendment had been received as set out below:

"That the Sub-Committee:

- 2.1 requests a briefing is sent to the Procurement Advisory Board before the specification and award criteria are finalised to enable members to comment on the proposed approach; and
- 2.2 delegates authority to the Executive Director of Health & Adult Social Care to award the contracts to the successful bidders for an initial term of five years with the option to extend the contracts for a further period of up to three years subject to satisfactory delivery and performance; and
- 2.3 delegates authority to the Executive Director of Health & Adult Social Care to administer future award of contracts, in accordance with relevant procurement specification, in order to address provider performance issues or provider failure to ensure continuity of service and meet statutory requirements under the Care Act 2014; and

- 2.4 requests a report is brought to the June ASCPH Sub-Committee meeting with an update on the award and progress of contracts, with a further report to come before committee one year from commencement of contracts with information on how the contracts are working and on the effectiveness of the new service(s) in relation to the previous arrangements."

The amendment was proposed by Councillor Appich and seconded by Councillor Robins and they were invited to speak in support of their amendment.

- 30.3 Following debate and decision and legal advice given at the meeting the Labour Group amendments set out below were agreed. This resolution also incorporates the legal advice given.

- 30.-- **RESOLVED** – That the Recommendations agreed as amended, are:

That the Sub-Committee:

(1) Requests a briefing is sent to the Procurement Advisory Board Members before the specification and award criteria are finalised to enable members to comment on the proposed approach; delegates authority to the Executive Director of Health and Adult Social Care to procure contracts for both Home Care and Extra Care as proposed in this report;

(2) delegates authority to the Executive Director of Health & Adult Social Care to award the contracts to the successful bidders for an initial term of five years with the option to extend the contracts for a further period of up to three years subject to satisfactory delivery and performance;

(3) delegates authority to the Executive Director of Health & Adult Social Care to terminate the above contracts in accordance with their terms if there are performance issues or provider failure and to reproduce those contracts to ensure continuity of service and meet statutory requirements under the Care Act 2014; and

(4) *requests a report is brought to the June ASCPH Sub-Committee meeting with an update on the award and progress of contracts, with a further report to come before committee one year from commencement of contracts with information on how the contracts are working and on the effectiveness of the new service(s) in relation to the previous arrangements.*

The meeting concluded at 5.45pm

Signed

Chair

Dated this _____ day of _____