

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

18 JANUARY 2017

Present: County Councillor McGarry(Chairperson)
County Councillors Ali Ahmed, Carter, Chris Davis, Magill and Sanders

50 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Ralph Cook.

51 : DECLARATIONS OF INTEREST

Councillor Sanders declared a personal interest in Item 5 as she has a family member in receipt of domiciliary care via direct payments.

52 : MINUTES

The minutes of the meeting held on 7 December 2016 were agreed as a correct record and signed by the Chairperson.

53 : ADULT SAFEGUARDING

The Chairperson welcomed Councillor Elsmore Cabinet Member (Health, Housing and Wellbeing), Tony Young Director Social Services, Amanda Phillips, Assistant Director Adult Social Services and Alys Jones Operational Manager Safeguarding to the meeting.

The Chairperson also welcomed Superintendent Stephen Jones – South Wales Police; Sheila Harrison, Acting Deputy Executive Nurse Director, Cardiff & Vale University Health Board and Linda Hugh-Jones (Head of Safeguarding, Cardiff & Vale University Health Board) to the meeting.

The Chairperson invited the Cabinet Member for Health, Housing and Wellbeing to make a statement in which she said that she welcomed the scrutiny of this item, there had been many changes and Members would hear from colleagues about the current arrangements.

The Chairperson invited the Director of Social Services to make a statement in which he said that a great deal had been done in the past one year and although there was still lots to do, currently Cardiff was in a much better position.

The Chairperson invited questions and comments from Members:

- Members asked what had changed in practical terms in the past year to change the model to respond to the Act. Officers advised that the Act placed a duty to identify Adults at risk, there was criteria to define this. There was now also a duty to report adults at risk on the Council and Partners, Members

and Staff; there were also authorised officers in each authority to undertake orders, these officers were fully trained. The service manager in Adult Safeguarding was the lead role in managing these officers. The Adult Practice Review replaces Serious Case Review cases and there were now Adult and Child Practice Reviews where case groups were formed. In the Act there was a duty to establish regional boards, this was up and running, there have been three workshops held to establish and identify the roles and responsibilities and key tasks of the Board.

The Director added that previous meetings had not been particularly effective as no priorities were identified and everything was deemed urgent; now there were two key areas, Domiciliary/Residential Care and Dementia Care, where officers think they can make a difference and included work around Operation Jasmine. He added that there had also been changes in Operations, more robust leadership and approach to holding providers to account. The Board was reasonably well established and meets purposefully with a focus on key priorities, giving a better grip on operational delivery. The POVA team were now co-located in the MASH where there was a joint business unit to provide support.

Linda Hugh-Jones -Head of Safeguarding, Cardiff & Vale University Health Board stated that the UHB was committed to partnership working, had participated in the workshops, were involved in the MASH and had agreed to the business case.

Superintendent Stephen Jones – South Wales Police stated that over the last 12 months officers at a minimum Chief Superintendent level had attended the Board meetings, played a bigger part and were more confident in using the POVA channels; there was a robust professional challenge and this was welcomed in such an important matter.

- Members asked in relation to Governance arrangements, how partners within an organisation feed up to the Board and take a regional approach. Officers advised that under the Board there were sub-groups with representatives from all partners; the Act guidance was for 4 sub-groups: Training, Audit, Community Engagement and Practice Review. These meet regularly to ensure engagement with partners and also to identify any specific thematic issues to be addressed.
- Members asked about the relationship between the Regional and All Wales Board; the Director advised that there was no legislative account to the National Board but they meet periodically, regional annual reports are taken to the National Board and there was no concern about visibility, accountability or challenge. A member of the National Board sits on the Regional Board. A Member raised the possibility of the Regional Board suggesting to the National Board that the latter take a role in providing national data definitions regarding POVA, to help to ensure consistent application of terms and categories, such as Not Proven, across Wales. The Director of Social Services offered to feed back this idea to the National Board representative.
- Members made reference to prevalence and awareness raising, noting that there were still a large number of people suffering abuse who are still not

reached, particularly in the BME, Mental Health, Addiction and Homelessness sectors. It was also noted that there was no clear upfront way on the front page of the Council's website to report concerns. Officers agreed that there was under reporting and that this needed to improve. There was currently a recruitment process under way for a post to support both boards, the role would include community engagement and promote safeguarding; there was more work to be done in the Community and activities were planned across the City. In relation to Children, Officers were visiting mosques and providing information regarding safeguarding as well as lots of other engagement activities to raise awareness. The Director added that there was also the Corporate Safeguarding Board and that everyone has a role to play including Members who had had training provided and which would be provided to new Members in the new Administration.

Members were advised that the UHB worked very closely with the local authorities in relation to referral forms and improving the quality of referrals; there had been joint training for dedicated lead managers in Cardiff and the Vale Health Boards and full day training had been provided on Adults at Risk including Domestic Violence in older people.

- Members asked for more information on the engagement with the Mosques and were advised that work was being done with the Muslim Council for Wales to raise and endorse safeguarding procedures, particularly in relation to Children, this was joint working with the Police.
- Members noted their role in relation to safeguarding as they often have unsupervised access with vulnerable adults, and noted the importance of essential DBA checks and safeguarding training, which some Members considered should both be mandatory.
- With reference to Operational working, investigations and providing evidence, Members considered it would be helpful if social services Officers were trained to PACE standards. Officers agreed the importance of joint training across the partners.
- Members discussed the WASPI protocol and it was noted that this was refreshed in readiness for the MASH as there was a duty to share information.
- Members expressed concerns with self funders as only assessment done by the care provider with no social care involvement; Members were concerned that if the family disengages then a person could be left isolated. Officers noted that there was no differentiation between self funders and managed accounts if there were safeguarding issues; this did however come back to peoples duty to report and improved awareness in communities to encourage responsibility for vulnerable individuals.
- Members asked how the Board responds to issues of Safeguarding against the Council and were advised that this would be dealt with via a statutory complaints procedure to the Director/Ombudsman; if any issues were identified then it would trigger the Safeguarding procedures. The Director of Social Services also stressed that there are system checks and balances, with

planning, supervision, sign off processes for packages of care, review of packages, regular monitoring etc.

- Members asked if thresholds were related to measures of harm and were advised that currently there was a new POVA threshold, with the new Act changing the definition from significant harm to potential to be at risk. Historically, the threshold had been set too high, lots of referral were dismissed as inappropriate and significant harm evidence was needed; under the Act, no evidence is needed, potential risk now or in the future is enough.
- Members noted that the report was draft and asked if it had now been finalised and all data included. The Director stated that the substance had been agreed, more information was needed for the action plan and that the document would be a business plan rather than a report.

AGREED – That the Chairperson on behalf of the Committee writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

54 : DIRECT PAYMENTS PRE DECISION SCRUTINY

The Chairperson welcomed Councillor Elsmore Cabinet Member (Health, Housing and Wellbeing), Tony Young Director Social Services, Sarah McGill Director Communities Housing and Customer Services, Amanda Phillips Assistant Director Adult Services, and Denise Moriarty Strategic Lead Planning Officer Learning Disabilities (Cardiff & Vale) to the meeting.

The Chairperson invited the Cabinet Member to make a statement in which she said that a quarter of the people receiving Direct Payments were children and therefore the report to Cabinet was in the names of the Cabinet Members for both areas.

The Chairperson invited questions and comments from Members:

- Members sought clarification on whether the tender sought bids from one or two providers and what the rationale behind this was. Officers advised that it was for 1 or 2 providers; they had previously considered just 1, however after market testing and to ensure capacity and sustainability across the market as Cardiff's biggest purchaser of Direct payments, they considered it best to increase to 1 or 2 to ensure that the market can respond to requirements. If 2 providers were appointed, there would be a 50/50 split.
- Members asked that, given Domiciliary Care Market issues of staffing, what was being done to stop the current problems. Officers advised that the issue was part of a wider national issue and there was a campaign to promote caring as a career; work was also being done with into-work services, with a career pathway being put in place.

The Cabinet Member advised that she had received a report from Communications that there had been over 30,000 hits on the adverts on Facebook and Twitter in the last month.

- Members asked if there was a picklist of services that could be funded by Direct Payments, as they had received feedback via a recent visit to a Cheshire Home that there were issues with the current picklist. Officers advised that there were options under the supporting and managed accounts sections; what people can choose from Direct Payments have changed in the Act allowing creativity in their use. The pick list is for the list of support required, rather than a pick list of what is covered by Direct Payments.
- Members noted the open procedure for procurement and asked if there was any other procurement route; Officers advised that as they are working to a tight timescale the consensus was that the most suitable option was the open option.
- Members noted the three year contract plus an extra three years and sought clarification on whether this was a block of three years or whether it was renewed year on year. Officers advised that it was a three year contract from day 1 then an additional block of three years.
- Members asked how the council ensured direct payment recipients were not put under pressure and left vulnerable. Officers stated that it was important to clarify the role of the Council/Provider; the Council would visit all service users before they were referred through and would inform/explain everything to them therefore it was potentially safer. It was added that there were mechanisms in place to trigger a review of Direct Payments if they were not being used as they should be as agreed by the case manager.
- Members referred to the tight timescales and asked why this was not identified as a risk in the Cabinet Report. Officers advised that paragraph 28 of the report identifies the timescales and there are contingencies in place but these are not included in the report. The Cabinet Member explained that she had been in the room when discussions were held about contingency planning.
- Members asked if there were enough resources to manage the service and were advised that there were efficiencies to be made and that there was a pressure bid in for a dedicated post.
- Members asked how Safeguarding would be included and were advised that it would be part of the specification, this was business as usual as in previous tenders.
- Members asked for further information on the training pathway for personal assistants. Officers advised that there would be general training from the Direct Payments organization, then specific training for the individual, for example specialist training in Autism. Care Standards were looking at qualification for Personal Assistants, and this would be helpful in attracting people to the market.
- Members sought clarification that after the first point of contact, there would be three visits by the Council before being referred through to the Direct payments; they were advised that this was the case. Officers added that Direct payments are for people with Care/Support needs and therefore people

are assessed, consultation with community colleagues is undertaken and then a decision is made.

- The Cabinet Member stated that the three year plus further 3 year block contract would be subject to regular reviews and monitoring.

AGREED – That the Chairperson on behalf of the Committee writes to the Cabinet Member conveying the observations of the Committee when discussing the way forward.

55 : COMMITTEE BUSINESS REPORT

This report provided the Committee with the latest update on correspondence. The Committee received copies of correspondence sent and received in relation to matters previously scrutinised by this Committee.

Members were provided with an update from the Committee's Performance Panel and were advised that the deep dive on Disabled Adaptation had been completed and would be brought to a future scrutiny committee.

The Scrutiny Officer advised Members of some changes to the timelines on the work programme.

RESOLVED: To:

- Note the content of the correspondence schedule and request a further response from Cllr Derbyshire as the response received does not answer all the questions raised by Councillor Clark at a previous meeting; Note the feedback from the Performance and Budget Monitoring Panel;
- Instruct the Scrutiny Officer to forward the email received regarding the Building Maintenance Framework timeline amendments.

56 : DATE OF NEXT MEETING

The next meeting of the Community and Adult Services Scrutiny Committee is scheduled for 13th February 2017 at 2.30pm in CR4 County Hall (Budget Scrutiny).