

BRIGHTON & HOVE CITY COUNCIL
ADULT SOCIAL CARE & HEALTH CABINET MEMBER MEETING

4.00pm 22 JANUARY 2009

COMMITTEE ROOM 3, HOVE TOWN HALL

MINUTES

Present: Councillor K Norman (Cabinet Member)

Also in attendance: Councillor Mitchell (Opposition Spokesperson)

PART ONE

41. PROCEDURAL BUSINESS

41(a) Declarations of Interests

41.1 Councillor Mitchell declared a personal but not prejudicial interest in items on the agenda as she worked for Brighton and Sussex University Hospitals NHS Trust.

41(b) Exclusion of Press and Public

41.2 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Cabinet Member considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(I) of the Act).

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

42. MINUTES OF THE PREVIOUS MEETING

42.1 **RESOLVED** – That the minutes of the Adult Social Care & Health Cabinet Member Meeting held on 5 December 2008 be agreed and signed by the Cabinet Member.

43. CABINET MEMBER'S COMMUNICATIONS

43.1 There were none.

44. ITEMS RESERVED FOR DISCUSSION

44.1 **RESOLVED** – All items were reserved for discussion.

45. PETITIONS

45.1 There were none.

46. PUBLIC QUESTIONS

46.1 There were none.

47. DEPUTATIONS

47.1 There were none.

48. LETTERS FROM COUNCILLORS

48.1 There were none.

49. WRITTEN QUESTIONS FROM COUNCILLORS

49.1 There were none.

50. NOTICES OF MOTIONS REFERRED FROM COUNCIL

50.1 There were none.

51. INDEPENDENT SECTOR CARE HOME AND DOMICILIARY CARE FEE INCREASES 2009/10

51.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which sought approval for the proposed fee increases for inclusion within the budget 2009/10 package, for in City care homes providing services for Older People and Older People with Mental Health Needs (OPMH) within the context of Fairer Contracting. The Cabinet Member was asked to note proposed increases which were in line with inflation (for copy see minute book). The report was presented within the context of the current annual round of fee increase negotiations with those independent sector providers who are supplying care services on behalf of Brighton & Hove City Council.

51.2 The Contracts Manager explained that the report was also being presented to the Joint Commissioning Board for approval under the Section 75 arrangements. The report did not include learning disability provision. Officers wanted to encourage good quality provision into the city and to help sustain small businesses.

51.3 Councillor Mitchell asked about the preferred provider list. Would this free up places for older people in nursing homes. The Director of Community Care replied that it was hoped that it would help existing providers. There was also the possibility of new builds. The main issue was to drive up quality especially in Older Peoples Mental Health. Officers wanted to develop the market and encourage new providers.

51.4 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

(1) That it be approved that City Older People and OPMH care home providers who are eligible for inclusion on the Preferred Provider Scheme be awarded a 3.5% increase. That it be approved that providers who do not qualify for inclusion on the Preferred Provider Scheme be awarded a 2.5% increase (see Appendices 1 and 2), subject to agreement of the 2009/10 budget package. The 2.5% increase constitutes the inflationary increase, whereas the additional 1% is for quality.

(2) That an inflationary award of 2.5% is awarded to the following, subject to agreement of the 2009/10 budget package:

- Those in Older People and OPMH care homes who do not qualify for inclusion in the Preferred Provider Scheme.
- Out of City Older People and OPMH care homes.
- Those care homes providing services for other categories of care where there are no set rates, excluding learning disability services.
- Domiciliary care agencies providing services for all categories of care.
- Direct Payment rates.

52. ADULT SOCIAL CARE PERFORMANCE REPORT

- 52.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing that set out the outcomes from the recent national reporting on Adult Social Care performance for the year 2007-08 by the Commission for Social Care & Inspection (CSCI). Approval was sought for the improvement plan in relation to the Annual Performance Assessment (for copy see minute book).
- 52.2 The CSCI Performance Summary report was attached as appendix 1 to the report and identified the many key strengths that CSCI identified in relation to the Council's performance. The Summary also identified key areas for development and the Council had drafted the improvement plan in response, which was attached as appendix 2.
- 52.3 The Head of Performance and Development reported that the year 2007/08 covered Adult Social Care Services best performance to date and there had been a most positive annual review meeting; however, the service had moved down to 2 stars. The Areas for Judgement showed that in delivering outcomes the service was either good or excellent. This was an improvement on the previous year. The commissioning and use of resources judgement was also excellent but leadership had slipped to promising ("strong promising"). Front line staff should be commended for the quality of service they provide and the outcomes for local people they deliver. Performance indicators had improved significantly and the report evidenced that the rate of improvement was significantly above the national average.
- 52.4 The year 2007/08 was the final year of the star rating system. CSCI had not yet published how they would measure performance for 2008-09. The Care Quality Commission would take over from CSCI in April 2009 and have published a consultation document on how they will measure performance.
- 52.5 The Director of Adult Social Care & Health stated that she was deeply disappointed in the judgement. The assessment had been glowing and nothing negative was said. She

had considered taking CSCI to judicial review but had decided that this was not good use of public money.

- 52.6 Councillor Mitchell agreed that the outcome was a huge disappointment. However she had picked up on some areas for improvement. Under the heading "Improved Quality of Life", key areas for development listed the following: The level of grant-funded services for older people was significantly less than comparator Councils in 2006-07; Performance in relationship to provision of direct payments to many client groups was significantly less than comparators; The Council's performance in delivering minor and major adaptations in a timely manner needs improvement. Some matters would be easy to remedy such as gathering ethnicity data. She asked if the Council was still on course to obtain Beacon Status.
- 52.7 The Director of Adult Social Care & Health replied that the equalities issue had already been rectified. This had been due to a systems issue. Meanwhile, she understood that the outcome would not affect the Council's Comprehensive Performance Assessment.
- 52.8 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That the report of the Commission for Social Care & Inspection be noted.
- (2) That the Improvement Plan be approved.

53. ANNUAL REVIEW OF ADULT SOCIAL CARE CHARGING POLICY

- 53.1 The Cabinet Member considered a report of the Director of Adult Social Care & Housing which recommended the annual uprating of Adult Social Care charging policies for Non-Residential Care including individual budgets and direct payments and the uprating of the full cost charge of the council's in-house Residential Care Services for the financial year 2009/10 (for copy see minute book).
- 53.2 The Head of Financial Assessments and Welfare Rights explained that the charging policy was a background policy relating to how people were financially assessed. Everyone was means tested. Almost 50% of people did not have to pay at all. Some people who receive additional disability benefits are required to pay something as their income is higher. The rates proposed only affect people assessed to pay the maximum charge (about 200 people). The maximum charges are being increased to reflect the true cost of provision. If charges should increase significantly for some people an optional clause would provide protection to service users for one year.
- 53.3 Councillor Mitchell asked how much work was carried out to ensure that people being assessed were claiming all the benefits to which they were entitled. The Head of Financial Assessments and Welfare Rights replied to say that officers worked jointly with the Department for Work and Pensions and with Housing Benefit staff to ensure that staff were maximising every benefit to which service users were entitled. The Director of Community Care stressed that a great deal of work was done to raise awareness of this issue.
- 53.4 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

(1) That increased charges for inclusion within the budget 2009/10 package be approved for Cabinet's agreement. The recommended maximum charging rates for non residential services for 2009/10 are shown below and are effective from 6th April 2009.

| | From | To: |
|------------------|--|-----------------------|
| Home care | £19 per hour | £20 per hour |
| Day care | £20 per day | £22 per day |
| Transport charge | £1.80 per return journey | £2.00 per rtn journey |
| Meals charges | £2.90 per meal | No Change |
| Direct Payments | Actual cost subject to maximum weekly charge | |

(Note that all of the above services may be provided or funded through Individual Budgets).

(2) That a maximum weekly charge be agreed for new service users, for non residential services of £850 per week (previously £750).

(3) That it be agreed that existing service users paying the current maximum rates be protected for one year to a maximum charge of £750 per week (see 3.2.2 – Option A).

(4) That the maximum weekly charge for in-house residential care of £740.32 be agreed (previously £718.76).

The meeting concluded at 4.40pm

Signed

Chair

Dated this

day of