

## **PARTNERSHIPS SCRUTINY COMMITTEE**

Minutes of a meeting of the Partnerships Scrutiny Committee held in Conference Room 1a, County Hall, Ruthin on Thursday, 20 September 2018 at 10.00 am.

### **PRESENT**

Councillors Joan Butterfield, Jeanette Chamberlain-Jones (Chair), Gareth Davies, Hugh Irving, Pat Jones, Christine Marston, Melvyn Mile, Andrew Thomas, Rhys Thomas, David Williams and Emrys Wynne

Observer : Councillor Alan James

### **ALSO PRESENT**

Corporate Director: Communities (NS), Head of Community Support Services (PG), Team Manager: Safeguarding (NT), Commissioning Officer – Carers Services (CW), Scrutiny Co-ordinator (RhE) and Committee Administrator (SJ)

#### **1 APOLOGIES**

Apologies of absence were received from Councillor Bobby Feeley, Lead member for Well-being and Independence.

#### **2 DECLARATION OF INTERESTS**

Councillor Emrys Wynne and Councillor Joan Butterfield declared personal interests in agenda item 5- Annual report of safeguarding adults in Denbighshire 1st April 2017 – 31<sup>st</sup> March 2018.

#### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters were raised.

#### **4 MINUTES OF THE LAST MEETING**

The minutes of the Partnerships Scrutiny Committee meeting held on the 28 June 2018 were submitted.

***RESOLVED** that the minutes of the Partnership Scrutiny Committee held on the 28 June 2018 be received and approved as a correct record.*

#### **5 ANNUAL REPORT ON SAFEGUARDING ADULTS IN DENBIGHSHIRE 1ST APRIL 2017- 31ST MARCH 2018**

In the absence of the Lead Member for Well-being and Independence the Head of Community Support Services introduced the Team Manager: Safeguarding's Annual Report on Safeguarding Adults in Denbighshire for the period 1<sup>st</sup> April 2017

to 31<sup>st</sup> March 2018, copies of which had been published and circulated in advance of the Committee's meeting.

During his introduction the Head of Service informed members that the report, the format of which had been amended in line with previous suggestions made by the Committee, outlined the legislative requirements relating to safeguarding, the improvements achieved during the year in relation to the consistency and quality of safeguarding work and the processes in place to address any safeguarding concerns brought to the Council's attention, along with details of the number of referrals received in the county during 2017-18. As in previous years, and in line with the national trend, the number of adult protection referrals had increased during 2017-18. Nevertheless the 8% increase in 2017-18 in comparison to 2016-17 was considerably less than the increase of 48% recorded in 2016-17 compared to 2015-16. The Head of Service detailed the safeguarding 'headlines for 2017-18' listed in the report advising members that in response to concerns raised by Care Inspectorate Wales (CIW) on the quality of strategy meeting minutes and their potential to provide a sufficient audit trail, significant improvements had been made in relation to this aspect of the work, with minutes now including evidence of formal outcomes and action plans with agreed timescales for completion being produced.

The Head of Service assured the Committee that the Council's performance against the only national performance indicator (PI) relating to adult safeguarding – the number of enquiries completed within 7 working days – which stood at 67% was not the 'best' or 'worst' performance in Wales. He emphasised that this indicator encompassed all aspects of dealing with the enquiry, including the conclusion of all administrative tasks which was to an extent dependent upon partner organisations completing their paperwork and submitting them to the Council on time. It was important to understand that, whilst the Council's performance in relation to the PI did not seem that good, the Council's priority was to ensure the safety of the vulnerable individual. If there was evidence to suggest that an individual was at risk of any type of harm, action would be taken on the day the evidence came to light. Prior to responding to members' questions the Head of Service explained the Deprivation of Liberty Safeguards (DoLS) requirements and the potential implications of the reform proposed in the new UK Mental Capacity (Amendment) Bill (MCA Bill) on DoLS, which will see them replaced with a scheme which will be known as the Liberty Protection Safeguards. Denbighshire's performance in relation to DoLS activity during 2017-18 was in line with other Welsh local authorities. He also expanded on the Council's key objectives in relation to adult safeguarding for the current reporting year.

Responding to the Committee's questions the Head of Service and the Team Manager: Safeguarding:

- confirmed that the introduction of the Social Services and Wellbeing (Wales) Act 2014 and its associated processes in relation to safeguarding had probably contributed to the increase in the number of safeguarding referrals in recent years. It was also widely accepted that public knowledge and perception of what constituted a violation of a vulnerable person's life and their rights had also led to an increase in referrals;
- advised that the 'quality' of an adult safeguarding referral to the Council could also affect the Authority's ability to meet the 7 working day deadline for

concluding an enquiry, as the provision of insufficient information required additional enquires to be initiated prior to the investigation commencing. Any suggestion that a criminal act had taken place would require the Police to conclude their investigation before the Council could complete its inquiry. Consequently, the 7 day target would not be met, particularly in complex cases and those which involved partner organisations. Nevertheless, safeguarding actions will have been initiated to move the vulnerable person out of harm's way if there was any initial evidence to suggest that they were subject to any type of abuse e.g. physical, mental, emotional, financial etc.;

- informed members that the Council was committed to improving performance against the Welsh Government's (WG) PI and was aspiring to complete 85% of enquiries received within the 7 working day target, in comparison to the current 67% and where that was not possible the robust recording mechanism put in place would clearly capture the reasons for non-compliance with the PI. All authorities acknowledged that 100% compliance within the 7 working day target would never be achievable due to the complexities and nature of the work involved. Nevertheless, the North Wales Safeguarding Board whose membership comprised of representatives from all agencies dealing with safeguarding issues was committed to improving performance and facilitating better and speedier working relationships between agencies. With a view to realising this ambition it had published a guidance to agencies on how they could work together to improve performance and deliver better outcomes for vulnerable individuals who were at risk;
- confirmed that whilst one of the case studies included in the report focussed on an allegation of financial abuse in relation to a 'lasting Power of Attorney', this type of abuse was no more prevalent in recent years than it was some years ago;
- reassured members that the fact that 'paid employees' accounted for 69% of the individuals who had allegations of abuse of vulnerable adults made against them was not alarming, as 'paid employees' worked in a closely regulated service which had stringent procedures to follow if an allegation was made. These employees at times supported their clients in intimate situations therefore were more at risk of allegations being made against them. Each allegation was thoroughly investigated. If patterns of allegations or concerns were identified the Council's Commissioning Staff would place the providers into escalating concerns status and monitor them closely. Until such time as any shortcomings had been rectified the Council would not place new residents into those establishments or commission any further services from that provider;
- confirmed that if an allegation of abuse against a carer or healthcare provider member of staff had been proven Disclosure Barring Service (DBS) checks would debar them from being employed in the care and health service sector in future. A nationwide registration system for all care workers was due to be launched shortly. Under this system any care worker who had allegations of abuse proven against them would lose their registration and would therefore be unable to be employed in the sector for the duration of their registration ban;
- advised that whilst there would never be sufficient monies available to enable the Service to deliver all it wanted to deliver, it was nevertheless

better resourced staff-wise now than in recent years, more contract monitoring staff were employed and teams were working together better in a bid to safeguard vulnerable residents; and

- confirmed all local authority and private residential or nursing homes were inspected regularly and rigorously by Care Inspectorate Wales (CIW) who would as part of the inspection process identify any shortcomings or irregularities, including those associated with their recruitment processes.

At the conclusion of the discussion the Committee:

**Resolved:**

- (i) subject to the above observations to acknowledge the important nature of a corporate approach to the safeguarding of adults at risk, and the responsibility of the Council to view this as a key priority area and place it alongside the commitment and significance given by Denbighshire to safeguarding children at risk;***
- (ii) that future annual reports also include case studies to which satisfactory solutions were not found in addition to those to which satisfactory outcomes were realised; and***
- (iii) that, in due course, an Information Report be prepared and circulated to Committee members on the contents of the Mental Capacity (Amendment) Bill, and its implications for the Council and residents***

At this juncture (10.35 a.m.) there was a 10 minute break

The meeting reconvened at 10.45 a.m.

## **6 PROVISION OF RESPITE CARE ACROSS DENBIGHSHIRE**

In the Lead Member's absence the Head of Community Support Services introduced the Commissioning Officer: Carers Services report (previously circulated). The report, provided in response to a request from the Committee, outlined the provision and availability of respite services for Denbighshire citizens who had care and support needs to enable their carers to receive periods of respite. Both the Head of Community Support Services and the Commissioning Officer: Carers Services, as part of their introduction:

- explained the definition of 'respite' in the context of adult social care;
- gave an overview of the respite provision available for adults aged 18 years and over, which included older people and people with complex physical and/or learning needs;
- highlighted the emphasis placed on carers and carers needs in the Social Services and Well-being (Wales) Act 2014 (SSWB (Wales) Act) and the responsibilities placed on individuals and local authorities under the Act to meet carers' needs;

- outlined Denbighshire's approach towards meeting the Act's requirements and adhering to its ethos in relation to carers' services; and
- gave an overview of the demographic and commissioning challenges faced by the Council in a bid to comply with the legislative requirements, along with information on the work underway regionally in a bid to meet those needs via sustainable integrated services across North Wales.

Denbighshire was fully committed towards supporting carers in the county to the best of its ability. This commitment was reinforced by the inclusion in the Corporate Plan, under the Resilient Communities priority, of an ambition to "ensure all carers in Denbighshire are well supported". With a view to delivering this goal a Carers Strategy and cross-service action plan had been drawn up to ensure that all services were able to identify carers and support their needs as part of their everyday business.

Responding to members' questions officers:

- advised that it was estimated there was circa 11,600 carers (of all ages) across the county;
- advised that not every 'carer' considered themselves to be a 'carer', a significant number considered it to be their 'duty' to care for a family member. Some of these individuals did not wish to have a 'carer's assessment' done, and the Act was clear that no one should be compelled to have a carer's assessment. It was the Council's duty to make provision for such assessments for those who wanted them and to promote their availability, the availability of carers services and the ethos of the Act to residents;
- acknowledged that not all carers were content with the services available to them, despite this a number were extremely reluctant to inform the Council about the types of services which they would find useful;
- emphasised that 'carers assessments' were no longer complex form filling exercises, they now centred around a 'What Matters' conversation with the carer with a view to exploring what outcomes they desired and how best to achieve those outcomes;
- advised that respite provision was not confined to the 'cared for' person having to enter a residential or nursing home for a specified period of time, they could be cared for in a number of different settings including within their own home, extra care provision, sitting services, day services. Appendix 3 to the report listed the current models of respite care services available across Denbighshire. The types of provision and services available, including flexible services, changed on a regular basis in order to meet individual choices and demands;
- confirmed that a regional group of officers and stakeholders were currently exploring how best to deliver respite services for 'cared for' people with complex needs, mainly complex health needs. The Health Service would generally fund these type of respite services under their duty of care under the Act;
- assured the Committee that all Council employed social care staff had received training on the SSWB (Wales) Act 2014 and its requirements in relation to social care services. The Health Board should have also provided similar training to its staff in relation to the Act;

- advised that Carers Assessors would generally use the 'What Matters' conversation method for assessing a carers needs. However, if it transpired that the carer's needs were greater than could be effectively determined by using the 'What Matters' approach, with the carer's permission a more detailed Carer's Support Plan Assessment would be undertaken;
- advised that the most recent North Wales Social Care and Well-being Needs Assessment had estimated that approximately 10% of school children were 'young carers'. However, officers were of the view that the actual number of school age carers was higher. The Council's Education and Children's Services had processes in place to try and identify 'young carers' via the schools with a view to ensuring that adequate and sufficient support was available to them to ensure their educational and social outcomes were achieved. An information report specifically on 'Young Carers' would be compiled and circulated to the Committee;
- confirmed that the Council, as part of its Corporate Plan commitment, was actively exploring innovative ways of meeting the growing demand for carers' support services despite budgetary constraints. The Integrated Care Fund (ICF) contained a specific element of funding for carers' services and there was a separate Carers Grant available from the WG which the Council could draw upon. Part of the new approach to Carers Services was the entire family concept, which meant that the cared for and carer's immediate family formed part of the assessment with a view to ensuring that the provision met everyone's needs and supported the family unit;
- confirmed that legislation obliged local authorities to identify the needs of carers and to support the meeting of the identified needs;
- advised that whilst the Council had agreed to protect the social care budget against any cuts for the 2019-20 financial year, the Service would still need to meet inflationary costs and staff pay increases from within its allocated budget;
- advised that the aims of the SSWB (Wales) Act 2014 were very much in line with the Council's vision for social care in the future, which was to support and enable individuals to achieve better outcomes and live independently for as long as possible. The models of respite listed in Appendix 3 to the report reflected the diverse needs of carers and those they cared for. The types of respite provision available and commissioned changed on a regular basis as the assessment conversation focussed on the carers' needs, their desired outcomes and how those outcomes could be met. Part of that conversation included exploring what resources they had both financially and within their community to realise the desired outcomes;
- confirmed that the vacancy numbers in care homes in the county (Appendix 5 to the report) fluctuated on a regular basis;
- confirmed that in the past 'respite care' had generally entailed the 'cared for' person going into residential or nursing care for specific period of time. This was no longer the case, whilst the 'cared for' could enter a residential or nursing home for a period of respite if they wished, there were a variety of other types of respite services available in the community to meet both their and their cares' needs;
- advised that the availability of community-based services, such as the one operated by volunteers at Capel y Waen near St. Asaph, were well run and attended. Whilst the Council did provide the operators with an annual grant

payment it was considerably less than what it would cost the Council to operate a similar service;

- advised that if a crisis situation arose in relation to a carer and/or the person they cared for the Council would respond immediately. Whilst it could not guarantee that the 'cared for' person or carer could receive the desired services immediately the 'cared for' person would have their needs responded to as a matter of urgency and the desired services would be sourced as soon as practically possible;
- confirmed that whilst carers had a right to receive a 'carer's assessment' and to seek identified needs to be met, the 'cared for' person also had to consent for alternative care to be provided for them; and
- gave an overview of the national charging policy for social care services, advising that the Council could only charge an individual who was not in permanent residential care up to £80 per week for social care services provided to them. The £80 per week figure was set nationally by the WG. They undertook to circulate a website link to all Committee members to the Council's social care charging policy.

Prior to concluding the discussion the Chair congratulated officers on the 'Support Budgets' information leaflet (Appendix 2 to the report) which in the Committee's view was very clear and user-friendly. On the Committee's behalf she also thanked the Commissioning Officer: Carers Services for her dedication to carers in the county and for her service to the Council and wished her all the very best in her imminent retirement. The Committee:

**Resolved: subject to the above observations to –**

- (i) acknowledge the range and availability of respite services provided in Denbighshire to support individuals with care and support needs, and their Carers, within the context of current legislation and demographic changes;***
- (ii) continue to support and promote the development of support for Carers in order for Denbighshire Community Support Services (CSS) to meet its statutory obligations in regard to Carers, and to support the Council in delivering its corporate priority of developing resilient communities; and***
- (iii) request that an Information Report be prepared and circulated to Committee members detailing the number of known young carers across the county and outlining the services and support available to them via Education and Children's Services and other Council services, along with the work being undertaken corporately with a view to supporting young carers in line with the ambition laid out in the Corporate Plan and identifying 'hidden' young carers to offer them appropriate and sufficient support.***

## **7 SCRUTINY WORK PROGRAMME**

The Scrutiny Co-ordinator introduced the report (previously circulated) seeking Members' review of the Committee's work programme and providing an update on relevant issues.

A copy of the "Member's proposal form" had been included in Appendix 2. The Scrutiny Co-ordinator requested that any proposals be submitted to herself. The Cabinet Forward Work Programme had been included as Appendix 3, the table summarising recent Committee resolutions, advising on progress with their implementation, had been attached as Appendix 4.

The Scrutiny Co-ordinator confirmed a special committee meeting had been scheduled for October 1<sup>st</sup> 2018. Members were reminded that representatives Betsi Cadwaladr University Health Board (BCUHB) would be in attendance to answer questions relating to the recently published reports on the Tawel Fan Ward. Members asked that a link to previous reports be circulated prior to the meeting.

***RESOLVED*** that subject to the above, the Forward Work Programme be approved.

## **8 FEEDBACK FROM COMMITTEE REPRESENTATIVES**

No feedback from committee representatives were raised.

Councillor Emrys Wynne took the opportunity to welcome back Councillor Jeanette Chamberlain-Jones as Chair following her absence.

The Chair thanked all members for their wishes and thanked Councillor Emrys Wynne for overseeing the role of Chair during recent months.

The meeting concluded at 11.45 a.m.