

**ADULTS AND COMMUNITY WELLBEING
SCRUTINY COMMITTEE
14 JULY 2021**

PRESENT: COUNCILLOR

Councillors A M Key (Vice-Chairman, in the Chair), B Adams, T A Carter, M R Clarke, Mrs N F Clarke, R J Kendrick, K E Lee, Mrs M J Overton MBE and T V Young

Councillors: Mrs W Bowkett, C Matthews and E J Sneath attended the meeting as observers

Officers in attendance:-

Pam Clipson (Head of Finance, Adult Care and Community Wellbeing), Simon Evans (Health Scrutiny Officer), Glen Garrod (Executive Director - Adult Care and Community Wellbeing), Caroline Jackson (Head of Corporate Performance), Heather Roach (Independent Chairman, Lincolnshire Safeguarding Adults Board) and Rachel Wilson (Democratic Services Officer)

7 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies for absence were received from Councillor C E H Marfleet and Councillor R A Wright.

8 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest at this point in the meeting.

9 MINUTES OF THE MEETING HELD ON 29 JUNE 2021

RESOLVED

That the minutes of the meeting held on 29 June 2021 be signed by the Chairman as a correct record.

10 ANNOUNCEMENTS BY THE CHAIRMAN, EXECUTIVE COUNCILLOR AND LEAD OFFICERS

The Vice Chairman suggested that it may be useful for the Committee to receive a training session on the Care Act, as this would have an influence on much of the work of the Committee in the coming four years.

11 LINCOLNSHIRE SAFEGUARDING ADULTS BOARD: ROLE AND FUNCTION DURING COVID-19 PANDEMIC, STRATEGIC PLAN UPDATE AND TEAM AROUND THE ADULT

The Committee received a presentation from Heather Roach, Independent Chair of the Lincolnshire Safeguarding Adults Board which provided an update on its role and functions during the pandemic; a refresh of its Strategic Plan for 2021 including their assurance process; and an overview on the current position of the Team Around the Adult programme.

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report and presentation, and some of the points raised during discussion included the following:

- It was queried whether the two/four weekly reviews which had been in place during the height of the pandemic had been the correct decision in terms of timing, and if a similar event was to occur again would a similar plan be implemented. Members were advised that the timing of the reviews had been in response to how busy the different agencies were. It was also noted that weekly meetings had been held with the Assistant Director – Specialist Adult Services, who was responsible for safeguarding, which made it very easy to understand how the services were being affected.
- It was queried whether any benchmarking against other authorities took place, and members were advised that the Chair of the Board was part of a Regional Chairs group, as part of the quality assurance for the Board. Performance of areas outside Lincolnshire was being looked at.
- In relation to the Team Around the Adult, it was queried what the role of the Prevention and Early Intervention Sub-Group was. Members were advised that the Board had developed a Prevention and Intervention Strategy, and the role of the Sub-group was to monitor the implementation of the Strategy.
- It was queried what other types of safeguarding issues had arisen due to Covid-19, and had the pandemic specifically affected those adults at risk. It was reported that all risks had been entered onto the risk register. The vulnerability and isolation of individuals had been a particular concern as they were more likely to be susceptible to crime. One disadvantage had been the move to digital technologies, as there was a generation of people who could not access services digitally. It was important that all the services considered this factor during the pandemic. It was confirmed that if there was a need for another lockdown, services were ready.
- It was acknowledged that there had been an increase in mental health issues due to Covid-19. However, it was also important to note that the impact of Covid-19 had tended to exaggerate existing issues rather than create new ones. In Lincolnshire, isolation was a major issue, and no single organisation was able to deal with all of the issues which would emerge, which highlighted the importance of the Integrated Care System.
- It was queried whether the Vulnerable Adult Panels were fully embedded and established in all districts, as East Lindsey had had one for approximately 10 years. Members were informed that the Panels were at different stages of evolution, and many had different names in different localities, but there was still some work to do.
- It was queried whether the Committee would be receiving the data that could highlight where there were areas of concern for future focus, as there was a need for

the Committee to see what good practice looked like. It was confirmed that the Board was required to publish an annual report and strategy and the Chair of the Board was happy to share this with the Committee beforehand.

- In relation to safeguarding, 4,272 safeguarding concerns had been raised, however, not all of them met the eligibility criteria to progress to a Section 42 enquiry. Of this number, 1,681 did meet the criteria for a S42 enquiry.
- It was suggested that it would be beneficial if the Committee received reports from the Lincolnshire Safeguarding Adults Board every six months.

RESOLVED

1. That the information presented be noted;
2. That a report be received by the Committee every six months from the Lincolnshire Safeguarding Adults Board.

12 FLAT RATE RESPITE CARE (LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN REPORT)

The Committee was invited to consider a report on Flat Rate Respite Care (Local Government and Social Care Ombudsman Report), which was also due to be considered by the Executive on 7 September 2021.

It was reported that on 16 March 2021, the Local Government Ombudsman published a public report following an investigation into how Lincolnshire County Council charged individuals for respite care. It had found that the policy of charging a "flat rate" did not accord with the Care Act 2014. The report set out the actions taken by the Council in respect of charging for short term residential care.

It was also noted that the Council had changed the way it charged for respite care as detailed in the Adult Care Charging Policy, effective 14 April 2020 and had commenced reimbursing those individuals identified as overcharged. Individuals entering short term care were now charged based on a financial assessment to determine affordability. There were 1525 individuals who had potentially been overcharged, and the costs of reimbursing these costs was estimated to be around £500,000. Each person would be written to individually to advise they were entitled to a reimbursement. So far 72 people had responded, and £25,330 had been paid out. Work had started to contact those who were impacted the most, and was on track to write to all those affected within the agreed timescale of 31 October 2021.

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report, and some of the points raised during discussion included the following:

- Concerns were raised in relation to the people who may have been in need of care during this time, and would have been entitled to it, but did not choose to enter

respite care due to the costs. It was queried whether there had been an increase in people seeking respite care since the policy had been changed. It was noted that if any individual had chosen not to take up respite care it would have been picked up by staff.

- It was highlighted that Lincolnshire was not the only council to have been in discussion with the Ombudsman about charging policies. It was noted that this was a policy which changed quite frequently.
- It was confirmed that of the people who had received the flat rate respite care, some people would have been charged more than they should have paid, and some would have been charged too little. A decision had been taken to repay those who had paid too much, and not to reclaim from those who had been charged too little.
- It was queried why it was expected to take three months for the Council to contact all the affected individuals and repay the money. Members were advised that a lot of the people were no longer in the care of Lincolnshire County Council and so they needed to be tracked down, offered the refund, and wait for them to accept it. It was also highlighted that each person would be written to individually, with the amount of refund they were due set out in the letter. Some people also did not believe that the letter and the offer of a refund was genuine. There was no intention to calculate and add interest to any of the refunds. It was noted that the largest amount to be repaid was around £2,000.
- The Ombudsman had accepted that the Council would not be paying refunds to the families of individuals where a relative had passed away.
- It was queried whether any other similar Ombudsman reports had been received, and it was confirmed that one had been received in relation to gross v net payments which related to a previous policy from government, and since then the financial assessments had been changed and a number of improvements had been implemented within the Council.
- It was noted that the IT systems had been reviewed and it was queried whether this had resulted in any financial savings for the authority. It was commented that the improvements would allow charges to be made in a timely manner as it was all online, and so there would be a more efficient and better customer experience, but no immediate savings were expected.
- It was queried there was any reputational damage to the Council because of the Ombudsman report, and it was confirmed that if the Ombudsman found against any council there would be an impact, however, this tended to be transient. However, there was also an opportunity to learn from other councils, and Lincolnshire tried to learn as much as possible from the Ombudsman findings. It was also highlighted that the Council had only two cases against it in recent years.
- It was noted that a fail-safe had been put in place so that should an individual's charge increase unexpectedly, this would go through to the Head of Finance and the Assistant Director to determine whether this charge was appropriate for that person.
- Charges for respite care were now determined according to affordability following a financial assessment.
- Assurance was given that there had been a full review of the charging policies and practices in April 2020, and these policies and practices would continue to be

regularly reviewed, taking into account any legislative or statutory guidance changes as well as best practice.

RESOLVED

That the Adults and Community Wellbeing Scrutiny Committee supports the recommendations to the Executive as set out in the report.

13 SERVICE LEVEL PERFORMANCE AGAINST THE CORPORATE PERFORMANCE FRAMEWORK - QUARTER 4

Consideration was given to a report which summarised the Adult Care and Community Wellbeing Service Level Performance for Quarter 4. The report only summarised the measures which were either above or below the target range. Members were advised that 11 measures had achieved target, four had not achieved their target and five could not be reported at this time. The report set out the explanations for the measures not achieving target.

The Committee was provided with the opportunity to ask questions to the officers present in relation to the information contained within the report, and some of the points raised during discussion included the following:

- People in receipt of long term support who have been reviewed – it was queried what this review included, and members were advised that this was a compliance measure. It was commented that reviews were seen nationally as a good thing to do as it was recognised that people's needs changed over time. Lincolnshire wanted its frontline practitioners to be more innovative where there were changes that would help people to become more independent.
- Requests for support for new clients, where the outcome was no support or support of a lower level – it was clarified that low level support did not mean an inferior level of support. If people were able to access lower levels of support sooner, it was more beneficial than them only coming to the attention of the service when they were in need of a higher dependency package of care.
- Percentage of alcohol users that left specialist treatment early – it was commented that it was understandable why it was very difficult to achieve this target as it required a lot of personal determination from the individual receiving treatment. It was also noted that some other authorities did not have the rural challenges that Lincolnshire did.
- It was noted that there would be times when people would be oversubscribed care and support, usually when there was a pressure, such as leaving hospital. This could give them a level of dependency which was not beneficial in terms of longevity. A lower level of care and support could help people to retain their place in their community.
- Adults who receive a direct payment – it was queried whether this achieved a better outcome for people and the authority, and members were advised that typically yes,

there would be better outcomes for the individual. It was also highlighted that people who received direct payments tended to spend less, and had more flexibility about how they used their resources. There were also providers who an individual could approach that the Council was unable to as they were not Care Quality Commission regulated.

- Adult Safeguarding concerns that lead to a Safeguarding enquiry – it was queried whether more training was needed in some agencies to reduce the numbers of safeguarding concerns being referred which did not progress to enquiry. Members were advised that there could be up to 15 agencies supporting an individual. A concern was logged when someone called to say they were worried about an individual, it became an enquiry if it was followed up. Approximately two thirds of concerns did not lead to an enquiry. It was commented that training was critical, and the Care Act had made adult safeguarding a statutory duty. However, adult safeguarding was more complicated as adults had resources and assets and items that could be stolen. Compared to safeguarding children, safeguarding adults was still a relatively new service.
- Safeguarding cases supported by an advocate – it was queried how this could be at 100%. It was commented that this target had been at 100% for a while and it could be re-examined. It was noted that this was an assurance measure to ensure that this activity was taking place.
- Percentage of alcohol users that left specialised treatment successfully – it was queried whether the target for this was too low.
- Percentage of people supported to improve their outcomes following Wellbeing intervention – it was queried where this opinion came from and if it was the view of the client or the clinician. It was reported that this opinion was formed through conversations with the individual, and what outcomes they wanted to achieve and if they felt they had achieved them.
- In terms of safeguarding, if there was a significant proportion of safeguarding contacts that did not lead to an enquiry, there could be a gap in training.
- In terms of assessments, it was queried whether there were going to be additional cases and additional assessments, and would the service be able to manage in future with an increase in workload. It was commented that social care in general was finding it more difficult to cope with increasing workloads, and additional resources and a long term financial plan. The Council had a medium term financial plan, which did not assume that it would receive additional funding from government.
- In relation to hospital re-admissions, it was queried whether people received the care they needed when they left hospital. In relation to occupational therapy, it was noted that a backlog had been identified a few years ago and so resources were increased within the service. However, there was a national difficulty in recruiting occupational therapists.
- Data in relation to timescales for assessments was being examined, and it was noted that assessments were carried out in a very timely manner.
- It was commented that it would be useful to know the actual numbers for some of the measures rather than just percentages. It was confirmed that the numbers could be incorporated into future reports.

- It was queried what was being done to help those carers who were socially isolated. Members were advised that a social isolation strategy had been developed, and work was underway to explore how this could be linked in with the Digital Strategy, and it was also part of the Housing Strategy. There was more work to do, not just with this Council, but also working with the voluntary sector. Specifically in relation to carers, it was noted that a significant amount of work to support carers had been undertaken over the past 16 months. The data in the performance measure was from a national survey.

RESOLVED

That the performance of the measures that were either above or below the target range be noted.

14 ADULT CARE AND COMMUNITY WELLBEING FINANCIAL POSITION 2020 - 21

Consideration was given to a report which reported the Adult Care and Community Wellbeing financial position for 2020 – 21. It was reported that the budget for 2020-21 was £227.781m net, and for the financial year 1 April 2020 – 31 March 2021, Adult Care and Community Wellbeing had spent £218.859m and finished the financial year with an underspend of £8.922m. Members were advised that the underspend had been driven by two factors, the receipt of Covid-19 grants, and members of the workforce had been redeployed to other areas in order to respond to the Covid-19 pandemic.

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report and some of the points raised during discussion included the following:

- A significant amount of the funding which could be carried forward had already been committed.
- Financial support had been provided to residential care homes and providers during the year in order to provide financial sustainability throughout the pandemic as occupancy levels fell.
- The Council had continued to support service users who had had additional support packages, and it was forecasted that this would continue.
- The Medium Term Financial Plan required the Council to use funds from reserves in order to balance the budget, however, additional funding from government was expected, but this was likely to be temporary. It was not currently known what a full year post-Covid-19 would look like, there would be a need to manage future community needs.
- It was queried whether any of the underspend would be used to support prevention activities as a result of Covid-19, it was confirmed that it would and the Director of Public Health would cover this at a future meeting.

RESOLVED

That the financial performance and drivers of the financial position be noted

15 PROPOSALS FOR SCRUTINY REVIEWS

It was reported that on 17 June 2021, the Overview and Scrutiny Management Board had requested each overview and scrutiny committee to identify potential topics for in-depth scrutiny review, which would be undertaken by the two Scrutiny Panels, taking into account the prioritisation toolkit. The Overview and Scrutiny Management Board was due to consider suggestions at its meeting on 30 September 2021, with a view to making a decision on which reviews would be approved.

It was suggested that it was not appropriate at this stage for this Committee to put forward any topics for review, as there were a lot of new members on the Committee and there was a need for time to members to familiarise themselves with the service areas. However, it was also suggested that some of the issues which had been raised during the meeting, the Committee could receive a more detailed report on later in the year rather than pursuing as a scrutiny review.

Members discussed potential areas for review, and some of the issues highlighted included the following:

- A deep dive into alcohol services would be useful and would be very topical, particularly with the knock-on effects of the pandemic;
- Safeguarding issues – it was commented that it appeared that there was confusion in some areas about what safeguarding of adults was, and it was suggested there may be a need for more training and a more joined up approach. Although it was acknowledged that this would not be a role for a Scrutiny Panel.
- It was suggested there was a lack Key Performance Indicator's around carers and there was a need to know more about the age range of carers, particularly those who were younger, and the risk of social isolation.
- Mental health issues had become prevalent recently, which could have a significant effect on carers.
- It was suggested that Covid-19 may have stabilised by later in the year, and it was suggested that the Committee come back to this issue at the December meeting.
- It was confirmed that there was no limit on the amount of topics that could be proposed, but members were reminded that there were only two Scrutiny Panels and the Overview and Scrutiny Management Board would be considering suggestions from all of the scrutiny committees.
- Some of the items suggested would be addressed in the Committee's work programme.
- Four areas were suggested for review as follows – alcohol services, KPI's for Carers, safeguarding adults, mental health.
- It was suggested that as there were several topics put forward, the criteria could be looked at again to ensure that the most relevant topic for the Committee was put forward.

RESOLVED

That the suggestions made be considered at a future meeting and the Committee then agree which topic it would like to put forward to the Overview and Scrutiny Management Board.

16 ADULTS AND COMMUNITY WELLBEING SCRUTINY COMMITTEE - WORK PROGRAMME

Consideration was given to a report which set out the work programme for the coming year and the Committee was requested to consider whether it wished to make any suggestions for items to be added to the work programme.

During discussion, the following was noted:

- The Executive Director for Adult Care and Community Wellbeing may wish to bring forward a report if there were any national policy developments in the next few months;
- A summary of the topics suggested as potential topics for review by a scrutiny panel could be brought to the meeting of the Committee in September.

RESOLVED

That the work programme as set out be noted, and the above items be added.

The meeting closed at 12.15 pm