

# Minutes



To: All Members of the Adult Care & Health Cabinet Panel, Chief Executive, Chief Officers, All officers named for 'actions'

From: Legal, Democratic & Statutory Services  
Ask for: Elaine Manzi  
Ext: 28062

---

## ADULT CARE & HEALTH CABINET PANEL FRIDAY 8 SEPTEMBER 2017

### ATTENDANCE

#### MEMBERS OF THE PANEL

E H Buckmaster; L A Chesterman (*substituting for E M Gordon*); S Gordon; F Guest; K M Hastrick; D Hart (*substituting for T Howard*); D J Hewitt; F R G Hill (*Vice Chairman*); J S Kaye; N A Quinton; R G Tindall; C B Wyatt-Lowe (*Chairman*)

#### OTHER MEMBERS IN ATTENDANCE

None

Upon consideration of the agenda for the Adult Care & Health Cabinet Panel meeting on 8 September 2017 as circulated, copy annexed, conclusions were reached and are recorded below:

*Note: No conflicts of interest were declared by any member of the Cabinet Panel in relation to the matters on which conclusions were reached at this meeting.*

### PART I ('OPEN') BUSINESS

#### 1. MINUTES

- 1.1 The Minutes of the Cabinet Panel meeting held on 3 July 2017 were confirmed as a correct record and signed by the Chairman.

#### 2. PUBLIC PETITIONS

- 2.1 There were no public petitions.

#### 3. ADULT SOCIAL CARE CHARGING CONSULTATION

Officer Contact Helen Maneuf, Assistant Director Planning & Resources (Tel:01438 845502)

#### ACTION

- 3.1 Members were introduced to the proposed Adult Social Care Charging Consultation by Helen Maneuf, Assistant Director for Planning and Resources for Adult Care Services.
- 3.2 The Panel heard that the purpose of the item, as outlined in the paper, was to seek Panel's recommendation to consult on the proposed changes to how council charges for non-residential (community based) adult care services. A further paper detailing the actual charges would be brought to Panel for recommendation and Cabinet for agreement later in the year at the end of the consultation period.
- 3.3 Members received assurance that, if agreed, the new charging proposals would form part of the overall financial assessment undertaken under the Care Act guidance and residents would only be asked to pay a contribution if they were assessed as being able to afford to do so.
- 3.4 The Panel learnt the consultation would take place over a three month period, and there would be focus groups, a dedicated phone helpline and online feedback form available to encourage as much participation as possible. It was established that the results of the consultation would be broken down to differentiate between the comments from service users and comments from carers.
- 3.5 Members received clarification that in relation to Appendix E- Transport costs, the charges for transport would be calculated based on the assessment of what the service user paid for their care.
- 3.6 Further clarification was received regarding 'flexi care' services, and Members queried how the proposed changes would affect people who live in flexi care accommodation but that do not receive any care. This is a small cohort of people and it was likely that arrangements for these users would not change.
- 3.7 During Member discussion, Members expressed concern that although there was a consultation taking place, no one would voluntarily agree to pay for care, and that the consultation questions had been weighted to support a decision to implement the charges that had already been made. Further concerns were expressed on the potential negative outcome for residents who were not able or would not want to pay and would therefore potentially experience increased isolation and loneliness.
- 3.8 Members received assurance that the outcome of the proposed policy implementation had been designed not to cause disruption for carers and clients and no one would be asked to pay more than they could afford because of the Minimum Income Guarantee safeguard. It was stressed that the needs of the population were

**CHAIRMAN'S  
INITIALS**

.....

increasing and as such the purpose of the exercise was to ensure the best use of the current funding available. It was noted that Adult Care Services need to make £16.6m worth of savings of which £4m would potentially be achieved through this exercise. It was also noted that the questionnaire did have scope to provide comments and these would be included in the overall decision making process at the end of the consultation. In addition to this, the questionnaire would be accompanied by a tailored assessment to detail exactly what the changes would mean for each individual user.

Helen  
Maneuf

3.9 The panel requested that consideration be given to ensuring that the consultation should be shared as widely as possible, for instance in groups or at organisations that were attended by service users, as it was noted that some service users may not be able to access the internet or attend consultation meetings without transport. Ms Maneuf agreed that this would be shared widely, with organisations such as the Carers Café and Age UK. Members learnt that stakeholders had been consulted on the proposals through the Co-Production Board.

3.10 It was noted that the potential number of people that could be part of the consultation was approximately 8,000 although the number of people that pay a charge for social care changes on a daily basis. It was agreed that the latest calculations on the number of people affected would be circulated to Members.

Helen  
Maneuf

3.11 During discussion, additional concern was expressed by Members that by not being able to access these services, there would be increased financial cost generated further down the line for the need for more high level services caused through loneliness and isolation. Frances Heathcote, Assistant Director for Adult Care Commissioning, acknowledged that it was a very emotive topic, but assured Members that combatting isolation and loneliness were one of the department's priorities, and stressed that other mechanisms were in place to ensure the best possible continued outcome for users. Ms Heathcote provided the example of Community First as a key strategy for combatting loneliness and ensuring vulnerable residents are supported to be better connected to their communities. In addition Ms Heathcote provided an example from a recent Bank Holiday weekend, where the transport to take 12 residents to their regular Sunday lunch club was cancelled at short notice and Day care staff, ACS and the provider worked together to provide alternative transport to ensure everyone was able to attend the Sunday lunch club.

3.12 The Chairman agreed with Ms Heathcote's comments and acknowledged that it was clear that this was a difficult issue for Members to hear, but was a necessary decision to take. The Chair stressed that the proposed policy protected the wider interests of

**CHAIRMAN'S  
INITIALS**

.....

service users and carers against the backdrop of the significant financial challenges for adult social care, which is increasingly recognised as a national issue.

### **Conclusion**

- 3.13 Panel discussed the plans of the Director of Adult Care Services to consult on proposed changes to how the council charges for non-residential (community based) adult social care services.
- 3.14 Panel noted that a further report setting out the proposed amendments and the results of the consultation will be brought to Panel and Cabinet at the end of the consultation period, with a view to Cabinet making the final decision any new charging arrangements.
- 3.15 R G Tindall; N A Quinton; K M Hastrick and L A Chesterman did not agree with the recommendations outlined in the paper. The remainder of the panel agreed with the recommendations outlined in the paper.

## **4. ANNUAL ADULT CARE SERVICES COMPLAINTS REPORT 2016/2017**

Officer Contact: Kam Bhangal, Complaints Manager (Tel: 01992 556169)

- 4.1 Members noted the Annual Adult Services Complaints report for 2016/17 detailing the number of compliments and complaints received by Adult Care Services within this period.
- 4.2 The panel were pleased to note a decrease in the number of complaints managed as joint complaints with health partners.
- 4.3 In response to a Member question, it was established that some complainants contact the Local Government Ombudsman (LGO) directly before undertaking the Adult Care Services complaints process as they felt the need to take their complaint to the most senior authority. It was noted that complainants who choose to do this were normally advised by the council and LGO to exhaust the internal complaints system first, but there were occasions where the LGO chose to take up the complaint directly, which is within their jurisdiction to do.
- 4.4 During discussion it was explained that the internal complaints system is not complex and Members attention was drawn to point 8.5 in the annual report which detailed that the LGO found the county council's complaints system to be 'robust and fair'.

**CHAIRMAN'S  
INITIALS**

.....

- 4.5 Members were assured that direct complaints against commissioned service providers, although not included within the report, were still monitored and investigated by Adult Care Services, and Members were reminded that all providers of care services within Hertfordshire had signed up to the Hertfordshire Care Standard, and were expected to meet the standards set out within this, along with any further standards and regulations outlined by the Care Quality Commission (CQC).
- 4.6 In response to a Member question regarding the recurring theme of complaints regarding care charges, it was noted that the complaints team had produced a series of information leaflets and factsheets to respond to the most commonly asked questions in order to try to reduce the number of complaints.
- 4.7 It was agreed that it would be more pertinent to refer to financial 'information' rather than 'advice' within the flow chart under point 10 of the annual report.
- 4.8 **Conclusion:**  
The Annual Adult Care Services Complaints Report 2016/17 was noted by Members

Kam Bhangal

5. **FUTURE DEVELOPMENT OF CARE HOMES IN HERTFORDSHIRE**

Officer Contact: Frances Heathcote, Assistant Director, Community Commissioning (Tel 01992 556343)

- 5.1 Members were asked to consider the paper on the Future Development of Care Homes in Hertfordshire.
- 5.2 It was noted that since the publication of the paper, the Legal Services department had made a minor amend to the recommendation to add the need for the consultation to include the Executive Members for Resources, Property and the Economy and the Director of Resources and Chief Legal Officer. The amended recommendation can be found here:  
  
<http://cmis.hertfordshire.gov.uk/hertfordshire/Calendarofcouncilmeetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/731/Committee/16/Default.aspx>
- 5.3 It was further clarified for Members that contrary to section 4.4 the published report, Richard Cox and not Pinewood was one of the homes on the five homes remaining on the rebuilding programme.

- 5.4 Frances Heathcote, Assistant Director, Community Commissioning, explained that the purpose of the report was to outline to Members the fast growing demand for nursing care accommodation provision within the county, and used the example of delayed discharges which equated to 20-25 delays per week waiting for a nursing care placement. It was also noted that in some parts of the county the Clinical Commissioning Group (CCG) were purchasing nursing beds at a higher rate than that paid by the Local Authority and this has created additional pressure with some nursing homes subsequently refusing to take placements at local authority rates.
- 5.5 Members noted that this changing market required a review of the contract agreed by Cabinet in 2005 and 2008 outlining the 15 year plan for the provision of residential care, with the recommendation to review the current rebuilding programme and open it up to a wider range of care providers. The two models of how this could be achieved were outlined within the report.
- 5.6 Members noted that this review could potentially affect five care homes within the county that are currently within the redevelopment programme and likely to need extensive development within the next few years.
- 5.7 Members also requested that officers check the figures outlined in point 5.1 of the report as they felt that there would be a higher difference in daily cost between residential and nursing care
- 5.8 In response to Member questions, it was noted that Adult Care Services were also exploring the 'extra care' model of accommodation, as part of the implementation of the 10 year Supported Accommodation Strategy and an update on this would be brought to November's panel.
- 5.9 In addition to this a paper on the workforce development strategy which would strengthen the understanding and ability to meet client need by social care and nursing care colleagues would also be presented at a future Adult Care and Health panel. Members acknowledged that there was a difficulty nationally in the recruitment of nurses.
- 5.10 Subsequent to discussion of the Part II paper, Members were asked to consider the revised recommendations as circulated at the beginning of the meeting.

R G Tindall proposed the following addition to the revised recommendation:

Frances  
Heathcote

'In the consultation process, a mechanism be found to provide for oversight of the Cabinet Panel in decisions going forward'

Further to a vote, this amendment was **REJECTED** by the panel by **eight** votes to **four**.

**Conclusion:**

5.11 Subsequent to discussion of the Part II paper, the following recommendations were **UNANIMOUSLY** agreed by the Panel:

Panel is asked to recommend to Cabinet that Cabinet:

- a. Note and agree to a review of the existing capital funding programme for renovating and rebuilding residential care homes, and that such review to be undertaken by the Director of Adult Care Services in consultation with the Director of Resources and the Chief Legal Officer
- b. Delegates to the Director of Adult Care Services in consultation with the Executive Members for Adult Care and Health and for Resources, Property and the Economy and the Director of Resources and the Chief Legal Officer the authority to consider and implement decisions on the future options for the delivery of the programme referred to in a. above which will result in increased nursing care provision.
- c. Delegates to the Director of Adult Care Services in consultation with the Executive Members for Adult Care and Health and for Resources, Property and the Economy and the Director of Resources and the Chief Legal Officer the authority to develop and improve the nursing care capacity across Hertfordshire to meet service pressures.

**6. OTHER PART I BUSINESS**

There was no other Part I business.

**KATHRYN PETTITT**  
**CHIEF LEGAL OFFICER**

**CHAIRMAN** \_\_\_\_\_

**CHAIRMAN'S**  
**INITIALS**

.....