

# Minutes



To: All Members of the Health Scrutiny Committee, Chief Executive, Chief Officers, All officers named for 'actions'

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

## HEALTH SCRUTINY COMMITTEE TUESDAY 3 JULY 2018

### MINUTES

#### ATTENDANCE

#### MEMBERS OF THE COMMITTEE (20) - QUORUM 7

##### COUNTY COUNCILLORS (10)

S Brown; E H Buckmaster; M A Eames-Petersen; L J Greensmyth; F Guest; J S Hale (*substituting for R G Tindall*); D Hart; D J Hewitt; S Quilty (*Chairman*); M A Watkin (*substituting for C J White (Vice Chairman)*);

##### DISTRICT COUNCILLORS (10)

J Birnie (Dacorum); P Cousin (St Albans); S Deakin-Davies (*substituting for J Green (North Herts)*); K Hastrick (Watford); D Lambert (Hertsmere); M Mckay (Stevenage); G Nicholson (Broxbourne); A Scarth (3 Rivers); N Symonds (East Herts)

#### OTHER MEMBERS IN ATTENDANCE:

Upon consideration of the agenda for the Health Scrutiny Committee meeting on Tuesday 3 July 2018 as circulated, copy annexed, conclusions were reached and are recorded below.

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

#### PART 1 ('OPEN') BUSINESS

##### 1. MINUTES

- 1.1 The minutes of the meeting of the 9 May 2018 were agreed and signed by the Chairman.

#### CHAIRMAN'S INITIALS

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**2. PUBLIC PETITIONS**

2.1 None received.

**3. INDUCTION TO HEALTH SCRUTINY COMMITTEE**

Officer Contact: Natalie Rotherham, Head of Scrutiny (Tel: 01992 588485)

3.1 Natalie Rotherham, Head of Scrutiny, presented a comprehensive induction package to the Health Scrutiny Committee with the purpose of ensuring that Members were fully briefed on the purpose and remit of the Health Scrutiny Committee and fully understood the role and expectations of them as Members as part of the Committee, and how they needed to work make the scrutiny process effective.

3.2 **CONCLUSION:**  
Members noted the induction package for the Health Scrutiny Committee.

**4. LEARNING DISABILITY NURSING SERVICE UPDATE**

Officer Contact: Sue Darker, Operations Director Adults with Disabilities & Mental Health; (Tel: 01992 588820)

4.1 Members considered an update report on the nursing service for adults with a learning disability, jointly provided by the council and Hertfordshire Partnership Foundation Trust (HPFT).

4.2 It was confirmed that tackling childhood obesity was high on the agenda for the nursing service, given the links to diabetes diagnosis. It was established that there was a specific cohort of staff assigned to this.

4.3 Following Member questions the committee was assured that the division of bed availability for male and female patients in the Specialist Residential Unit (SRS) was proportionate to the numbers needed.

4.4 The committee was advised that Adolescent Metallization Based Integrative Therapy (AMBIT) was not currently being used to treat adult patients with personality disorders.

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INITIALS**

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- 4.5 Members noted the challenges of recruitment and retainment of staff faced by the service, and acknowledged that the cessation of student bursaries has had an impact. It was noted that overall HPFT have a 19% vacancy rate with a 21% vacancy rate being recorded in the Learning Disabilities Team. This consistent with other learning disability teams around the country.
- 4.6 Assurance was received that work was ongoing to explore and develop new pathways for recruitment of Learning Disability Nursing staff.
- 4.7 Members were pleased to note the success of the Purple Star strategy project which provided a visual aid for primary and secondary health staff to understand the need for reasonable adjustments to be made for a patient with learning disabilities.
- 4.8 A Member suggestion that this strategy could be further discussed with and adopted by Hertfordshire Constabulary. It was noted that there is currently a good relationship and work being undertaken between HPFT and the police with regards to understanding and managing people with learning disabilities. Officers will take the member suggestion forward in discussion with the Constabulary.
- 4.9 The committee were pleased to learn of the success of the 'pop up' reminders for GPs for the administration of flu vaccines for patients with Learning Disabilities, which all GPs in the county have signed up to. Members learnt that flu vaccines for people with Learning Disabilities can be administered via a nasal spray which is less traumatic for patients.
- 4.10 Members discussed the progress made with regards to the Stop the Overmedication of People with Learning Difficulties (STOMP) programme, and noted the success of the programme to date.
- 4.11 It was acknowledged that work needed to continue with regards to the earlier identification of children and young people who have learning disabilities and providing fast track support for children and young people who have received a late diagnosis of learning disabilities.

Sue Darker

**CONCLUSION:**

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4.12 The committee noted the Learning Disability Nursing Update report.

## 5. HEALTH & WELLBEING BOARD UPDATE

Officer Contact: Ed Knowles – Assistant Director, Health Integration (Herts Valleys)

5.1 Members were advised that due to a Local Government Association Peer Review taking place, officers scheduled to present the report had advised that they were unable to attend the meeting.

5.2 The Committee agreed that discussion on the report be deferred to a future meeting of the Health Scrutiny Committee.

### CONCLUSION:

5.3 The committee agreed that the report on the Health & Wellbeing Board should return to Health Scrutiny Committee at a later date.

Natalie  
Rotherham

## 6. NASCOT LAWN UPDATE

Officer Contact: Simon Banks Assistant Chief Legal Officer  
(Tel: 01992 555638)

**Notification of a Declarable Interest:** N Symonds declared that she was a parent carer, but not of a service user of Nascot Lawn. No vote was undertaken on the agenda item and Cllr Symonds was permitted to participate in the debate.

6.1 Further to a request from a committee member, the Chairman agreed to providing an opportunity for one of the parent carers attending to contribute to the meeting.

6.2 The Chairman invited the Operations Director for Specialist Services to provide the committee with an update on the work that had been undertaken by Children's Services. The Chief Executive of Herts Valleys CCG (clinical commissioning group) and the Director of Operations, Hertfordshire Community NHS Trust (HCT) also contributed to the discussion.

6.3 Members were advised that 41 children and young people had required transition from Nascot Lawn. Of these, 18 children and young people were now either using another respite

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setting or their families had stated they no longer required the short breaks service. Six of the children and young people were part way through transitional arrangements and it was anticipated that these would be completed in July 2018. Another six of the cohort would have their transitional arrangements completed in August 2018, with a further seven scheduled to have their transitional arrangements completed in the autumn. A further two children and young people were undertaking transition to Adult Care Services.

- 6.4 Of the remaining two children and young people, officers were in discussion with the family of one service user with regards to alternative provision. Members learnt that the remaining service user had very complex health needs and bespoke arrangements were being negotiated with the family and Herts Valleys Clinical Commissioning Group (HVCCG) to ensure that the transitional package was appropriate for the child's needs
- 6.5 Further to Member concern, assurance was received that alternative arrangements for the children and young people not being transitioned until August or the autumn were in place. Explanation was provided as to how eight priority factors had been used in the deciding which children and young people would be transitioned when and in which cohort. Members were advised that officers from across the partnership met on a fortnightly basis to discuss each child or young person being transitioned on an individual basis. Assurance was also received that any decision made was not financially driven and was based on the best interests of the child.
- 6.6 It was further noted that the difference in numbers of children detailed verbally in the meeting from that provided in the written supplementary report from HVCCG was due to the figures being updated to reflect the current position.
- 6.7 During discussion concern was expressed that the three alternative respite centres in the county did not have nursing cover. It was noted that in order to meet any medical need the individual child or young person may have, care staff were receiving both generic and bespoke training for the children transitioning. HCT is providing training specific for each child or young person being transitioned. It was stressed that any child or young person assessed as needing continuing health care would receive nursing care.
- 6.8 Children's Services have commissioned an additional 220 hours at West Hyde respite centre to meet the needs of children and young people being transitioned from Nascot

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Lawn. Of the 220 hours, 135 hours had currently been allocated. In addition, generic and bespoke equipment had been obtained to meet the children's needs.

- 6.9 The committee heard that in order to meet the workforce requirement for the additional hours commissioned, three extra members of staff were needed at West Hyde, and a rolling advertisement for staff was currently in place to recruit to these positions.
- 6.10 In addition, Members learnt that a planning application was scheduled to be submitted to Three Rivers Council in July 2018 to extend the building at West Hyde to create two extra bedrooms. It is anticipated that the building work will be completed by March 2019.
- 6.11 In response to a Member challenge it was acknowledged that the children and young people were not receiving the level of respite as per their assessments; although they were receiving the same level of respite that they had been receiving since the reduction in respite hours available at Nascot Lawn. Members were advised that partners were committed to ensuring that all children would receive their full respite entitlement within 12 months. It was acknowledged by all partners that the current arrangements had resulted in a period of instability for parents and the children and young people subject to transition.
- 6.12 During discussion, it was established that the Section 75 agreement as discussed in previous meetings of the Health Scrutiny Committee, had not yet been finalised and was currently subject to review by the council's legal team. It was established that once confirmed the Section 75 would be a legally binding agreement.
- 6.13 In response to a Member request it was agreed that officers would provide details of the number of carers who had received medical training and the detail of the bespoke and generic training they had received.
- 6.14 In response to a direct Member question, officers from the council's Children's Services, Legal Services, HVCCG and HCT unanimously agreed that they believed that a referral to the Secretary of State for Health & Social Care, as discussed in previous meetings, would at this stage result in the current transitioning arrangements being disrupted. This would add further delay and distress to the children, young people and their families.

Marion  
Dunstone/M  
arion  
Ingram

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- 6.15 In response to Member concern about the welfare of the parent carers, it was established that existing parent carers were entitled to request a carer's assessment at any time.
- 6.16 It was further established that any new referrals of a child or young person would be assessed to ascertain the level of need.
- 6.17 The Chairman invited one of parent carers in attendance to address the committee. The Chairman stressed that he would not permit the committee to raise any questions further to the contribution.
- 6.18 Members heard that parent carers believe that it was crucial for the children and young people to have nursing led respite care, as they thought it was unfair to place the responsibility for nursing care on care staff. Members were provided with an example of a case where a child, who was not eligible for continuing healthcare, had to be taken to hospital whilst in alternative respite provision as the carers in the centre were unable to meet his medical requirements. It was also heard that parent's perception was that community nursing care provision was inconsistent and difficult to receive.
- 6.19 It was stressed that whilst not all children may qualify for continuing health care, their health needs fluctuate on a daily basis.
- 6.20 It was stressed to Members that parents were continuing advocate a referral to the Secretary of State for Health & Social Care as they considered that the outcome of this would provide a clear outline of the division of responsibility of duties between health and social care.
- 6.21 The committee also heard that although officers had detailed the progress being made in transitional arrangements, the view of the parents was they were not happy with the alternative arrangements, and had only agreed to them as they perceive that they had no alternative but to do so.
- 6.22 In response to a parental concern as to whether and how the proposed funding from the Section 75 agreement would be ringfenced, assurance was received that it would not be ringfenced and that no decision had yet been made as to how the money would be spent. Parents would be invited to be part of the discussion meetings about the most appropriate way the funding should be allocated.

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6.23 The Chairman thanked all parties for their contribution. The meeting adjourned for 15 minutes to allow the Chairman and Head of Scrutiny and legal officers to discuss a motion and recommendation for the Committee to consider.

6.24 On return from adjournment, the following motion was put to the Committee to consider:

The Committee held a special meeting on 21 March 2018. At that meeting the Committee was not satisfied that the Proposal as put forward by Herts Valleys Clinical Commissioning Group (HVCCG) was in the interests of the health service but considered that it may be possible to reach an appropriate agreement with HVCCG

The Committee approved a Motion for the preparation of a Report in accordance with Regulation 23(4) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 setting out the issues considered by the Committee and its Recommendations in relation to:

- a. Transitional arrangements
- b. Financial contribution
- c. Details of nursing available for OSB
- d. Type and nature of legal agreement
- e. Engagement and consultation

The Committee held a further meeting on 9 May 2018 where it was noted that HVCCG had not yet made a decision on the Proposal to withdraw £600,000 of funding for the Nascot Lawn NHS respite Centre as its full Board was due to take place on Thursday 10 May 2018.

On 9 May 2018 the Committee considered that there should be period for further negotiations between the HVCCG and the County Council to try and reach agreement on the Recommendations, following which full Council could consider, whether it should exercise the power under Regulation 23(9) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to refer the Proposal to the Secretary of State.

On 9 May 2018 HVCCG wrote to the Chairman of the Committee agreeing with the majority of the Recommendations

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made by Committee at the special meeting on 21 March 2018. HVCCG accepted the need to ensure that the arrangements for the proposed Overnight Short Break Service and its contribution to it should be set out in a formal section 75 NHS Act 2006 agreement

On 10 May 2018 HVCCG considered the Proposal at its full Board meeting (held in public) and decided to withdraw £600,000 of funding for Nascot Lawn.

Negotiations between HCC Children's Services, HVCCG and East & North Herts Clinical Commissioning Group are currently ongoing to ensure that the Committees' Recommendations are fully taken into account in the final section 75 NHS Act 2006 Agreement.

#### The Committee

- 1) is disappointed by the manner in which HVCCG have dealt with the issue of the Nascot Lawn funding, particularly the manner in which it engaged with the users of Nascot Lawn and partner agencies;
- 2) notes that there is ongoing work to ensure that all the children and families using Nascot Lawn are fully transitioned to alternative respite provision;
- 3) notes that there are continuing negotiations on the section 75 NHS Act 2006 agreement;
- 4) considers that, as progress is being made towards agreement with the Recommendations of the special scrutiny meeting held 21 March 2018, it is not appropriate to recommend to full Council that it should exercise the power under Regulation 23(9) of The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 to refer the Proposal to the Secretary of State;
- 5) that, in order to ensure that the Committee's Recommendations of 21 March 2018 are fully taken into account, a topic group be established to scrutinise and report back to Committee as soon as reasonably practicable:
  - (a) the negotiations and final agreement of the section 75 NHS 2006 Agreement;

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- (b) the progress of transition of the children and families currently using Nascot Lawn to alternative respite settings;
  - (c) the establishment and development of the Overnight Short Break Service for Children in Hertfordshire - to ensure that that service fully meets the health (as well as social care) needs of the children and families accessing respite care;
- 6) considers that the Chairman should write to Simon Stevens, Chief Executive, NHS England, to be copied to the Secretary of State for Health for England, to set out the Committee's concerns about the manner in which HVCCG conducted itself throughout the process since reaching its original decision to withdraw funding in January 2017.

6.25 The motion was proposed by M Watkin and seconded by J Birnie and unanimously agreed by the rest of the committee.

6.26 **CONCLUSION:**

The motion outlined at 6.24 of these minutes was unanimously agreed by the committee. The Chairman and the Head of Scrutiny agreed to carry forward the recommendations outlined in the motion and report back to the committee as appropriate.

Seamus  
Quilty/Natalie  
Rotherham

7. **SCRUTINY OF THE NHS QUALITY ACCOUNTS 2018/19 FEEDBACK**

Officer Contact: Natalie Rotherham, Head of Scrutiny (Tel: 01992 588485)

7.1 The Committee were provided with a summary of the feedback from the scrutiny of the NHS Quality Accounts 2018/19.

7.2 The committee noted the report.

7.3 **CONCLUSION:**

Members noted the report and agreed that consideration should be made to training of group chairs in advance of the next annual scrutiny.

Natalie  
Rotherham

**CHAIRMAN'S INITIALS**

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**8. PROPOSED ANNUAL SCRUTINY OF CLINICAL COMMISSIONING GROUP FINANCES 2019/20**

Officer Contact: Natalie Rotherham, Head of Scrutiny (Tel: 01992 588485)

8.1 Members were provided with a report detailing the finance questions to which clinical commissioning groups (CCGs) will respond and the proposed format for the committee.

8.2 Members noted the report.

**CONCLUSION:**

8.3 Members agreed the proposals for its scrutiny of the CCGs finances for 2019/20

8.4 Members agreed the proposed finance questions for its scrutiny of the CCGs finances for 2019/20.

**9. WORK PROGRAMME UPDATE**

Officer Contact: Natalie Rotherham, Head of Scrutiny (Tel: 01992 588485)

9.1 Members were provided with an update on the ongoing work programme

9.2 Members noted the report.

9.3 The Committee agreed to the addition of a Short Breaks Topic Group to the work programme as discussed earlier in the meeting.

Natalie Rotherham

**CONCLUSION:**

9.4 Members noted the work programme update and agreed to the addition of a Short Breaks Topic Group as discussed earlier in the meeting.

Natalie Rotherham

**10. OTHER PART I BUSINESS**

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Such Part I (public) business which, if the Chairman agrees, is of sufficient urgency to warrant consideration.

10.1 No other Part I business was recorded.

**11. ITEMS FOR REPORT TO THE COUNTY COUNCIL  
(STANDING ORDER SC7(2))**

11.1 A summary of these items will be reported to County Council.

Natalie  
Rotherham

**KATHRYN PETTITT  
CHIEF LEGAL OFFICER**

**CHAIRMAN.....**

**CHAIRMAN'S  
INITIALS**

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