



**ADULTS AND COMMUNITY  
WELLBEING SCRUTINY COMMITTEE  
3 JULY 2019**

**PRESENT: COUNCILLOR C E H MARFLEET (CHAIRMAN)**

Councillors Mrs E J Sneath (Vice-Chairman), B Adams, R J Kendrick,  
Mrs C J Lawton, R B Parker, C E Reid and M A Whittington

Officers in attendance:-

Simon Evans (Health Scrutiny Officer), Emma Farley (Strategic Finance Manager - Adult Care Operations), Glen Garrod (Executive Director - Adult Care and Community Wellbeing), Heston Hassett (Section 117 Specialist Project Manager), Carl Miller (Commercial and Procurement Manager - People Services), Katy Thomas (County Manager - Performance and Intelligence, Adult Care and Community Wellbeing) and Rachel Wilson (Democratic Services Officer)

**9 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS**

Apologies for absence were received from Councillors Mrs J E Killey, Mrs M J Overton MBE and C L Strange.

The Chief Executive reported that having received notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, she had appointed Councillor R B Parker as a replacement member of the Committee in place of Councillor Mrs J E Killey for this meeting only.

**10 DECLARATIONS OF MEMBERS' INTERESTS**

Councillor M A Whittington wished it be noted that his mother was in a residential care home part funded by Lincolnshire County Council.

Councillor C E Reid wished it to be noted that in relation to agenda item 5 – Extra Care Housing, that he was a City of Lincoln Councillor and was a member of the Housing Forum.

Councillor Mrs C J Lawton also wished it to be noted in relation to agenda item 5 – Extra Care Housing, that housing came under her portfolio as an Executive Councillor on South Holland District Council.

11 MINUTES OF THE MEETING HELD ON 22 MAY 2019

## RESOLVED

That the minutes of the meeting held on 2 May 2019 be signed by the Chairman as a correct record.

12 ANNOUNCEMENTS BY THE EXECUTIVE COUNCILLOR, CHAIRMAN  
AND LEAD OFFICERS

It was reported that the authority had received a 'Highly Commended' at the Municipal Journal Awards in the Category of Digital Transformation for the work which had been undertaken to create a Digital Roadmap for Social Care. This included the implementation of Connect to Support in partnership with the NHS, as a one stop shop for information and advice, the sharing of access to Mosaic across partner organisations, roll out of 4G laptops to all frontline staff and improving the digital maturity of the Council's care providers through access to NHS mail. The Chairman requested that the Committee's best wishes be passed on to all those involved.

13 EXTRA CARE HOUSING

Consideration was given to a report which set out the business case for the provision of Council funding for an Extra Care Housing (ECH) Development at De Wint Court, Lincoln.

The report recommended that £2.8m of the £11.886m Adult Care Capital grant was used to enable the De Wint Extra Care Housing scheme to commence development in October 2019. The proposed De Wint ECH scheme in the City of Lincoln was a partnership between the City of Lincoln Council (CoLC) and the County Council to provide Extra Care Housing for the anticipated demand in the City. The development would provide a total of 70 units of accommodation for a minimum 30 year period enabling choice for residents and revenue savings by providing an alternative to expensive residential care. The total cost of the development would be £12m, with the CoLC contributing £6m, Homes England £3.2m and the County Council £2.8m that provides Adult Care with nomination rights on 35 units for 30 years using a process of first right of refusal with no void risk.

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:

- It was highlighted that there were four other probable schemes, but each would have its own business model, and would have different levels of contribution from the Council. The four schemes under development were for locations in Louth, Horncastle, Spalding and Nettleham.
- The scheme in Lincoln was not primarily about saving money, but instead about promoting independence and increasing resilience. However, after 15 years, the council would recover its funding.

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- De Wint Court would be primarily focused on older people and would work across three levels of dependency:- high, medium and low. The authority would be more interested in nominations for people with high or moderate levels of need who were close to entering residential care.
- The quality of life for people in extra care housing developments was found to be better than for those living home alone or in residential care.
- It was queried whether there were any plans to sell any of the units and members were advised that there were two business models for extra care housing - those developers who would sell properties on a complex and then residents would pay a service charge; and those developments where units were available to rent. It was agreed that those schemes that the Council should invest in would be for those Lincolnshire residents who could not afford to buy their own home. All the schemes would be on a tenancy basis as it was believed this was the best model for those that the Council was seeking to target.
- In terms of financial implications, it was queried whether the authority would face increasing costs. Members were advised that most extra care housing was developed by housing associations. However, two years ago the Government had set a rent cap which discouraged housing associations from renting. The Government had recently announced that it would remove the cap for people living in supported housing.
- De Wint Court would have 70 tenants, but the authority would not necessarily be supporting all the tenants. However, as the other schemes were developed, it was expected that more working age adults with profound disabilities would become extra care tenants.
- Standard housing developments did not necessarily focus on the needs of people who would be living in them, but instead focused on meeting building regulations and environmental assessments.
- Members were advised that these developments would be suitable for people with dementia with a low or moderate need, where it would be a suitable option. There was an expectation that people with a diagnosis of dementia would be entitled to access this type of accommodation. It was noted that there were people with early onset dementia who were still in employment.
- It was queried whether the planned scheme for Spalding was in addition to the scheme being developed by LACE Housing which would have a mixture of accommodation available to buy or rent. It was confirmed that the County Council scheme would be in addition to this. LACE was one of organisations the authority was in conversation with. These developments were not just about providing care, but also about improving people's quality of life.
- It was queried how provision in the south of the county would be met, and it was reported that this was very dependent on the district councils and the availability of land or funding for schemes in particular areas. All those areas identified had a demand based on data collected. There was a funding envelope that would sit alongside this.
- The Spalding scheme was probable, but was not as developed as the Nettleham scheme. Population projections support the view that there was a need for further schemes outside of Lincoln.
- The resources that the authority had available were either land or funding.

- It was commented that local government was being encouraged to borrow money to fund these long term developments. Members were advised that from a Lincolnshire County Council point of view, there was no requirement for borrowing as there was £11m available for these schemes. There was a possibility of this funding between 4 - 7 schemes depending on where else funding would come from and also locations would be dependent on the negotiations which would be held with districts. There was enthusiasm to progress schemes for working age adults.
- It was understood that there was already extra care housing in Grantham, and it was confirmed that there were some developments happening without council contributions, but there were some which required a small amount of additional funding which would then give the authority nomination rights.
- The Council's contribution would depend on the scheme itself, as the contribution maybe land or members may wish to retain some capital.
- It was commented that the Lincoln development was very welcome, and in terms of design it was queried whether it was based on a national standard or if there had been additional design work. Members were advised that there were three initial elements which would affect the design – the footprint of the land available, population in question and cost. However, cost was not a material factor in any of the schemes which were being negotiated. The design for the Lincoln scheme had been made by housing specialists as they knew what worked. Some organisations, such as LACE, had their own design portfolio.
- It was highlighted that South Kesteven District Council did not have a land bank so would schemes be dependent on developers bringing forward proposals for these developments. It was noted that some schemes were just about supported living, officers were talking with housing associations, as they knew Lincolnshire and knew what worked. Each scheme would be dependent on who could contribute what and the County Council was in a very good position as it had both land and funding available as a contribution. Work was underway to find suitable parcels of land and plan for the future.
- It was queried whether there had been any discussion about a percentage of houses on housing developments being designated for extra care. However, members were advised that extra care housing was purely bespoke. There were plans to build 200,000 houses in greater Lincolnshire over the coming years and it was expected that some of them would be designed to accessible standards. Work was underway to try and influence the housing developers to build houses which would meet people's future needs.
- In terms of identifying land for these developments, it was suggested that they needed to be located within walking distance of the town, as residents of these developments would still want to be part of the community and would need to be able to access the amenities of the town. It was highlighted that one of the benefits of extra care developments was the connectivity with the community, with access to local activities. It was suggested that there may also be a need instead to build satellite centres, with cafes and shops, as it was not always possible to walk to the centre of the town.
- It was commented that with the expected reduction of rural bus services, consideration of suitable locations would be vital.

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- It was highlighted that there were a lot of people with profound learning and physical disabilities cared for by their parents who were now becoming elderly, and it was confirmed that the Nettleham development would be suitable for people in this situation.
- Health colleagues had been encouraged to participate in all developments and were very aware of the plans for all schemes.
- These schemes were more relevant to GP's, primary care and district nurses rather than hospitals.
- It was acknowledged that it had taken time to get to this point, but the importance of giving thorough consideration to the plans was recognised.

**RESOLVED**

1. That the Adults and Community Wellbeing Scrutiny Committee support the recommendations to the Executive as set out in the report.
2. That the following additional comments be passed to the Executive:

*On 3 July 2019, the Adults and Community Wellbeing Scrutiny Committee agreed to support the two recommendations on page 61 of the report, which would deliver an extra care housing scheme at De Wint Court in Lincoln, as the first of several schemes currently being developed. Whilst it had taken time to bring forward proposals, the Committee recognised that it was essential that the plans had been given thorough consideration.*

*The Committee discussed the issue of accessibility across the county and was advised that schemes were also being developed by the County Council in partnership with the respective district council in Louth, Horncastle, Spalding and Nettleham. A key factor was the availability of land, and certain district councils in Lincolnshire did not have a bank of available land.*

*In welcoming and supporting the scheme in Lincoln, the Committee emphasised extra care housing as supportive of independent living and part of this was enabling residents to remain active and participate in their local communities.*

**14     SHORT BREAKS PROVISION IN LINCOLNSHIRE**

A report was received which invited the Committee to consider the re-procurement of the Short-Breaks and Emergency Placements Service for people with Learning Disabilities which was due to be considered by the Executive Councillor for Adult Care, Health and Children's Services between 4 and 5 July 2019.

Members were guided through the report and 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:

- One member commented that they knew what a vital role Cedar House in Spalding played for people who stayed there and for their families.

- Members were advised that there had been a good level of interest from providers, and it was thought that there would be more providers who would come forward once the contract went out to tender.
- One member commented that they were fully supportive of this provision continuing, and were reassured by the staffing ratio's proposed. Gratitude for the work that the officers did was expressed and it was commented that the Council should be proud that they offered this service.
- In terms of 'Alternatives Considered' it was queried what consideration had been given to examine whether there were benefits to bringing the service in-house. Members were advised that contracted services were performing well, and so there had been a focus on a continuation of these contracted services. It was highlighted that one of the responsibilities of the executive director had been to make £40m in savings, and these savings had in part been made by outsourcing. It was unlikely that the authority would be able to run these services at the same cost as the providers. If there was any scheme which would be better value to be run in-house, it would be brought to members.
- Members were advised that there were currently no regulated care services provided in-house. It was highlighted that for the Council to provide regulated services, there would be a need to review the skills base of the directorate.
- It was commented that this model did provide the authority with flexibility, and the authority was commissioning services for its own assets.
- It was suggested that there should be a comparison on costs for providing the service in house.
- Queries were raised regarding the presentation of the finance information, as members could not determine whether it was value for money.
- It was clarified that the contract cost of £4,609,925 was the total cost of the contract over 5 years, based on the combined spend for 2018-19 for Cedar House and Swallow Lodge of £921,985. It was hoped to manage the 1:1 costs by specifying the staffing. A request was made for a financial schedule for this proposal to be made available, and this be included in future reports to the Committee.
- It was queried what evidence the providers had given the authority that they had incurred additional expenditure, and members were informed that this would be based on the assessments made by council officers. All additional spend would need to be evidenced and substantiated.
- The strategy was to support people and it needed to be acknowledged that it would not be possible to identify every cost, particularly in relation to 1:1 costs.
- It was queried whether the costs could be compared to what other councils provide, to provide some benchmarking information.

**RESOLVED**

1. That the Adults and Community Wellbeing Scrutiny Committee support the recommendation to the Executive Councillor as set out in the report.
2. That the following comments to be passed to the Executive Councillor:

*On 3 July 2019, the Adults and Community Wellbeing Scrutiny Committee supported the three recommendations in the report to the*

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*Executive Councillor. The Committee recorded its strong support for the re-procurement of this important service, which was vital for carers across the county. Several members of the Committee were aware of the excellent physical environments in Swallow Lodge (North Hykeham) and Cedar House (Spalding); and the high quality services provided currently, including the expertise in dealing with the various levels of need of service users.*

*The Committee explored whether an in-house option for this service had been considered as part of the 'Alternatives Considered' section of the report. This discussion took place within the overall context of the Council's commissioning policy and the importance of securing value for money so that the existing high quality Short Breaks service continued. The Committee concluded by stressing the importance of value for money in the procurement process and noted that certain future procurement reviews might include a comparison with in-house option, in particular where there was evidence of the independent sector not being able to provide value for money.*

15      SECTION 117 JOINT POLICY

The Committee received a report which invited members to consider the creation of the Section 117 Joint Policy for Lincolnshire County Council (LCC), Lincolnshire Clinical Commissioning Groups (CCGs) and Lincolnshire Partnership Foundation Trust (LPFT), which was due to be considered by the Executive Councillor for Adult Care, Health and Children's Services between 22 July and 2 August 2019.

This was a new multi-agency policy replacing the existing arrangements in the three individual organisations. The policy had been ratified for use by the LPFT's Executive Board and was due to be approved by the CCG's appropriate governance processes in July 2019. The policy required a decision from the Executive Councillor for its use across LCC for multi-agency working.

Members were advised that Section 117 of the Mental Health Act (MHA) 1983 (as amended by the MHA 2007) provided a responsibility on Local Authorities and Clinical Commissioning Groups to provide/commission After-Care Services. It was noted that LCC, in partnership with the Lincolnshire CCG's had been reviewing their approach to the funding of s.117 cases following negotiation in relation to the s.75 Agreement for Learning Disability Services. As a result, LCC, Lincolnshire CCG's and Lincolnshire Partnership NHS Foundation Trust had been set an inter-agency requirement to review their s.117 policy provisions.

Members were provided with an 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:

- It was commented that it was very important that people were supported after leaving hospital treatment. It was encouraging that this was now more of a collaborative approach.
- It was queried whether there would be performance monitoring, and members were advised that reviews would take place at 3 months and 12 months.

- It was highlighted that the report stated that there would be assessments every six or twelve months, and it was queried how long it would take to implement any actions that emerged from the review. This referred back to the Mental Health Act code of practice and was a way of ensuring that the health care professionals were being proactive. It was noted that quality audits of case files would take place where it would be looked at how the individual practitioner operated. It was important that practice was of the highest standard. Care plans for S.117 were very specific.
- It was confirmed that this policy had been agreed by all partners, but it still needed to go through the governance procedures. It was also noted it would be considered by the Children and Young People Scrutiny Committee. The policy would be considered by the CCGs' executive meeting during the coming week.
- Work was taking place to create an accessible version which could be accessed by members of the public.
- One of the alternatives considered was to develop a single agency policy, however this would not have addressed how the relevant bodies, particularly the CCG's and Council worked together to discharge their joint responsibility under s.117 MHS 1983.
- It was noted that the care plan would be an electronic record to ensure that the record was accessible.
- It was noted that information could be entered directly into mosaic by LPFT staff who had access, and the quality of data was now much better. Most of the data was now benchmarked with other councils that were similar to Lincolnshire.
- It was queried whether this covered those people who had been released from secure hospitals, and members were advised that this would be dependent on which section of the MHA applied to them.
- In terms of financial implications, the costs were currently shared equally and there was an ongoing piece of work reviewing s.117 cases.
- In working with people with learning disabilities and mental health issues, it could be difficult to determine what was a social care need and what was a mental health need. However, the experience of individuals going through these processes in Lincolnshire was materially better than in those areas where services were delivered separately.
- In the future it was hoped that there would be an envelope of funding for those with a profound need.
- Members were pleased to see that the policy would be meeting the needs of those people leaving prison with a mental health need.
- The data regarding the numbers of people in secure mental health facilities and prisons would be held by the NHS.

**RESOLVED**

1. That the scrutiny committee support the recommendations to the Executive Councillor as set out in the report.
2. That the following additional comments be passed to the Executive Councillor:

*The Adults and Community Wellbeing Scrutiny Committee supports the approval of the adoption of the policy under Section 117 of the Mental Health Act 1983. The Committee stressed the importance of aftercare services, to avoid the 'revolving door' approach, whereby service users might again require services, if they did not receive appropriate aftercare support. The Committee also recorded its support for the collaboration between the County Council and other agencies in delivering the policy.*

*The Committee suggested a summary or easy-to-read version of the policy is prepared so that individuals and their families would be able to access the key points in the policy. This could complement the information contained in Rethink's Section 117 Aftercare Factsheet.*

*The Committee also explored the financial implications, as set out in Section 5 of the report. It was noted that the section 75 arrangements would be reviewed in the coming year.*

16     ADULT CARE AND COMMUNITY WELLBEING PERFORMANCE REPORT  
           - QUARTER 4 2018/19

Consideration was given to a report which presented the performance against Council Business Plan targets for the Directorate as at the end of Quarter 4 2018/19. A summary of performance against target for the year was provided in Appendix A of the report and a full analysis of each indicator over the year was provided in Appendix B of the report.

Members were guided through the report and those indicators which had not been achieved but were amber were highlighted to the Committee. It was noted that no indicators were showing as red. Members were provided with the opportunity to ask questions to the officers present and some of the points raised during discussion included the following:

- Measure 34 – Chlamydia diagnoses per 100,000 15 – 24 year old – the target population was the 18-25 age range, with the University of Lincoln being a hot spot. Young people increasingly did not want to go their GP's, and the testing kits available through the post were producing the best results.
- Measure 63 - % of clients in receipt of long term support who receive a direct payment – it was agreed that this was a high target. However, current performance suggested that Lincolnshire was in the upper quartile.
- There were regular reports on delayed transfers of care, and a national change of definition was due which would mean that there would be an increase in the figures by 5 – 10%. It was expected that this would affect all councils equally.
- It was queried whether the University of Lincoln supported students who had received a positive chlamydia diagnosis, for example by offering counselling. Members were advised that both Bishop Grosseteste University and the University of Lincoln were quite well engaged with this.
- Measure 31 - % of alcohol users that left drug treatment successfully who do not re-present to treatment within six months – it was queried what

performance was like across the county, and members were advised that it was very variable as the service was dealing with people's ability to change their own behaviour.

- It was reported, as an example, that Doncaster Council had invested heavily in mental health, drugs and alcohol services with a very dedicated and well-resourced service which supported a relatively small number of people. Individuals would be receiving this service for 4-10 years. It was noted that this was easier to deliver this service as a unitary council in an urban area.
- Measure 130 - % of Adult Safeguarding Concerns that lead to a safeguarding enquiry – it was reported that on 27 June 2019 the Overview and Scrutiny Management Board had recorded its concern that this new Council Business Plan measure had replaced the previous indicator '*enquiries where the source of risk is a service provider*' and had recommended that both measures should be included in the Council Business Plan and also agreed that these measures should be considered by the Adults and Community Wellbeing Scrutiny Committee, whose advice would be reported to the Executive on 9 July 2019. It was stated that the Committee had endorsed the new indicator on 10 April 2019 and it was further clarified that the replaced measure still existed in the suite of intelligence utilised by the service to identify themes, and was reported as part of required returns to Government and other agencies. However, on its own the former measure did not represent the most appropriate indicator of service performance and risk, requiring the further context and understanding. The Scrutiny Committee accepted the rationale that the new indicator provided a better standalone measure of the level and consistency of understanding of safeguarding responsibilities and processes across the system. The Committee concluded with a recommendation that only the new measure should continue to be presented in the Council Business Plan. It was noted that approximately 50% of safeguarding concerns did not progress to a safeguarding enquiry.
- It was queried how outcomes were recorded and whether there was a 'loop back' to how many cases had a substantive risk. Members were advised that that data was still captured by the authority, and it was also monitored whether the enquiry was upheld.
- It was noted that there was a significant number of performance measures that were monitored even though they were not included within this report.
- It was noted that the Overview and Scrutiny Management Board and Adults and Community Wellbeing Scrutiny Committee were both meetings open to the public, and when reports were in the public domain, they needed to be understandable by the public.

#### RESOLVED

1. That the performance of Adult Care and Community Wellbeing for Quarter 4 2018/19 be noted.
2. That the Executive be advised that the Committee's recommendation was that only the new measure (*concerns that lead to a safeguarding enquiry*) should be presented as part of the Council Business Plan, while the former measure

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*(enquiries where the source of risk is a service provider)* would continue to be recorded for management and any required statutory purposes.

17 ADULT CARE & COMMUNITY WELLBEING 2018/19 FINAL BUDGET  
OUTTURN

Consideration was given to a report which set out the 2018/19 final budget outturn for Adult Care and Community Wellbeing (AC&CW). The Adult Care outturn was £212.963m, an under-spend of £2.019m (0.94%) against a budget of £214.982m.

Officers were congratulated on producing a balanced budget, and it was highlighted that there were many more complex cases than in the past, particularly in relation to discharges.

Members were provided with an 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:

- In relation to Deprivation of Liberty Safeguards (DoLS), a new model for authorising deprivations of liberty in care was expected going forward as Parliament had passed legislation to replace the current Deprivation of Liberty Safeguards. It was expected to come into force in October 2020 and would be known as the Liberty Protection Safeguards (LPS). It was noted that Lincolnshire was one of the few councils who no longer had a backlog of cases, but there would be no additional funding from Government for the changes.
- It was commented that Government funding for Adult Social Care had dropped since 2010, and it was queried how the directorate would spend extra money if it was available. Members were advised that a report by the House of Lords Economic Affairs Select Committee had just been published entitled "Social Care Funding: Time to End a National Scandal" which set out the premise that Adult Social Care was substantially under-funded. If the authority did receive additional funding it would be for the Council to decide how to spend it, however recommendations from the Executive Director would fall into three broad groupings – (1) prevention, in particular those that had a low level of need; (2) increase of the pay rates for care workers, as there were 20,000 care workers in Lincolnshire and they did not always get recognition for the difficult job they did; and (3) increasing the amount of time that staff had to do their jobs, as time was a very expensive commodity in health and social care.
- It needed to be recognised that Lincolnshire had a relatively stable service, and it did a lot of joint working with the health service, district council and a lot of what the authority did would not be possible without these partnerships.
- It was confirmed that there was a training provision for carers. The authority spent around £2.4m on block contracts with Carers First, who were commissioned to support the authorities with different activities. There was an estimated 80,000 carers in Lincolnshire (including family and friends) and the authority was engaged with about 10,000 of them. The authority had invested in employment support for carers, as evidence suggested that if carers were supported in work they would be able to continue with their caring responsibilities.

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- In terms of benchmarking, Lincolnshire's overall expenditure was in the lowest quartile for the region. The commissioning model worked very well for the authority and Derbyshire and Nottinghamshire were cited as examples where the unit cost was higher than Lincolnshire's.

RESOLVED

1. That the Adults and Community Wellbeing Scrutiny Committee note the final budget outturn for 2018/19.
2. That the House of Lords Economic Affairs Select Committee's report "Social Care Funding: Time to End a National Scandal" be circulated to members of the Committee for information.

18 ADULTS AND COMMUNITY WELLBEING SCRUTINY COMMITTEE  
WORK PROGRAMME

The Committee received a report which provided the opportunity to consider the work programme for the coming year and the following was noted:

- It was proposed to move the reports on Rural and Coastal Communities in Lincolnshire and Integrated Lifestyle Support Service to the 9 October 2019 meeting.
- It was noted that Councillor C E H Marfleet was unable to attend the next meeting on 4 September 2019, therefore Councillor Mrs E J Sneath would be chairing the meeting.
- It was highlighted that there was a need to ensure that there was someone from this Committee available to attend meetings of the Overview and Scrutiny Management Board.

RESOLVED

That the work programme, subject to the above amendment, be noted.

The meeting closed at 1.14 pm