



HEALTH, SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN,
YSTRAD MYNACH ON TUESDAY, 24TH MARCH 2015 AT 5.30 P.M.

PRESENT:

Councillor L. Ackerman - Chair
Councillor Mrs P. Cook - Vice Chair

Councillors:

Mrs E.M. Aldworth, A.P. Angel, L. Binding, Ms E.J. Gale, N. George, C.J. Gordon,
G.J. Hughes, A. Lewis, S. Morgan, J.A. Pritchard, A. Rees.

Cabinet Members: Councillors R. Woodyatt and D.V. Poole.

Together with:

D. Street (Corporate Director Social Services), G. Jenkins (Assistant Director Children Services), J. Williams (Assistant Director Adult Services), J. Morgans (Customer Services Manager), K. Peters (Community Safety Manager), C. Forbes-Thompson (Scrutiny Research Officer), S.M. Kauczok (Committee Services Officer).

Users & Carers: Mr C. Luke.

Also in Attendance:

S. Glynn-Jones (CSSIW).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs G. Bevan, L. Gardiner, Ms L. Price, Mrs M. Veater MBE and Sam Crane (ABUHB).

2. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

3. MINUTES

RESOLVED that the minutes of the following meeting be approved and signed as a correct record: -

1. Health, Social Care and Wellbeing Scrutiny Committee held on 10th February 2015.

4. CONSIDERATION OF ANY MATTER REFERRED TO THE SCRUTINY COMMITTEE IN ACCORDANCE WITH THE CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

5. REPORT OF THE CABINET MEMBER

The Scrutiny Committee received a verbal report from Councillor R. Woodyatt, Cabinet Member for Social Services. Councillor Woodyatt referred to the agenda for the meeting which included an update on the national and local reports with regard to safeguarding and care planning of looked after children and care leavers who exhibit vulnerable or risky behaviours. In addition, there would be a short presentation on the revised social services complaints and representation regulations.

Members would already be aware of the recent change in which the responsibilities of the Scrutiny Committee have been extended to cover Public Protection and the first report relating to that area of service was on the agenda for this meeting. At the next Scrutiny Committee meeting there will be a presentation on the role and responsibilities of Public Protection. In accordance with a request made at a previous meeting there was also an update report on the agenda for this meeting relating to Delayed Transfers of Care.

Members would recall that recently, senior managers from ABUHB attended the Scrutiny Committee. A request has been received from them to attend another meeting to continue ongoing dialogue. This was likely to take place towards the end of 2015.

In 2014/15 Welsh Government made available £50m throughout Wales in Intermediate Care Funding to help integrated working between local authorities, health boards and the third sector. This was initially one off funding for 2014/15 only.

It had recently been announced that a sum of £17.5m will be available across Wales to continue with some of the more valuable schemes. This funding has once again been made available on a regional basis. Officers are currently in discussions to determine which schemes will benefit from continuation of this funding.

Following the Cabinet Member's report, the Chair invited questions and comments from members of the Scrutiny Committee.

A Member expressed disappointment that the Scrutiny Committee had not been consulted on the recent change in the responsibilities of the Health, Social Care and Wellbeing Scrutiny Committee to cover Public Protection and asked the Cabinet Member for Social Services whether he had been consulted on the proposals. Councillor Woodyatt confirmed that there had been consultation within Cabinet on this matter.

Another Member queried whether the Directorate was prepared for the cessation in funding arising from changes to the Independent Living Fund (ILF) policy. The Corporate Director advised that it would appear from correspondence received that those who have been supported by the ILF would continue to receive the money but that it would be administered by the Local Authority in future. He would ensure that a report highlighting the changes would be brought to the Scrutiny Committee in the future.

6. CABINET REPORTS

There had been no requests for the Cabinet reports listed on the agenda to be brought forward for discussion at the meeting.

SCRUTINY REPORTS

Consideration was given to the following reports.

7. CSSIW NATIONAL INSPECTION OF SAFEGUARDING AND CARE PLANNING OF LOOKED AFTER CHILDREN AND CARE LEAVERS WHO EXHIBIT VULNERABLE OR RISKY BEHAVIOURS

Sarah Glynn-Jones, CSSIW, attended the meeting in place of Bobby Jones, Strategy Inspector CSSIW, who had tendered her apologies.

Gareth Jenkins, Assistant Director Children Services, presented the report, which outlined the key findings of the CSSIW “National Inspection of Safeguarding and Care Planning of Looked After Children and Care Leavers” published on 30th January 2015 and the correlating Caerphilly specific Inspection report which was received in August 2014.

The National report was originally intended to be published in September 2014 and it was proposed that both reports be presented to Committee together. However, there were significant delays and the National report was not published until January 2015. As a result many of the actions identified for CCBC have already been completed or are on track for completion.

The Local Authority Inspection report focussed on 5 key questions and areas for improvement were identified for each. The National report focussed on 4 key themes and for this reason it had not been easy to compare the findings of both. The areas for improvement identified in the Caerphilly report also feature in the National report and as a result it seemed safe to assume that the issues identified locally were common to the majority of local authorities across Wales. The Assistant Director highlighted the key local findings where relevant to the national.

The quality of Care Planning in Caerphilly had been identified as being inconsistent and often lacked focus on outcomes. CAMHS was recognised as a national issue to be addressed on an all Wales basis. The Independent Reviewing Officer (IRO) plays a critical quality assurance role in the cases they are reviewing. However, the inspection had found it difficult to evidence this from case files and had identified a need to improve recording processes of IRO's to provide written evidence of appropriate challenge of planning and drift between review meetings.

The National report refers to concerns in the workforce in relation to recruitment and retention. It was noted that these are not issues for Caerphilly and the local inspection reported a stable workforce who were clear about their responsibilities and that safeguarding is a priority. The report also concludes that safeguarding in Caerphilly is robust.

The Scrutiny Committee discussed the reports in detail and officers responded to the matters raised. Members were advised that whilst the issues around CAMHS would be addressed on an all Wales basis, the Authority is well on track to completing all other actions identified within this calendar year. The Director advised that the Partnership Board had not yet met and he would seek advice on the most appropriate way in which to feedback the outcome of the discussions. It was noted that there had been a recent announcement of additional resources for young people's mental health needs.

In terms of paragraph 1.4 of the LAC Inspection Action Plan, a Member expressed disappointment that this issue had been highlighted as an area for improvement and sought assurances on the measures the Authority is taking to engage with children and young people about their care. The Assistant Director confirmed that he was confident that there were adequate plans in place to support the 16+ strategy, explained what the Authority is doing in terms of advocacy and endorsed the suggestion of a representative of the Shout Out Group being invited to join the Corporate Parenting Group.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that the content of both the Local Authority Inspection Report and the National Inspection Report together with the progress made on implementing the Local Authority Action Plan, be noted.

8. PRESENTATION – REVISED SOCIAL SERVICES COMPLAINTS/REPRESENTATION REGULATIONS

The Scrutiny Committee received a presentation from Judith Morgans, Customer Services Manager, on the revised Social Services Complaints/Representation Regulations. Welsh Government guidance sets out the following principles in respect of the Social Services complaints process i.e. it should be accessible and simple; fair and impartial; timely, effective and consistent; accountable and should deliver continuous improvement.

It was noted that anyone (adult or child) who has received or was entitled to receive a service from Social Services, may make a complaint. Any representative making a complaint on a person's behalf must be considered by Social Services to have sufficient interest in that person's welfare and be a suitable person. The complainant has a 12 month timescale in which to bring a complaint unless they can prove exceptional circumstance for this to be extended.

The Scrutiny Committee received details of the revised timescales for dealing with complaints and representations. When a complaint/representation is received a written acknowledgement must be issued within 2 working days. Discussion takes place within 10 working days of date of acknowledgement of the complaint or within 10 working days of the Local Resolution Stage start date in terms of a representation. If a resolution is achieved, written confirmation is issued within 5 working days of the resolution date in both cases. If not, stage 2 is initiated.

The regulations state (but this is not reflected in the guidance) that the complaint should progress to stage 2 if the complainant refuses the offer of a face to face or telephone discussion. A complaint from a child or young person or their representative, about the discharge of specific functions under the Children Act 1989 and under the Adoption and Children Act 2002, will be referred to as a representation. The starting date for a representation will be the date that an advocate is identified or when the Complaints Officer confirms that a third party has sufficient interest in the child's welfare to warrant this being taken forward.

Independent investigators must be independent to the Local Authority. However, the independent person commissioned in respect of children's complaints can be an officer of the Council not employed in Social Services. The Authority has a duty to provide an advocate to a looked after child, a child in need or a care leaver. The Directorate also has a responsibility to support vulnerable complainants (including adults) to identify advocacy services who can support them in bringing their complaint. If not resolved, the complainant must be reminded in the Director's stage 2 response that they have a right to complain to the Public Services Ombudsman for Wales.

Information regarding the revised procedures had been produced in leaflet form, information sheets and by means of verbal advice to callers. Training had been provided for staff teams and a presentation had been delivered to a management briefing.

The Scrutiny Committee noted the revised Social Services Complaints/Representation Regulations.

9. PROPOSAL TO INCREASE FIXED PENALTY NOTICE FINES FOR LITTER AND DOG CONTROL ORDER OFFENCES AND TO SET FIXED PENALTY NOTICE FINES FOR COMMUNITY PROTECTION NOTICES AND PUBLIC SPACE PROTECTION ORDERS

The Scrutiny Committee's views were sought on the proposals within the report prior to the report being referred to Cabinet for approval.

Fixed Penalty Notices (FPNs) are issued for offences of littering and in relation to Dog Control Orders. The current fine for both offences is £75 (or £50 if the penalty is paid within 7 days of issue). The maximum level permitted by the legislation is £150. It was recommended that the level of fine for both offences be increased to £100 (or £75 if paid within 7 days of the issue). The Anti-social Behaviour Crime and Policing Act 2014 sets a maximum fixed penalty fine of £100 for certain offences under a Community Protection Notice or a Public Space Protection Order with local discretion as to the amount to be set. The report recommended that the level of fine be set at £100 (or £75 if paid within 7 days of the issue).

It was noted that at present offences of dog fouling committed on land within the County Borough which has been designated under the Dogs (Fouling of Land) Act 1996 attract a FPN fine of £75, which cannot be altered and as such will remain at £75 (discounted to £50 if paid within 7 days). It is possible to replace all such designations with a Public Space Protection Order but it is not proposed to do so at this time. In 2013/14 Public Protection staff issued 47 FPNs for dog fouling under the Dogs Fouling of Land Act 1996.

During the course of the debate, further information was sought in relation to the details of FPNs served for litter during 2013/14 in terms of how these figures compare on an all Wales basis. Members also discussed further action that could be taken in relation to dog fouling offences and details of the procedures adopted within other Local Authorities were requested.

Following consideration and discussion, it was moved and seconded that the recommendations to Cabinet, as set out in the report, be approved. By a show of hands this was unanimously agreed.

RECOMMENDED that: -

1. The level of fine for Fixed Penalty Notices issued in relation to littering offences under the Environmental Protection Act 1990 is increased to £100 (or £75 if paid within 7 days of the issue).
2. The level of fine for Fixed Penalty Notices issued for breaches of Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005 is increased to £100 (or £75 if paid within 7 days of the issue).
3. The level of fine for Fixed Penalty Notices issued for Community Protection Notices and Public Space Protection Orders offences under the Anti-social Behaviour Crime and Policing Act 2014 is set at £100 (or £75 if paid within 7 days of the issue).

10. HOSPITAL DISCHARGE

The Assistant Director Adult Services presented the report, which provided information on the Joint Hospital Discharge Team (JHDT), particularly in relation to winter pressures.

It was noted that DToC has been an area of concern for the Authority for sometime and one in which the Authority has committed to improve. The national performance indicator for DToC during 2013/14 placed the Authority 22 out of 22 in terms of delays recorded which impact on the whole system.

It was noted that DToC are collated on the third Wednesday of every month, known as census day. The lists of people declared as medically stable and ready to discharge are jointly validated and the delay reasons are coded to indicate if the reason for delay is attributable to health or social. Examples of social care reasons include assessment not started, awaiting arrangement of package of care or reablement, awaiting placement in long term care. Health examples are awaiting specialist equipment and Continuing Health Care (CHC).

The JHDT has been proactive in working with all Health Boards and Assessment and Care Management Teams to reduce the number of delays for social care reasons. The Welsh Government's repatriation policy has proved a challenge to the Team as all Caerphilly residents who are admitted to hospitals outside the County Borough should be repatriated within 48 hours. This has an impact on bed availability for people who need to be transferred to rehabilitation beds versus those that need to be returned to the Borough under the policy guidelines.

The Authority has worked with ABUHB and the 4 other Local Authorities to develop winter pressure plans to assist with the perceived increase in demand for that time of the year. On a weekly basis each of the 22 Local Authorities has to submit a return to WG to inform a weekly conference call regarding the position in each Health Board region in respect of DToC and impact on what is termed patient flow. In addition WG has now requested monthly information on the number of current open cases for social services, number of hours of domiciliary care and reablement being provided and number of long term care beds funded. The table in the report illustrates the significant improvements that have been made since April 2014 on the number of people classed as DToC.

During the course of the ensuing discussion, further information was sought on the repatriation policy. Members expressed their disappointment that there were no representatives from the Health Board present to respond to their queries.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that the significant improvement in the number of delayed transfers of care for social care reasons be noted.

11. REQUESTS FOR ITEMS TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA

The following reports were requested for inclusion on the next available agenda.

1. Councillor S. Morgan requested a report relating to the repatriation policy.
2. Councillor L. Binding requested a report relating to litter and dog fouling and the amount of fines levied.
3. Councillor A. Rees requested a report on the actions being taken by the Local Authority in relation to dog fouling.

12. ITEMS FOR INFORMATION

The following item was received and noted without discussion.

1. Gwent Wide Integrated Community Equipment Services.

The meeting closed at 7.21 pm.

Approved as a correct record subject to any amendments agreed and recorded in the minutes of the meeting held on 5th May 2015.

CHAIR