

BRIGHTON & HOVE CITY COUNCIL

ADULT CARE & HEALTH COMMITTEE

4.00pm 25 JUNE 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Jarrett (Chair)

Also in attendance: Councillor Jones (Deputy Chair), K Norman (Opposition Spokesperson), Barnett, Marsh, Meadows, Mears, Powell and Wakefield

PART ONE

1. PROCEDURAL BUSINESS

1A Declarations of Substitute Members

1.1 Councillor Wakefield declared that she was attending as a substitute for Councillor Buckley. Councillor Robins declared that he was attending as a substitute for Councillor Turton.

1B Declarations of Interests

1.2 There were none.

1C Exclusion of the Press and Public

1.3 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.

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

2. MINUTES

2.1 **RESOLVED** – That the minutes of the Adult Social Care & Health Cabinet Member Meeting held on 12 March 2012 be noted.

3. CHAIR'S COMMUNICATIONS

Welcome

- 3.1 The Chair welcomed councillors and members of the public to the first meeting of the committee. He hoped that there would be constructive discussion and that members could work co-operatively at the committee.

4. PUBLIC INVOLVEMENT

(a) Petitions

- 4.1 The Chair noted that there were no petitions from members of the public.

(b) Written Questions

- 4.2 The Chair noted that no written questions from members of the public had been submitted for the meeting.

(c) Deputations

- 4.3 The Chair noted that a deputation had been received and invited Ms. Beckman to come forward and present her deputation to the meeting.

- 4.4 Ms. Beckman presented the following deputation:

"We carers have bought this deputation to protest about the unfair changes in funding to agencies providing home care within the city of Brighton and Hove.

These changes have, for the reasons shown, resulted in a reduction of funding to our agency of approx. 15% and as a result we have been awarded a pay decrease of approx. 6%, despite having no pay rise for 3 years. This will have a serious impact on both home care workers and their families; and the provision of care to the elderly and infirm across our city for years to come

Our agency has already lost 3 carers of between 5 and 7 years' experience each.

We are led to believe that some agencies awarded new home care contracts will be paying as little as £2.55 per 15 minute calls. Out of that, and the new Green councils so called liveable wage of £7.19 per hour, carers are expected to pay their own transportation costs and vehicle maintenance for definite. However also possibly included in this cost are Uniform; CRB checks and parking permits. Furthermore carers rarely work in hours, and it can take up to 15 minutes to travel between calls, depending on traffic; road conditions and location. Therefore it would not be possible to complete two 30 minute jobs or four 15 minutes jobs within one hour.

So

Bearing the above in mind

In what ways do the councillors of Brighton and Hove City Council intend to support home care providers within this city in the recruitment and retention of committed and

experienced care workers; whom vulnerable residents need to assist them with their personal care and other essential daily living needs?

As Mr Jarrett stated in his letter, to Mrs Anna Jones, the council are keen to do this. How is this possible when Aldi in London road is currently offering 2 posts at £7.45 per hour to stack shelves and £7.90 per hour to be a store assistant with full training included?"

- 4.5 The Chair thanked Ms. Beckman for attending the meeting and putting forward the deputation and provided the following response.

"It maybe helpful to provide some detailed context regarding the procurement of this service to help understanding of how we believe it will support the development of a local home care service that better meets the needs of local people and promotes a skilled workforce.

1. A number of key changes have been made to the specification for the new Home Care contract which began in June 2012 including:
 - A requirement to provide services in a more flexible way to meet service users' needs and expectations in line with the personalisation agenda.
 - A different rate system and revised rates to accommodate more flexible services.
 - Inclusion of end of life care services
 - Use of the Council's chosen Electronic Care Monitoring System, Call Confirm Live! from CM2000.
 - Revised performance indicators and the development of a quality portal to publish results for the public.
 - Use of technology, equipment and other methods of improving and sustaining individual's levels of independence.
2. The previous system had more than 30 rates that applied according to the time of day, duration of the visit and nature of the care provided. This made the system cumbersome, restrictive and inflexible. The new system provides *consolidated rates* which are more compatible with flexible care provision. This will enable service users to have the option of saving or "banking" some of their allocated care time so that they can use it in a different way. For example, being supported by their care worker to go shopping instead of having their shopping brought in for them.
3. Changes to the rates system will have a number of impacts:
 - a. The rate for one hour of standard care will **increase** from 13.10 to 14.50 (10.5%)
 - b. The rate for one hour of Special care will **increase** from 14.76 to 16.50. (11.5%)
 - c. The standard rate for 15 mins **will remain** at 6.00
 - d. The special rate for 15mins **will increase** from 6.72 to 7.00.(4%)

However there will no longer be enhanced rates for providing 30 and 45 mins of care, and there will no longer be enhanced rates for calls delivered at weekends or evenings. Enhancements for bank holidays will be paid.

4. As part of the procurement process we :
 - a. Looked at 13 authorities in the region and 9 of these have already adopted a *consolidated rate* systems.
 - b. Considered available information on the rates paid to home care workers by home care providers locally. This showed that there was a considerable range in terms of pay for care workers, the lowest was £6.25. Some providers offered enhanced rates for qualified staff others did not. Some providers have favourable terms and conditions, others are less attractive.
 - c. Consulted with existing local providers and 60% of these agreed with a consolidated rates approach. However 70% raised concerns that 15 minute calls would become unsustainable if a pro-rata approach was introduced. This was taken into account when setting the rate for standard and special care and an enhanced rate for 15 minute calls was retained.
 - d. Consulted with existing providers as to the new standard rate. Responses varied significantly from £12.20 p an hour to £25 an hour.
5. All providers that were offered a contract indicated that they would **at least** pay their care workers in line with the Council's recommended living wage £7.19 per hour. Although some providers do pay this rate, some will need to increase their current rates to comply with the living wage. This will be monitored through the contract monitoring process over the coming months.
7. With the introduction of the new rates system there will be a mixture of losses and gains for each provider- some calls will attract high rates and some will be lower.

In relation to the specific questions which focus on rates paid per hour and the impact on the recruitment and retention for the local workforce the following points can be made.

- The procurement process will increase the minimum hourly rates paid to staff up to at least the local minimum wage of £7.19p. Employers can offer to pay higher and some do. Whilst the impact in one particular provider appears to be a reduction in wages we are not aware of similar issues in other providers.
- The contract award has brought 4 new providers onto the contract and this should stimulate the local market and competition for staff.
- The Council will continue to provide a free learning and development programme to all care staff in these services.
- The council has funded each provider having an electronic care monitoring system which should improve back office efficiencies and costs
- The Council is not aware of any current issues regarding capacity for this service which indicates that currently recruitment and retention levels are satisfactory.
- The more personalised services that this new contract will promote should make home care services more attractive for local people and more rewarding for staff to work in.

However we do accept that this is early days in the life of the new contract. The introduction of the new contract will be carefully monitored in coming months and a formal review date has been set for September 2012. This will include a range of quality assurance measures and as part of this process the Council will require providers to

produce evidence about what they are paying their staff, retention and continuity of staff and recruitment levels.

We place a high value on our local staff and we believe these new contracts will support a skilled and better paid work force overall.”

- 4.6 Councillor Meadows expressed concern that staff were expected to pay for items such as uniforms and questioned why the council’s contract had not taken extras into account.
- 4.7 The Director of Adult Social Services/Lead Commissioner People replied that the council wanted providers to pay a living wage and provided an hourly rate. An allowance had been made within this for travel and training. The Chair stated that there was a need to check the situation regarding payment of uniforms and whether the council was making a realistic estimate of timings between visits.
- 4.8 The Head of Contracts & Performance stated that a great deal of work had been carried out with providers to achieve a fair rate. The council was keen to have a viable rate to provide a quality service. However, it was important to have a consolidated service as there had previously been 30 different rates.
- 4.9 Councillor Barnett asked if staff had to pay for their own training. She expressed concern about continuity of care. The Head of Contracts & Performance confirmed that the council provided free training. The Chair stated that the council did encourage continuity of care.
- 4.10 Councillor Mears stated that her main concern related to the fact that there would no longer be enhanced rates for calls delivered at weekends or evenings. This would leave the weekends and evenings vulnerable. She was concerned that there would be an extra cost in providing additional cover for these periods. The Director of Adult Social Services replied that cover would be provided by the main provider and back up providers. There would be no additional cost as the council only paid for the hours delivered. A huge number of staff would see an increase in their hourly rates. The situation would be monitored every day and if there was a problem officers would respond quickly.
- 4.11 Councillor Norman stated that he would welcome a review. He acknowledged that if problems arose, they could be dealt with straight away. The Chair replied that the review would take place in September and confirmed that any problems would be dealt with straight away.
- 4.12 Councillor Powell reported that she was a disability champion. She appreciated the work of carers and welcomed the three month review. She agreed that there should be continuity of care.
- 4.13 **RESOLVED** - That the deputation be noted.

5. ISSUES RAISED BY COUNCILLORS

(a) Petitions

5.1 The Committee noted that there were no petitions from councillors.

(b) Written Questions

5.2 The Committee noted that no written questions from councillors had been submitted for the meeting.

(c) Deputations

5.3 The Committee noted that no deputations from councillors had been submitted for the meeting.

6. CONSTITUTIONAL MATTERS

7.1 The Committee considered a report of the Monitoring Officer which provided information on the committee's terms of reference and related matters including the appointment of its Urgency Sub-Committee.

7.2 The Senior Lawyer set out the report and confirmed that the Urgency Sub-Committee would comprise of the Chair and a member of each of the opposition parties. Substitutes would be allowed.

7.3 **RESOLVED** - (1) That the committee's terms of reference, as set out in Appendix A to the report, be noted.

(2) That the establishment of an Urgency Sub-Committee consisting of the Chair of the Committee and two other Members (nominated in accordance with the scheme for the allocation of seats for committees), to exercise its powers in relation to matters of urgency, on which it is necessary to make a decision before the next ordinary meeting of the Committee be approved.

7. RE-MODELLING IN HOUSE ACCOMMODATION FOR PEOPLE WITH LEARNING DISABILITIES

7.1 The Committee considered a report of the Director of Adult Social Services/Lead Commissioner People which recommended the re-modelling of the in-house service to contribute to an increase in local services for people with challenging behaviour and other complex needs who are often at risk of being placed out of the City and to improve value for money. It was proposed to make some changes to the accommodation, further increase staff skills and flexibility, and to focus the in-house service on those with the greatest needs.

7.2 The Head of Adult Social Care (Provider) set out the report. She stated that the officers were recommending option 3. If agreed, officers would work with families, staff and advocates over the next few months to move people to new homes. Meanwhile, it was anticipated that all staff affected would remain working in Adult Care & Health. It was likely that they would remain working in Learning Disabilities. There had been a formal consultation with staff and unions.

- 7.3 Councillor Marsh asked if service users had been able to participate in the consultation process and understand the options under consideration. She referred to the risk section at paragraph 4.3 of the report which referred to the closure of three houses. What would happen to these houses?
- 7.4 The Head of Adult Social Care replied that the council had taken advice from a specialist voluntary organisation. Their advice was that the officers should not talk to service users until a decision was taken as to which homes would close, as it would cause a great deal of unnecessary distress. The three houses referred to above were; 267 Old Shoreham Road which was part of the housing stock, New Church Road which was owned by a housing association, and Ferndale Road which was owned by Adult Care & Health. A fourth house, Talbot Crescent was owned by a housing association.
- 7.5 Councillor Barnett considered the proposals were unfair on vulnerable residents who had lived in the houses for many years in family units. The proposals would split these units. She supported Option 1. The Head of Adult Social Care replied that this point had been made by families, carers and advocates and so the Council was committed to ensure service users moved together to new properties, where their advocates had supported this on their behalf. The existing staff would also continue to work with them wherever possible.
- 7.6 Councillor Mears referred to paragraph 4.3 (Option 3) in relation to benefits. This stated that "this will potentially provide homes for 29 people within 9 houses, compared with 23 people currently living in 12 houses." She asked where the other six people would come from. She also asked whether properties would be sold and the money re-invested. Councillor Mears was concerned that there had been no consultation with service users and considered that this was taking away people's rights. She made the point that service users had families and carers to help them.
- 7.7 Councillor Meadows stated that when she was chair of the Adult Social Care & Health Committee she had been assured that those with learning disabilities did better in smaller family units. It was now proposed to move people into larger homes. Councillor Meadows made the point that staff had proposed Option 4 because they considered option 3 would be disruptive to their clients. She noted that paragraph 4.3 of the report (option 3) referred to three home closures when there were actually four proposed home closures. Councillor Meadows made the point that the council appeared to be focusing solely on those with highly complex needs. She asked if the personalisation process was robust enough for those with moderate needs. Councillor Meadows referred to recommendation 2.2 which related to a further business case being brought back to the committee. Her understanding was that staff wanted either option 4 or option 3 not both.
- 7.8 The Head of Adult Social Care stated that as part of the plan people, including young people coming through transition from children's services who might have otherwise have had to be housed out of the city, would be able to remain in the city within these additional homes. An EIA was attached at appendix C. Officers had taken professional advice with regard to the consultation process. With regard to the houses closing, a decision had already been made to move from Talbot Crescent to another more suitable property. With regard to the personalisation agenda, officers were not forcing people

out of properties. However, if there were opportunities for people to live more independently this could be reviewed.

- 7.9 Councillor Jones stated that he had worked in residential care and had concerns about the disruption to residents. However, some of the proposals seemed very reasonable compared to when he worked in the sector. He was keen to hear about the consultation process and stressed the need to closely monitor the process.
- 7.10 Councillor Norman noted the complex issues raised by the proposals. He suggested a deferral of a decision to further investigate these issues. Councillor Norman recommended that a modified report should be presented to the next meeting. The Director of Adult Social Services stressed that a deferral would have implications. The proposals were now in the public domain and a deferral would cause increased anxiety to service users and staff. If there was a deferral officers needed clear guidance on what was required.
- 7.11 The Senior Lawyer advised the Committee that if there was incomplete information before it to enable fully informed decision making then deferral would be a valid option.
- 7.12 Councillor Powell asked for more information on Option 4 when the report was brought back to committee. The Director pointed out that looking at Option 4 would take longer than three months.
- 7.13 **RESOLVED** – (1) That it be agreed to defer consideration of the proposals to a further meeting of the Committee in order to carry out a consultation process with service users.
- (2) That a revised report should provide the following information.
- The results of the consultation with service users.
 - Information on the numbers of service users affected, where they will be moving from and to which properties they will be moving.
 - More information on the properties proposed for closure and how they would be used in future.

8. DAY SERVICES COMMISSIONING PLAN.

- 8.1 The Committee considered a report of the Director of Adult Social Services/Lead Commissioner People which set out proposals to consult on developing a commissioning plan for day activities for people with learning disabilities, autistic spectrum disorder, older people, people with dementia and people with physical disabilities. The commissioning plan would detail day activities that would be provided in the city for the next five years.
- 8.2 The paper proposed that consultation commenced to develop a local plan for day services on the draft outcomes set out in paragraph 3.6.1 of the report. The report acknowledged that there were some current operational issues affecting day services that needed to be addressed. There was a reduction in the number of older people attending building based day services. As a result, both Craven Vale and Tower House day centres remained under occupied and were not used to their full potential. Specific

proposals regarding Craven Vale and Tower House day centres were set out in paragraphs 2.3 and Appendix 3.

- 8.3 Councillor Marsh asked for clarification of recommendation 2.3. She asked what was meant by “period of engagement” and what the difference was between engagement and consultation. She referred to paragraph 6.1, bullet point 3 which stated that “the majority of day services cannot be accessed via a personal budget”. She had been told this was not accurate.
- 8.4 The Head of Commissioning & Partnerships explained that numbers were dropping at Craven Vale. The service was now three days a week. Service users were expecting some of the proposals as there had already been a formal consultation. The engagement would be with service users and families who would be spoken to about the move.
- 8.5 The Lead Commissioner for Learning Disabilities explained that people were currently not able to access in house services using a personal budget as it is unlawful to spend individualised budgets in directly provided adult services.
- 8.6 Councillor Mears expressed concern about the reduction of days at Craven Vale and considered that more detail should have been provided on alternative provision. She felt clarity was required with recommendation 2.3.
- 8.7 The Director of Adult Social Services stressed that the concerns expressed by Councillor Mears related to Ireland Lodge not Craven Vale and that this was a general report about the development of the commissioning plan. The provision at Ireland Lodge was for people with dementia and this would not change. Councillor Mears asked for clarification on this matter in writing.
- 8.8 Councillor Meadows was pleased to see that there would be consultation on the commissioning plan and that the Federation of Disabled People had been commissioned to identify what services and activities were universally available across the city. Councillor Meadows was concerned about paragraph 3.6.2 which proposed a two tier service. This would result in carers having extra responsibility.
- 8.9 The Lead Commissioner for Learning Disabilities stated that a comprehensive needs assessment would be carried out when developing the plan. There was a commitment to provide respite for family carers. Current services were not as flexible as people wanted or needed. There needed to be a balance between building based services and people accessing the community. Some families wanted to control a personal budget and some did not. The two tiers was recognition that some people have complex needs and require a specialist service.
- 8.10 The Head of Commissioning & Partnerships stated that reports were submitted to the Adult Social Care & Health Cabinet Member Meeting in 2010 and 2011 which agreed to reduce the Craven Vale service to three days a week. Meanwhile there was a robust staffing scheme at Tower House.
- 8.11 Councillor Norman stated that he had been responsible for making the decisions relating to Craven Vale in 2010/11. He stressed that times were changing and that the

council needed to provide required services within the limits of a restricted budget. There was a need to ensure that the council did not have empty buildings. He supported the report and the three recommendations. He looked forward to the process being implemented so that service users and their families were satisfied with the outcome.

- 8.12 Councillor Marsh stressed that Brighton & Hove was not a cheap city. Service users would be able to access the community through their personal budget but not the in house service. She asked for an explanation about the legality of that situation.
- 8.13 The Lead Commissioner explained that personal budgets were primarily used for direct payments to employ personal assistants. People could use the money to buy equipment or to access services. Meanwhile, resources were calculated to meet people's need.
- 8.14 The Chair asked for a briefing on personal budgets for the autumn. Meanwhile he stated that he had made a public commitment that resources would not be reduced for carers.
- 8.15 **RESOLVED** – (1) That it be agreed to commence consultation on the development of a commissioning plan.
- (2) That the commissioning plan is brought back to Adult Care and Health Committee in November 2012.
- (3) That there be a period of engagement with service users, their families, staff and trade unions concerning the re-provision of day services currently operating 3 days a week at Craven Vale.

9. COMMISSIONING FOR COMMUNITY MEALS

- 9.1 The Committee considered a report of the Director of Adult Social Services/Lead Commissioner People which explained that the current community meals contract with the WRVS was coming to an end in September 2012. There was now an opportunity to enter into new arrangements for a community meals service whilst recognising and further promoting the personalisation agenda.
- 9.2 Councillor Meadows stated that she was generally happy with the proposals. However, she stressed that the WRVS currently provided a wonderful service and carried out health checks. The current provision was a very cheap service for many residents who were housebound. She asked how these people could access lunch clubs which would be much more expensive. Councillor Meadows made the point that lunch clubs were likely to buy food from supermarkets such as ASDA and that ready meals had high amounts of fat and salt.
- 9.3 The Head of Contracts & Performance replied that the proposals would promote choice. Service users could still have the WRVS (contracted service) which was nutritionally balanced. This service would be available 365 days a year. However service users

might prefer to choose community based meals. The proposals would support locally sourced food.

- 9.4 The Director of Adult Social Services reported that there were plans to use community volunteers to help people access local services. If service users fulfilled the necessary criteria this could become part of their overall care package.
- 9.5 Councillor Norman stated that he had been very involved with these proposals. He accepted that the WRVS provided a good service of delivery and servicing. However, he considered that the food could be improved. Councillor Norman wanted to see locally sourced food. He accepted the need for a whole year service, but stressed the need to provide choice.
- 9.6 Councillor Marsh noted that 40% of meals were provided to younger adults. She was surprised that this group did not want to engage in a more social group at lunchtime. Councillor Marsh asked if the tendering process would ensure nutritional standards were met.
- 9.7 The Head of Contracts & Performance reported that it was planned to tender for a similar service 365 days a year providing hot food and possibly extending the service to provide sandwiches.
- 9.8 Councillor Jones supported the proposals. He agreed that the work of the WRVS and the health checks they provided was a good service. The Chair concurred.
- 9.9 **RESOLVED** - (1) That the content of the report is noted and the actions below agreed.
Recommendation 1

That a Waiver be agreed to extend the current contractual arrangements with WRVS from September 2012 until 31st March 2013.

Recommendation 2

That it be agreed that a Community Meals Service is secured by a competitive tendering process to operate from April 2013 for an initial three year period with an option to extend for a fourth year.

Recommendation 3

That it be agreed that from 1 October 2012 and thereafter every six months the charge for Community Meals in Brighton will be raised by 20p until the point of no subsidy being required by the Council is reached.

10. ADULT SOCIAL CARE WORK PLAN AND PRIORITIES

- 10.1 The Chair reported that there was no time for the presentation. Slides had been made available to Members.

The meeting concluded at 6.30pm

Signed

Chair

Dated this

day of