

BRIGHTON & HOVE CITY COUNCIL
ADULT CARE & HEALTH COMMITTEE
3.00pm 28 JANUARY 2013
COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Jarrett (Chair) Councillor Buckley, Hawtree, K Norman (Opposition Spokesperson), Meadows (Opposition Spokesperson), Barnett, Marsh, Mears, Robins and Wakefield

PART ONE

32. PROCEDURAL BUSINESS

32A Declarations of Substitute Members

32.1 Councillor Robins declared that he was substituting for Councillor Wilson. Councillor Hawtree declared he was substituting for Councillor Jones. Councillor Buckley declared that she was substituting for Councillor Powell.

32B Declarations of Interests

32.2 There were none.

32C Exclusion of the Press and Public

32.3 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.

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

33. MINUTES

33.1 Councillor Mears referred to paragraph 25.4 in relation to financial information submitted to the committee. She expressed concern that the committee were still not being given sufficient financial information.

33.2 The Senior Lawyer informed the committee that officers had discussed this issue. She suggested that in future an extract of the report that was presented to Policy &

Resources Committee each quarter that was relevant to Adult Care & Health, was submitted to the Adult Care & Health Committee for information, in addition to the financial information in the reports. Colleagues in finance could bring this information to the committee on a regular basis.

- 33.3 Councillor Mears expressed concern that there was not sufficient finance information being presented at the current meeting. Any information presented to the next meeting would be after budget council and would have no impact.
- 33.4 The Chair stressed that financial information had been available at the Overview and Scrutiny Committee and the whole budget had been presented to Policy and Resources Committee.
- 33.5 Councillor Meadows stressed that the committee's decisions should feed into the budget process. She considered that budget information should be available at each committee meeting.
- 33.6 Councillor Marsh stated that the Overview and Scrutiny Committee had just received the budget information. That process had been separate and parallel to the budget process. She stressed that Members could not be expected to make decisions unless there was budget information.
- 33.7 Councillor Norman reported that the Budget Scrutiny Panel had reached the conclusion that there was not so much detail available about the budget this year, compared to the same period last year.
- 33.8 The Chair suggested that he should hold a meeting with the opposition Spokespersons to discuss how much financial information was required.
- 33.9 **RESOLVED** – That the minutes of the meeting held on 19 November 2012 be agreed and signed as a correct record.

34. CHAIR'S COMMUNICATIONS

Weather Conditions

- 34.1 The Chair reminded members that the committee had been rearranged due to the fall of snow on 21 January. The Joint Commissioning Board would follow this meeting.
- 34.2 The Chair thanked staff in Adult Social Care & contracted staff for making an extra effort to continue their services during the recent fall of snow. He also thanked highway staff and the people who had helped with 4x4 vehicles.
- 34.3 The Director of Adult Social Services stated that although it had taken staff longer to travel around the city, she had not heard that any service users had been disadvantaged. Council staff and contracted staff had risen to the occasion.
- 34.4 Councillor Meadows concurred with the above comments and also thanked staff.

34.5 Councillor Marsh suggested that if there was further severe weather it would be helpful to have an update.

35. CALL OVER

35.1 **RESOLVED** – That Items 38 to 41 be reserved for discussion.

36. PUBLIC INVOLVEMENT

(a) Petitions

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

(b) Written Questions

36.2 Mr Graham Dean asked the following question:

“In City care homes set rate

The service users (residents) pay part of the care home fees and their contributions are increasing by 2.5% from April 2013.

A similar increase is necessary by the Council but we appreciate that sufficient funding is not available.

Would you please provide figures to show that increases of 2% or 1.5% are possible from the 2% inflation allowance referred to in 5.1.

The increased cost to the Council for a 2% increase after deducting the increase by the service users would be, for example, 1.35% of £460 (see Table One) and 1.41% of £504 (see Table One).”

36.3 The Chair gave the following response:

“Thank you for the question. The premise that if service user income is increasing then the cost to the council reduces is understood.

However, although State Retirement Pension is increasing by 2.5%, Pension Credit is not increasing at all. This gives the effect of a 1.9% increase in contributions for those pensioners in receipt of these basic benefits.

Not all service users will have increased contributions at this rate as individual circumstances differ. Younger people pay less and their benefits are increasing by around 1.2%. Some people are exempt from contributions. The estimated income from contributions for the whole care home budget for residents of all ages is estimated to increase by 1.25%.

This reply includes a worked example based on an older person receiving the basic state pension. The net cost paid by the Council for each resident with a standard fee rate of £460 per week is currently £340.80 per week. This would be £347.70 per week (£18,130 per annum) for a 2% increase in the gross fee rate.

However, for the recommended 1% increase, the gross cost would be £464.60 and the net cost would be £343.10 per week (£17,900 per annum).

	2012-3	2013-4	% increase for this worked example
Council Fee rate per week	£460.00	£469.20	2%
An older person's means tested income			
Retirement pension	£107.45	£110.15	2.5%
Pension credit	£35.25	£35.25	0%
Total income	£142.70	£145.40	
An older person's means tested contribution is paid to the care home after the personal allowance is taken out			
Less Personal Allowance	£23.50	£23.90	1.7%
Therefore total Contribution paid to care home	£119.20	£121.50	1.9%
Amount paid by Council	£340.80	£347.70	net increase in costs to council is 2%
Net amount payable if 1% increase	£340.80	£464.60 - £121.50 £343.10	net increase in costs to council of 0.7%
Net amount payable if 1.5% increase	£340.80	£466.90 - £121.50 £345.40	net increase in costs to council of 1.35%

The proposed increase in city care home rates of 1% is recommended in the light of past fee awards, costs and other circumstances as set out in the report on Fee Level for Adult Social Care Services 2013-14. The budget has to reflect the city's demographics and the increasing number of people needing adult social care and the increase in complexity of need.

Further points for consideration are as follows:

- In considering the level of increase a whole range of factors is taken into account, the inflation assumption of 2% is a part of the modelling used .
- A 2% increase on in-city set rates based on current activity would cost approximately £236,000 per annum (an additional £118,000 over the 1% increase recommended).
- A 1.5% increase on in city set rates based on current activity would cost approximately £177,000 per annum(an additional £59,000 over the 1% increase recommended)
- The inflation allowance of 2% within the budget assumptions is applied to both expenditure and income so the increase in service user contributions is already factored into the calculations. There is also a risk that the income from service user contributions will not achieve the target figure. The most recent assumptions are 1.25% increase

against the target of 2% inflation which increases the proportion of cost that the Council incurs and is estimated as a shortfall of approximately £30,000

- The assumptions made in the final point of the letters are not understood for the reasons set out above.”

36.4 **RESOLVED-** That the written question be noted.

(c) Deputations

36.5 The Chair noted that a deputation relating to Home Care Contracts had been referred from the Council meeting held on 25 October 2012.

36.6 Councillor Christina Summers attended the meeting and made some comments in response to the report on Review of Home Care Contract at item 38 of the agenda. Councillor Summers stated that some of the recommendations were a response to areas of concern such as the increase in the hourly rate and the enhancement for evening work. There were still some other areas of concern. The report had many percentages but not many absolute numbers. It was difficult to judge percentages. Only 12 out of 14 providers responded. 50% said that the turnover increased during the period June to August. This indicated that retention was not very good. Ms Beckman asked if a three month period was long enough to carry out the review. She also asked how officers decided on the 2% figure.

36.7 The Chair thanked Councillor Summers and stated that officers could address these issues when presenting item 38 – Review of Home Care Contacts.

36.8 **RESOLVED** - That the deputation be noted.

37. MEMBER INVOLVEMENT

37.1 The Committee noted that there were no petitions, written questions, letters or Notices of Motion received from councillors.

38. REVIEW OF HOME CARE CONTRACT

38.1 The Committee considered a report of the Director of Adult Social Services which provided a review of the implementation of the new home care contract since its implementation on 4th June 2012 and identified significant factors that had had an impact within the local home care market. The review highlighted a range of benefits which the new contract had introduced. The volume of the service appeared little changed and capacity overall appeared to have increased but turnover remained an issue.

38.2 The report proposed recommendations that supported home care providers to sustain the service and reflected the additional burden of increased petrol prices that had a particular impact upon some home care workers. As there was a need to increase capacity for home care visits to be delivered beyond 8.00pm an enhanced rate for this work was recommended to incentivise home care providers to respond to this need.

- 38.3 The Head of Performance & Contracting informed the Committee that Appendix 2 of the report showed that providers responded very differently in relation to matters of pay and terms and conditions. Broadly it was thought wages across the sector had increased but it was disappointing that not all providers were paying the local living wage.
- 38.4 The review had shown that quality had been sustained and there had been no significant issues with quality in the sector. The home care contract was monitored very closely and no significant concerns were being reported. Meanwhile, a quality rating system was being developed.
- 38.5 There had been four new providers in the city, although one had dropped out. The other three were now established. The service was subject to regular monitoring and review. There was a free training programme in place.
- 38.6 Councillor Hawtree noted that the care workers would need to drive round the city to visit service users. He asked for details about petrol costs and how many miles a week a care worker would be expected to drive. The Head of Performance & Contracting explained that care providers were allotted a small geographical area of the city. Some worked in the centre of the city and could walk to visit service users. In other areas they would need to drive. The details would vary with each provider.
- 38.7 Councillor Meadows asked if more staff were required to avoid a delay in accessing care. She referred to the proposed 2% increase to providers, and asked how Members could be reassured that the increase was being passed on to care workers. Councillor Meadows referred to the financial implications at paragraph 5.2. This stated that the council had recently agreed to a new procurement approach as part of the process of seeking living wage accreditation. She made the point that if people were not getting the living wage they were not complying with a legal requirement.
- 38.8 The Head of Performance & Contracting replied that there was a capacity issue with the evening service which was the reason why there was a proposal for an enhanced evening rate. The contract did not specify that a person had to be paid the living wage. The Council had taken significant steps in setting the rates paid to providers and through the procurement process itself to support providers paying a living wage. There were no current contracts in social care which specified wage rates and related terms and conditions. Whilst the increase would encourage providers to pay the living wage, the local authority could not be sure that the 2% increase would be passed on to care workers as this could not be enforced contractually. With regard to access issues, it was explained that if the main provider did not take up work then the work would be done by a back up provider.
- 38.9 The Senior Lawyer explained the law regarding contracts. She stated that it was difficult to impose terms and conditions that went beyond the subject matter of the contract.
- 38.10 The Director of Adult Social Services stated that she believed wages would increase as more providers moved into the market. She noted recent discussions held with some of the major providers which confirmed their intention to improve terms and conditions for staff.

- 38.11 Councillor Meadows asked why the council was paying the living wage if providers were not passing it on to staff. This was providing more profit to the companies concerned.
- 38.12 The Chair replied that the majority of providers were paying the living wage. He did not think the council were wasting money.
- 38.13 Councillor Mears referred to recommendations which were subject to approval by budget council. She stated that if details had been set out in a financial report it would have been easier for Members to make a decision. She requested that an email should be sent to all committee Members setting out a financial breakdown of the proposals.
- 38.14 Councillor Mears noted the legal implications with regard to the living wage and made the point that there could be no guarantees that it would be paid to staff. Councillor Mears asked if the Equality Impact Assessment had been carried out. The Director of Adult Social Services replied that the EIA had been completed and could be circulated.
- 38.15 Councillor Robins asked for details of the electronic monitoring system and the lay assessor's scheme. The Head of Performance & Contracting explained that lay assessors were trained people who provided an objective view of the quality of the service. The electronic monitoring system had a range of functions. For example, it allowed providers to plan better delivery routes. Officers and providers could look at a screen to check if someone was late or to monitor continuity of care. It provided electronic invoices and a performance report to the Contracts Team. It was an important tool.
- 38.16 Councillor Barnett stressed that service users were vulnerable. She asked how they could be encouraged to report concerns about the service they received. The Head of Performance & Contracting explained that groups of users were selected for interview by the lay assessor scheme. The interviews were confidential. This was one way of gaining information.
- 38.17 Councillor Norman asked if it was known which providers passed on the living wage. This was a concern to Members and he would like to have more information. The Head of Performance & Contracting replied that it was known what each provider was paying, however the situation was complicated given the different rates of pay providers paid as outlined in appendix 2. For example, new staff may be paid a lower rate than experienced staff. The Director of Adult Social Services suggested that a review was carried out in a few months time.
- 38.18 Councillor Barnett stressed that Members needed to know which agencies were paying the living wage. Petrol was currently being paid out of the basic wage.
- 38.19 Councillor Hawtree stated that he was glad that there was support for the living wage. He was concerned to hear that some agencies were receiving the money and not passing it on to care workers. He would like to have more information on this matter.
- 38.20 The Chair requested information that would be in a form that was easy to understand. He stressed that a minority of providers did not pay the living wage.

- 38.21 **RESOLVED** - (1) That it is agreed that the training programme is revised for providers and assessment staff so that the Outcome Based Commissioning of home care model can be introduced over the coming year to take forward the personalisation agenda.
- (2) That subject to the budget set by Council in February 2013; an enhanced rate is paid to providers for covering calls beyond 8pm in the evening with effect from 8th April 2013 as described in section 3.2.3 of the report.
- (3) That subject to the budget set by Council in February 2013; the rates paid to providers are increased by 2% to reflect the increase in costs, particularly petrol with effect from 8th April 2013 as described in section 3.2.5 of the report.

Note: Councillors Meadows, Barnett, Marsh, Mears and Robins abstained from voting on this item on grounds of lack of financial information.

39. FEE LEVELS IN ADULT SOCIAL CARE SERVICES 2013/14

- 39.1 The Committee considered a report of the Director of Adult Social Services concerning fees paid to independent and voluntary sector providers that supplied care services on behalf of Brighton and Hove City Council Adult Social Care and Brighton and Hove Clinical Commissioning Group. It covered fees paid to providers of services for older people, people with physical disabilities, adults with mental health needs including HIV and substance misuse and adults with a learning disability. Service providers included care homes, supported accommodation, home care and community support, community service and direct payments.
- 39.2 The recommendations in the report were in line with those of Commissioners of other services in the council. It was expected that they were also broadly similar with other authorities in the region.
- 39.3 Councillor Norman referred to care homes outside the city, and asked if they were paying the living wage to their staff. Meanwhile, he commented that the 5% increase for in city care homes last year might have given false encouragement. The Director of Adult Social Services replied that Brighton & Hove always paid the set rate of the host authority. A check was not made whether it was the living wage. With regard to the 5% increase last year, the local authority was mindful that there had not been an increase in the previous year. There had been quality issues in the past and it had been right to increase rates at that time. More benchmarking work needed to be carried out and the result of the Dilnot Report would be important.
- 39.4 Councillor Mears referred to paragraph 3.3 in the report and asked for more details about the cost and numbers involved, in relation to care homes and supported living out of the city. Councillor Mears further referred to the last paragraph of section 3.4 of the report, in relation to the 1% uplift on set rates and care home block contract rates. She asked for details of costings around that proposal.
- 39.5 Councillor Mears referred to paragraph 3.5 in relation to care homes and supported living non set rates in the city and asked for details of numbers. She further asked for the cost of the proposal in paragraph 3.6 in relation to home care. Councillor Mears referred to paragraph 3.9 and asked what the percentages represented in real terms.

- 39.6 Councillor Mears referred to the financial implications in paragraph 5.1. She stated that no reports had been seen on the effect of the Section 75 Agreement. She stressed that Members needed to see financial information in order to judge how the proposals fitted into the overall budget.
- 39.7 The Chair agreed it would be useful to have additional financial information with details of overall total costs.
- 39.8 The Head of Business Engagement explained that she had tried to set out the overall financial implications including the scale of the budget. The detailed budget would involve viewing huge spreadsheets as information is held at client level. She gave her assurance that the recommendations could be funded within the budget figures which are supported by detailed calculations. She would try to include more detailed financial information for future meetings.
- 39.9 The Director of Adult Social Services stated that an A4 sheet could be prepared for Councillor Mears showing the number of people cared for out of the city.
- 39.10 The Senior Lawyer informed members that Table 2 at Section 3.9 in the report should be amended to exclude the home care figure as this had already been agreed under Item 38 – Review of Home Care Contract. She suggested a slight amendment to recommendation 2.1 to reflect that Table Two in Section 3.9 of the report had been amended.
- 39.11 **RESOLVED** - (1) That it be agreed that the changes set out in Table Two, Section 3.9 of the report, as amended, should come into place for the financial year 2013/14, subject to the budget set by Council in February 2013.

Note (i): Table Two in paragraph 3.9 of the report was amended to exclude the Home Care increase as this had already been agreed under item 38 – Review of Home Care Contract.

Note (ii): Councillors Meadows, Barnett, Marsh, Mears, Norman and Robins abstained from voting on this item on grounds of lack of financial information.

40. ADULT SOCIAL CARE CHARGING POLICY (NON RESIDENTIAL SERVICES)

- 40.1 The Committee considered a report of the Director of Adult Social Services which explained that most Adult Social Care services were chargeable to service users. Most charges were subject to a means test but the charging policy for Non-Residential Care Services included fixed rate charges and maximum charges for in-house services. These rates were usually reviewed in April of each year when state benefits increased. The charging policy took account of legislation, regulations and relevant Government Guidance.
- 40.2 Councillor Norman asked why in house home care/support was being reduced. Meanwhile, he acknowledged that the maximum weekly charge had been an issue for years and he had no issue with removing this as long as no-one would be affected. Councillor Norman referred to paragraph 3.6 in the report which stated that 140 people

currently pay the maximum charge for in house home care and day care services. He asked if they had been directed to direct payments.

- 40.3 The Head of Assessments and Welfare Rights explained that these were people who had decided to choose to use in house services.
- 40.4 The Chair explained that with regard to reducing the hourly rate, it was found that Brighton & Hove had one of the highest hourly charging rates for in-house home care in the country. The view was that there was no reason why this authority should be excessively expensive when compared to the rest of the country.
- 40.5 **RESOLVED** - (1) That the following table of maximum charges for in-house services are agreed with effect from 8th April 2013

Current Maximum Charges	2012/13	Proposed 2013/14	People Affected	Income Adjustment
In-house home care/support	£21.50 per hour	£20.00 per hour	40	-£9,438
In-house day care	£23.50 per day	£25.00 per day	100	+£ 7,644
Maximum weekly charge	£900 per week	£900 (under review)	0	0
Current Fixed Charges				
Fixed Rate Transport	£2.15 per return	£2.50 per return	170	+£7,640
Fixed Meal charge at Day Care	£3.10 per meal	£3.50 per meal	140	+£8,300
Fixed Carelink charge		No change	3000	+£0.00
£14.50 month – with 2 key holders				
£18.50 month – with 1 key holder				
£21.50 month – no key holders but with a key safe				

Note: Councillors Meadows, Barnett, Marsh, Mears and Robins abstained from voting on this item on grounds of lack of financial information.

41. DEVELOPMENTS AT CRAVEN VALE

- 41.1 The Committee considered a report of the Director of Adult Social Services which explained that Craven Vale, a Brighton & Hove City Council owned Resource Centre, currently had 24 community short term service beds, 7 crisis care/planned breaks beds; a total of 31 beds. The report outlined the proposal and recommendation for an additional 20 bedrooms to give a total of 51 bedrooms at Craven Vale. 44 of these would be Community Short Term beds. The report had been approved at Policy & Resources Committee on 24th January 2013 and the Clinical Commissioning Group Board on 15th January 2013.
- 41.2 Councillor Meadows expressed concern that that ward councillors had not been included in the community engagement and consultation process. She requested that as a common courtesy, ward councillors should be informed of what was happening in their area. The Director apologised that ward councillors had not been consulted on this occasion.

- 41.3 Councillor Barnett asked what would happen to the residents whilst the work was being carried out. The Joint Commissioner Older People explained that a key part of the Project Manager role was to minimise disruption to residents.
- 41.4 Councillor Norman stated that the proposal was part of a process started when he was lead member a few years ago. He asked if officers had spoken to planners regarding the development and whether any difficulties were envisaged with the development on the site. Councillor Norman thought that the process could only improve the service Adult Care & Health provided and would upgrade the building at the same time. He welcomed the report.
- 41.5 The Joint Commissioner Older People explained that officers had held negotiations with the Project & Design Team. There had been no indication of any issues with planning permission.
- 41.6 Councillor Mears stated that she hoped that a structural survey would be carried out on Craven Vale. She wanted to be reassured that the building could take the extra floors. Councillor Mears referred to paragraph 3.3.2 in relation to joint funding of the Community Short term beds and jointed provided services under the Section 75 agreement. She asked to see the detail regarding this funding. Councillor Mears referred to paragraph 3.6.2 and asked for it to be minuted that on 15th January 2013 the CCG Board agreed to the revenue expenditure commitment. Councillor Mears referred to paragraph 3.7.3 with regard to capital costs. She asked if the freehold would remain with the council. She stressed that as there were capital costs, the committee needed regular updates on funding and the project. Councillor Mears also asked for the committee to see the design of the development.
- 41.7 The Director of Adult Social Services explained that the CCG approved the proposals in terms of the ongoing revenue expenditure. In terms of capital costs, Craven Vale would remain a council asset.
- 41.8 The Joint Commissioner Older People stated that she would check to ensure that a structural survey had taken place but stressed that officers from the council's Project & Design Team had been working on the plans.
- 41.9 Councillor Mears stated that the committee needed to be reassured that the building was structurally sound and suitable for development.
- 4.10 **RESOLVED** - (1) That approval be given to the development of Craven Vale to create an additional 20 bedrooms and to a formal collaboration agreement between the Council and Brighton and Hove Clinical Commissioning Group in relation to the development to enable both parties to fulfil their statutory functions.
- (2) That approval be given to delegate power to the Director of Adult Social Services to sign the collaboration agreement on behalf of the Council; subject to satisfactory terms being agreed.
- (3) That it is noted that the Policy & Resources Committee agreed to note that the development will be delivered by Property and Design using the Council's existing Strategic Construction Partnership.

- (4) That it is noted that the Policy & Resources Committee agreed that delegated power is given to the Director of Adult Social Services and the Director of Finance to enter into a building contract with an estimated value of £2.2million.
- (5) That it is noted that the Policy & Resources Committee agreed that the Craven Vale Development be added to the Capital Programme and the capital project be approved at a total cost of £2.883m (£1.442m in 2013/14 and £1.441 in 2014/15) to be funded as detailed in paragraph 5.2 of the report.

Note: Councillors Meadows, Barnett, Marsh, Mears and Robins abstained from voting on this item on grounds of lack of financial information and no information given to reassure members that a structural survey had been carried out.

42. ITEMS REFERRED FOR COUNCIL

42.1 RESOLVED - That no items be referred to Council.

The meeting concluded at 5.05pm

Signed

Chair

Dated this

day of