

Minutes of the Adult Social Care Select Committee

Thursday 7th September, 2023 at 6.00 pm
At Saltwells Education Development Centre, Bowling Green
Road, Netherton

Present:

Councillor L Johnson (Chair)
Councillor J Elliott (Vice-Chair)
Councillors R Collins, T Crumpton, A Davies, M Hanif, A Hopwood, A Qayyum,
C Sullivan and E Taylor.

Dudley MBC Officers:

M Bowsher (Director of Adult Social Care), D Phillipowsky (Head of Adult Mental Health) (Directorate of Adult Social Care), M Spittle (Head of Access and Prevention, Commissioning, Performance and Complaints), L Weaver (Assistant Team Manager – Blue Badge and Business Support Service), T Curran (Complaints Manager) and H Mills (Senior Democratic Services Officer) (Directorate of Finance and Legal).

Also in attendance:

Councillor M Rogers (Cabinet Member for Adult Social Care)

9 Apologies for Absence

Apologies for absence from the meeting were submitted on behalf of Councillors S Bothul and P Lowe.

10 **Appointment of Substitute Member**

It was reported that Councillor E Taylor had been appointed to serve as a substitute Member for Councillor P Lowe, for this meeting of the Committee only.

11 **Declaration of Interest**

No Member made a declaration of interest in accordance with the Members' Code of Conduct.

12 **Minutes**

That the minutes of the meeting held on 13th July, 2023, be confirmed as a correct record and signed.

13 **Public Forum**

No issues were raised under this agenda item.

14 **Improvement priorities for adult social care mental health in Dudley Borough**

Members considered a report of the Director of Adult Social Care which provided an overview of improvement priorities for adult social care mental health in Dudley.

The Head of Adult Mental Health outlined the key improvement priorities, in particular referring to the work that had been undertaken to refocus on early intervention and prevention, with clear criteria, and entry and exit pathways into services established, which was compliant with the Care Act and was strength-based.

It was reported that teams would work with people to determine their individual needs, whom would then be signposted to the most relevant service that would meet their needs. The need to work co-productively and innovatively with local communities and in partnership with external agencies was emphasised to provide better preventative services, which would lead to better outcomes for those that use the services.

Alternative ways of accessing services had been explored, in particular, the use of technology to allow users to interact online, as well as in person, to maximise the offer and to reach as many people as possible with limited resources.

In referring to the Approved Mental Health Professionals (AMHP) Services, it was reported that the service had been reconfigured to maximise resources and the training offer available had been enhanced with six places available for the current academic year. The team consisted of five full time AMHP's with a further two positions currently advertised to ensure the team was more resilient. A permanent AMHP Team Manager post had also been established, and the vacancy would be filled imminently. New policies and procedures had been updated, implemented and communicated across the team, as well as published on the webpage. Training on Mental Health Services would be provided to all employees, to enhance their knowledge of the Care Act and interactive working.

As part of the comprehensive review of the workforce, key risks in compliance with statutory frameworks were identified, which included Section 117 reviews. Section 117 reviews are shared responsibility between the Local Authority and Health providers. It was reported that there were currently 953 cases identified that would be subject to Section 117 of the Mental Health Act, who were entitled to aftercare services to help prevent readmission to a psychiatric hospital. Work was ongoing to improve partnerships with health colleagues and to develop a joint review system to ensure the legal duty was met. Weekly meetings were currently held, and the risk had been recorded on the Local Authority's Risk Register. It was reported that Dudley was participating in a joint pilot project with Black Country Healthcare NHS Foundation Trust to strengthen data and increase joint reviews of Section 117 cases and it was anticipated that a draft policy would be in place by the end of the year, followed by a significant increase in review activity.

Following the presentation of the report, Members asked questions, made comments and responses were provided where appropriate as follows:-

- a) In response to a comment made with regard to Section 117 compliance, it was commented that whilst there were in excess of 700 Section 117 cases in the Borough, many of which may no longer necessarily require access to Mental Health services as their condition could be stable, nonetheless it was a legal requirement for a written policy to be in place. The need for all Section 117 reviews to be treated sensitively was emphasised. Anyone who needed support in the meantime could access help from the Adult Social Care Mental Health Team.
- b) The Head of Mental Health confirmed that Woodside Centre had reopened on 21st July, 2023 as planned, with only one concern received from a former user of the provision. Feedback from users of the service would likely be available from December 2023, following completion of the first twelve-week programme and would be submitted to the Committee accordingly. All feedback would be reviewed, and changes to the eligibility criteria and process would be implemented if required.
- c) In responding to comments and concerns raised by Councillor A Davies with regards to the use of technology to allow users to interact online and how far this would be progressed, Members were assured that the use of technology would be used in cases where there may be a temporary delay in a person accessing the twelve week programme, as an interim measure, or for those users who may find it difficult or experience high anxiety to attend face to face sessions straight away. There was no intention to make technology a default provision in its own right and would be used as one of a range of options.
- d) In response to a question raised by Councillor E Taylor it was stated that the number of individuals in each twelve-week programme group would depend on the individuals and the dynamics of the group, although it was recognised that the numbers needed to be sufficient for the groups to be effective.

- e) Councillor T Crumpton expressed concern with regards to staffing resources and budgets allocated to the service. He expressed concern of staff lone-working and the long hours staff were required to work to deliver services. Assurance was requested with regards to employee's safety when conducting home visits and if support was provided from other Directorates. In response, the Head of Mental Health stated that primary focus was on working smarter and collaboratively with health partners, in particular Black Country Healthcare NHS Foundation Trust to alleviate duplication and to ensure existing resources were used efficiently and effectively. It was considered that there were no reasons as to why joint visits could not be undertaken to alleviate sole working and to provide holistic intervention. The Council has a lone worker policy to enable safe working practices for lone workers.
- f) In responding to a further comment from Councillor T Crumpton as to how elected Councillors could support the team and help capture community and voluntary services that may be able to provide support, the Director of Adult Social Care advised that the Dudley Community Information Directory provided details on services available within the Borough. Should any Member be aware of any further services available which were not included, these could be shared directly with the Director of Adult Social Care to explore further.
- g) The Director of Adult Social Care commented that the service did the best that it could with available resources. Concerns were raised with regard to a number of Approved Mental Health Practitioners nearing the end of their career and the need for their knowledge and experience to be shared with new employees and for enhanced training to be provided to all staff, however the budget for training was limited. It was recognised that mental health cases had increased, with more high-end complex cases requiring support and it was considered a balancing act to ensure the correct level of care was provided within resource constraints.
- h) Arising from a question from Councillor M Hanif with regards to training, the Head of Mental Health confirmed that training was accredited at university level. Post qualification training on legal updates could be provided by a Barrister, however there was no inhouse training provided.

Resolved

- (1) That the progress in delivering improvement in adult mental health in Dudley, be noted.
 - (2) That the views of the Select Committee be taken into account by the Head of Adult Mental in the ongoing programme of improvement activity.
 - (3) That further work be undertaken to enhance the approved mental health professional provision.
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15 **Blue Badge Fraud, Process and Enforcement**

A report of the Director of Adult Social Care was submitted to provide an update on the process of blue badge applications, fraudulent usage data and trends and enforcement methodology and impact.

Arising from the presentation of the report, members asked questions, made comments and responses were provided as follows:-

- a) Councillor J Elliott referred to the twelve warning letters that had been issued during the reporting period and questioned what constituted a warning. In response, the Assistant Team Manager – Blue Badge and Business Support Service stated that each case was reviewed on its own merit, however an example of a warning may be when an users badge had expired and not renewed, however the individual was still eligible for a blue badge.
- b) In responding to questions raised regarding collaborative working with highways, the Assistant Team Manager – Blue Badge and Business Support Service, confirmed that the team did work closely with the Highways team, who were responsible for permitted parking bays, although it was reported that blue badge holders were not eligible to park in permitted parking bays.
- c) Arising from a comment made by Councillor M Hanif with regards to guidance on how to use a Blue Badge, it was confirmed that guidance was included on the back of the badge, as well as a booklet provided when the badge was first issued.

- d) In response to a question raised by Councillor E Taylor with regard to short term usage, it was stated that blue badges were time limited, however due to the on-going delay in operations some badges were issued for a three year period, with the proviso that should the users condition/disability improve prior to the expiry date, the blue badge would be rescinded.

Resolved

That the progress of the Blue Badge Service and Enforcement, be noted.

16 **Change in Order of Business**

Pursuant to Council Procedure Rule 1(c), it was:-

Resolved

That Agenda Item no. 9 – Adult Social Care Complaints, Comments and Compliments, be considered as the next item of business.

17 **Adult Social Care Complaints, Comments and Compliments**

Members considered a report of the Director of Adult Social Care which provided an overview of the Adults Social Care Complaints Annual report for the period 1st April, 2022 to 31st March, 2023.

In presenting the report, the Complaints Manager provided a breakdown of the number and type of complaints received, the timeframe in which these were responded to and data on how many were upheld or partially upheld in comparison with previous years.

Overall, it was reported that there had been a decrease in the number of complaints received and performance for responding to complaints was consistent with the previous year.

Arising from the presentation of the report, Members commented positively on the information contained in the report and commended the Directorate on the high level of service that was evidently provided, which resulted in the low number of complaints received.

In response to a question raised by Councillor A Davies, the Complaints Manager confirmed that should a complaint be received in relation to another Directorate, the complainant would be contacted in the first instance to advise that this would be forwarded to the appropriate Directorate for a response. In cases where complaints related to multiple service areas, the service area with the leading role would act as the principal lead and correspond with all other services to provide a collaborative response.

The Director of Adult Social Care advised Members that an Awards Event for the Directorate had been arranged for December 2023 and would be held at Himley Hall. The event invite would be extended to include Members of the Select Committee.

Resolved

- (1) That the contents of the report be noted.
- (2) That publication of the Adults Social Care Complaints Annual Report, in line with statutory requirements, be endorsed.
- (3) That the Democratic Services Officer, on behalf of the Select Committee, send a letter of thanks and appreciation to the Directorate of Adult Social Care.

18 **Care Quality Commission (CQC) Inspection and Readiness Review**

A report of the Director of Adult Social Care was submitted to provide an overview of the Care Quality Commission Inspection regime for Adult Social Care in Local Authorities and the preparation work that was being done in readiness for an inspection in Dudley and to provide feedback from the recent West Midlands Association of Directors of Adult Social Care (WM ADASS) readiness review that had recently been conducted.

The Director of Adult Social Care presented the report in detail, outlining the governance and assessment framework used to regulate health and adult social care, as well as highlighting the key risk areas for Dudley to ensure that Dudley was Care Act compliant and that the best possible Adult Social Care service was provided to residents of the Dudley Borough.

It was reported that everyone was playing their part to drive the improvement plan to ensure the service was where it should be with regards to improvement and resources, although with no additional funding received. Numerous groups had been established to feed into the Continuous Improvement Group to ensure as many perspectives were gathered and incorporated.

It was identified early in the process that there was a lack of vision for the Directorate. Multiple staff engagement events were held to develop an Adult Social Care Vision which is now actively promoted via social media and discussed with external stakeholders.

On 5th and 6th July, a CQC Readiness Review was conducted and to review preparedness for a CQC Inspection, with an executive summary provided which indicated that there was clear evidence of significant pace and progress in readiness for a CQC Inspection. The readiness review acknowledged that performance, particularly in relation to waiting lists required further improvement, with more pace required with regards to annual reviews and progress with reviews was identified as being the greatest risk. Further work was also required to ensure Corporate and Political awareness of current performance and risk.

The Director of Adult Social Care advised that an improvement plan had been developed and was being embedded within the directorates work. The key areas identified for improvement as defined by the Readiness Review were being prioritised, in particular the reduction of waiting lists and Deprivation of Liberty Safeguards, to ensure that the service was compliant with the Care Act and to enable resources to be managed consistently. It was emphasised that at this moment, the Directorate was not fully Care Act compliant due to the waiting lists as articulated within the report.

Arising from the presentation, Members made comments, asked questions and responses were provided where necessary as follows:-

- (a) Councillor T Crumpton referred to the lack of cohesion within Council Directorates, not just referring to Adult Social Care. He also referred to the current scrutiny arrangements operated at Dudley, which he considered to be inadequate, and which had not improved for a number of years and requested if additional information/guidance could be provided to support Committee Members with their Scrutiny role and responsibilities.

In responding, the Director of Adult Social Care agreed to provide Members with Local Government Association guidance for Adult Social Care Scrutiny and Safeguarding, together with tips and guidance for the CQC preparation. The Director of Adult Social Care reminded Members that performance data was reported to the Committee on a routine basis and encouraged Members to scrutinise all waiting lists to ensure risk was appropriately managed and that there was sufficient pace and responsiveness from the service.

- (b) Arising from a question raised by Councillor Crumpton with regard to nursing homes and residential homes for older people and how the Local Authority supported these provisions, the Director of Adult Social Care commented that the Marketing Sustainability and Improvement Fund was introduced in 2022 to support Local Authorities to make tangible improvements to adult social care, in particular to build capacity and improve market sustainability. A report on the topic would be submitted to the next meeting of the Select Committee, but ultimately the fund would enable the Local Authority to ensure that provisions were adequately supported, without causing financial implications to the Council. The Director of Adult Social Care acknowledged that there were significant issues with sustainability in the residential and nursing care sector and further investment would be required to ensure sufficient choice, quality and sustainability of the care provision.

Resolved

- (1) That the contents of the report and the requirements for the CQC inspection, in particular the Quality Statements, be noted.
- (2) That the key risks and improvement priorities identified, be noted.
- (3) That the implications of a CQC inspection and the potential impact for people who use care and support, Adult Social Care in Dudley and the Council's reputation, be noted.

- (4) That the continuation to ensure that people of Dudley who use care and support continue to have the right level of support and are safeguarded, be endorsed.
 - (5) That the Director of Adult Social Care provide Select Committee Members with government guidance to support them in the scrutiny role with regards to Adult Social Care Scrutiny and Safeguarding.
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19 **Adult Social Care Select Committee Progress Tracker and Future Business**

Resolved

That the Adult Social Care Select Committee Progress Tracker and Future Business, be noted.

20 **Questions under Council Procedure Rule 11.8**

There were no questions to the Chair pursuant to Council Procedure Rule 11.8.

The meeting ended at 7.40 pm

CHAIR