

Minutes of the Adult Social Care Select Committee

**Wednesday 5th March, 2025 at 6.20pm
In Committee Room 2, Council House, Dudley**

Present:

Councillor S Turner (Chair)

Councillors A Aston, A Hopwood, L Johnson, A Qayyum, C Reid, and I Sandall.

Dudley MBC Officers:

E Matthews (Interim Director of Adult Social Care), J Cox (Adult Service Manager - Access and Prevention, Commissioning, Performance and Complaints), M Spittle (Head of Service - Access and Prevention), L Weaver (Assistant Team Manager - Business Support and Blue Badge Service), All Directorate of Adult Social Care, P Lynch (Business Partner - People and Inclusion), Chief Executives Directorate, and L Jury (Democratic Services Officer), Directorate of Finance and Legal.

Also in attendance:

Councillor A Goddard – Cabinet Member for Adult Social Care

33 Apology for Absence

An apology for absence from the meeting was submitted on behalf of Councillor A Smith.

34 Appointment of Substitute Members

No substitute Members were appointed for this meeting.

35 Declaration of Interest

Councillor C Reid declared, a non-pecuniary interest, for transparency reasons, that she worked as a support provider for people 18 years and over in the Borough.

36 **Minutes**

Resolved

That the minutes of the meeting held on 20th November, 2024, be confirmed as a correct record and signed.

37 **Adult Social Care Select Committee Progress Tracker and Future Business**

In providing an update on the Progress Tracker, the Chair requested that the Call Centre Manager be contacted in relation to the request for additional information relating to The Dudley Telecare System as considered at the meeting held 20th November, 2024.

Resolved

That, the Democratic Services Officer contact the Call Centre Manager in relation to the request for additional information relating to The Dudley Telecare System as considered at the meeting held 20th November, 2024, and circulate to Members.

38 **Public Forum**

No issues were raised under this item.

39 **Market Position and Market Sustainability**

Members considered a report of the Interim Director of Adult Social Care on the current Adult Social Care market position, key market sustainability issues and risk, and the Market Sustainability Plan 2025/2026.

In introducing the item, J Cox – Adult Service Manager presented an overview of the report which included: Care home placements in-Borough versus out of Borough placements for Older Adult Residential, Older Adult Nursing, 18-64 Residential and 18-64 Nursing; current challenges from the market over the last twelve months; a summary of Adult Social Care projected accommodation needs including accommodation types and care home closures and openings and bed availability; CQC market quality ratings for Local Authorities noting that despite the comparatively lower fees, Dudley's quality remained broadly on par regionally; the impact of low fee rates and sustainability; and the outcome of a short survey that had been used in Dudley in relation to the top three reported pressures being, reducing profit margins/reducing surplus, changes to National Insurance contributions and keeping pace with the National Living Wage and competitive pay.

Following the presentation, Members raised questions, made comments and responses were provided where necessary as follows:

- (a) Councillor C Reid raised a question in relation to co-operating with Housing regarding the regeneration and maintenance of properties within the Borough as opposed to using higher cost out of Borough care facilities. In response, the Head of Service advised that meetings had taken place with Housing with regards to working more co-operatively. An agreement had been made to familiarise Social Workers with the application process and raise awareness of adult social care issues with Housing staff and an awareness of tenancies and appropriate properties that came on to the market, and a commitment to stepping people down from supported living into general housing tenancies where appropriate. It was noted that a good start had been made but it was acknowledged that further work needed to be undertaken.
- (b) Councillor C Reid raised a further question in relation to whether the service were looking to open any new care homes in the near future to meet the needs of the growing, ageing population. In response, the Adult Service Manager advised that the outline for the total accommodation needs for adult social care was included in the market position statement and the service were working with nursing homes and care home providers to establish the specific needs going forward. It was noted that traditionally people presented with lower level needs, however, the service were now seeing people with more complex needs who would need to be supported.

- (c) Councillor C Reid raised a concern in relation to the small providers of care that were experiencing the biggest impact and urged the Council to consider small providers. In response, the Adult Service Manager stated that market dominance around provider size was considered looking at market share with smaller, local providers to be able to provide a better choice.
- (d) In response to a question raised by Councillor A Aston in relation to Dudley being a low fee paying authority and when the gap had become evident, the Adult Service Manager advised that this issue had come to light during the pandemic when more grants were made available and the service were able to provide support. Reference was made to the fair cost of care and the benching marking activity that had highlighted the issue further. With fair cost of care funding, the service had attempted to target the domiciliary care market as prior to the funding, the service had struggled to procure domiciliary capacity. However, having addressed this issue, the service were now more competitive and with the commissioning plans, the service planned to focus on how to achieve the same results in different areas to support the market in the best way possible.
- (e) Councillor A Aston raised a further question with regard to the closure of care homes and whether at the point of closure, the Council intervened and offered support to the homes. In response, the Adult Service Manager advised that when providers informed the service that they were having sustainability problems, the service would engage with them to request a detailed breakdown to help ascertain if the issue was the model of care or referrals not coming through, or if their business model was the wrong model for the current demand. It was acknowledged that through intervention, the service had helped some providers to turn their businesses around, however it was noted that this was not the case with all closures.

- (f) In response to a further question raised by Councillor A Aston with regard to whether there were viable options for Local Authorities to build new care homes if required, the Adult Service Manager advised that she was aware that some authorities had taken some services back in house, however, the general principle was that the market could deliver more efficiently and currently, the Council were on par with other local authorities and were very mindful of the market flow. Reference was made to the internal services for the provision of short term care from the hospitals as a last resort, and for care homes the service operates intermediate care, however, in the event of a serious shortage of care places, the option to build would need to be considered, taking into account the significant amount of capital required.

The Interim Director of Adult Social Care advised that decisions were taken based on an individual authority's position. The Adult Services Manager commented that discussions with developers had been undertaken on accommodation for extra care and it was noted that 160 submissions had been received for the domiciliary care tender which was unprecedented. It was noted that the Council were attracting providers into the Borough and when care homes were closed, bed capacity was not lost as other care homes take up the offer, however, their business model may not necessarily be what is required in terms of affordability so the Council constantly engaged with providers in terms of care required.

The Interim Director of Adult Social Care made reference to the importance of Dudley's detailed market position statement in terms of demand, and advising the market where to wisely invest. The Head of Service also reference to a pilot scheme Dudley had invested in where Social Workers were trained in four bands namely, residential, residential complex, nursing, and nursing complex, and engagement had been undertaken with the market to sign up to the pilot to become more competitive and build on this further with mental health.

- (g) In response to a comment raised by the Chair in relation to the closure of care homes, and the concern that many care homes were now self-funded and the pressure this would put on the system, the Head of Service referred to the business model of care homes where a number of beds would be self-funded, however, a proportion of beds would be commissioned from adult social care for supporting people. The Adult Services Manager advised that the pressure on the system was monitored and there were currently between 39 and 45% self-funded care homes in the market. It was noted that negotiations with Integrated Care Board (ICB) colleagues and a care home provider who was solely self-funded, had taken place concerning changing their model and the providers were now working with Dudley. Investment in the market was important to prevent having to place people out of borough due to increased costs.
- (h) In response to a question raised by Councillor L Johnson regarding the number of people placed in care outside the Borough, the Adult Services Manager advised that under the Care Act, people had a choice of accommodation, therefore, the service offered a range of accommodation that could meet that person's care needs. However, if they choose a provision not within this Borough, as this would be more expensive, the person would be responsible for topping up the shortfall in fees as Dudley could have met their needs locally. The Interim Director of Adult Social Care referred to the earlier presentation in terms of the number of people in care outside the Borough and it was noted that the vast majority were still within the Midlands which was positive as this was not the case with other authorities as people could be quite widespread.

- (i) In response to a concern raised by the Chair in relation to the feedback received from the survey referred to in the presentation, the Adult Service Manager commented that as a result of the survey sent annually, the feedback provided the service with the opportunity to engage with the market in terms of their business models and referrals, looking at where a person had been placed, if the right provision to meet their needs was provided, any alternatives available, and consideration could be given to out of area placements and local provision. It also provided an opportunity for the providers to inform the service what they needed and work could be undertaken together going forward. Reference was made to the challenges the market were facing this year with the increase in National Insurance and the 40 to 45 disputes received each year around fees, and it was anticipated that the new framework for Supported Living would hopefully mitigate a number of challenges.
- (j) In response to a question raised by Councillor A Hopwood in relation to how the service were ensuring a staff to care ratio if staff levels were being reduced due to a decrease in net profits, the Adult Service Manager assured Members that the service worked closely with the Care Quality Commission (CQC) to ascertain safe levels and work was undertaken with the authority's own Quality and Safety Officers and support plans, which detailed the needs of individuals, so the service could ensure that the care was provided. It was noted that a number of providers had been considering restructuring their business to look at efficiencies and have approached Dudley with different opportunities, and discussions had taken place around what might be achievable, trying to keep the market sustainable where possible. The homes that had exited the market were those that had struggled to compete with current market developments.
- (k) In response to a concern raised by Councillor C Reid in relation to supported living and the proposal to move some people from residential to living independently with some support, the Adult Service Manager advised that the intention with supported living was to provide people with the opportunity to have their own tenancy. It was noted that some people were not offered the right level of support for independent living at the time they needed it and were offered residential care, and the service was now looking to move them back into independent care. The Supported Living Framework would look at the resources available and the best use of them and when the person had achieved their outcomes, in conjunction with Housing, they would be offered independent accommodation.

- (l) In response to a question raised by Councillor A Qayyum referring to paragraph 14 of the report submitted, regarding the extra care housing development that had not progressed due to market conditions and the potential demand on the adult social care market in Dudley, the Adult Service Manager referred to issues relating to the business model and the amount of risk the Council would have needed to cover and indemnify and it was not deemed profitable for the provider and not the right opportunity for the Council at that time. However, it was noted that E5, the provider, had retained the land and were considering different proposals around extra care and the Council were still engaging with them. Reference was made to four extra schemes currently being explored as it was felt that extra care was a good model to pursue, keeping people in their own tenancies rather than being placed in a care home, and it was noted that this information was included in the market position statement accommodation prospectus to inform the market.

Resolved

That the information submitted in relation to Dudley's Adult Social Care market position and market sustainability and the comments made by Members, be noted.

40 **Blue Badge Fraud**

Members considered a report of the Interim Director of Adult Social Care on the process of Blue Badge applications, fraudulent usage of data and trends, and Enforcement, methodology and impact on the service.

In introducing the item, L Weaver – Assistant Team Manager (Business Support and Blue Badge Service), presented an overview of the report which included: an overview of the Blue Badge application process; enforcement methodology and impact; the previous year's fraudulent data and trends; court results and file completion; and badge holder feedback on Blue Badge enforcement.

Following the presentation, Members raised questions, made comments and responses were provided where necessary as follows:

- (a) In response to a question raised by Councillor L Johnson regarding the cost of a Blue Badge and clarification on the savings figure referred to in paragraph 27 of the report submitted, the Assistant Team Manager confirmed that the cost of a Blue Badge was £10 and the figure referred to in the report referred to notional savings from undertaking the National Fraud Initiative (NFI) data matching in April 2023.
- (b) Councillor C Reid complemented the Blue Badge team on delivering a competent and efficient service.
- (c) In response to a question raised by Councillor A Aston regarding the process for disposal of Blue Badges when the badge holder was deceased, the Assistant Team Manager advised that people were requested to return the badges to the service when a person had died. Reference was made to the Tell Us Once service which would inform the service that the person was deceased and the badge would be cancelled off the system, therefore informing the Fraud investigators that the blue badge should no longer be used.
- (d) In response to a further question from Councillor A Aston in relation to awareness of fraudulent use of blue badges, the Head of Service advised that generally misuse of blue badges was undertaken by family members and an awareness campaign had been undertaken with Communications and Public Affairs (CAPA). When fraud had been detected, the Blue Badge was seized and then returned to the Blue Badge holder who was reminded about their responsibilities and the law around Blue Badge fraud and that prosecution of the fraudulent action that had been undertaken could still be pursued. Blue Badges were issued to a person and not a vehicle, therefore the badge could be used in any vehicle providing the holder was in the vehicle.

Resolved

That the information submitted on the Blue Badge application process, fraudulent usage data and trends, and enforcement action and impact on the service, and the comments made by Members as above, be noted.

A report of the Interim Director of Adult Social Care was submitted providing Members with workforce analytics and recruitment initiatives for the Adult Social Care Workforce.

In introducing the report, P Lynch (Business Partner – People and Inclusion), advised that as of 31st December 2024, Adult Social Care had 774 staff in post. The 2024/2025 budget set by the Council showed an adverse gap between expenditure and resources, however the latest budget monitoring report identified a favourable forecast variance against the budget and it anticipated that the budget would be balanced by March 2025. Reference was made to the budget set for 2025/2026 and the savings target set through the Medium Term Financial (MTF) strategy.

The report highlighted some of the activities that have been undertaken with regard to recruitment and retention and reference was made to an established workforce planning toolkit that helped to analyse workforce needs to ensure that the right people with the right skills at the right time were delivering the services. Reference was made to the establishment of a Workforce Strategy for Adult Social Care which outlined the commitment to the workforce and it was noted that a Workforce Group had been established to implement, monitor and develop the strategy going forward.

A number of challenges nationally were highlighted which included the high vacancy and staff turnover rates in social care, set against a growing demand for social care from an ageing population and a national shortage of Social Workers and Occupational Therapists. However, it was noted that Dudley had adopted a number of strategies to overcome the challenges that were being faced, as outlined in the report. Reference was made to work being undertaken with the Dudley Health Care Partnership to improve residents' wellbeing, and a collaborative recruitment and retention programme had also been launched.

Reference was made to Dudley's proactive approach to workforce equality and the use of Social Care workforce race equality standards framework to help address workforce diversity, and it was noted that Dudley was also part of the wider Back Country focus on tackling workforce inequalities and discrimination.

The report outlined details of the independent market social care workforce in Dudley which played a crucial role in delivering adult social care, employing around 1600 staff. Reference was made to the sector facing various challenges but also benefitting from a range of support mechanisms provided by the Council around maintaining high quality services and addressing sustainability and development. It was acknowledged that Dudley had the highest proportion of high quality, qualified social care staff within the West Midlands region, with the emphasis on qualifications being essential for ensuring high quality care and supporting professional development within the sector.

In conclusion, the Business Partner (People and Inclusion) requested that Members refer details of any successful strategies used to recruit and retain staff that they were aware of, to the Interim Director of Adult Social Care.

Following the presentation, Members raised questions, made comments and responses were provided where necessary as follows:

- (a) In response to a question raised by Councillor C Reid regarding the proposed cuts in staffing and likely effects on Adult Social Care, the Interim Director of Adult Social Care advised that the biggest challenge was recruiting qualified staff. Repeated recruitment drives were undertaken but no suitable applications were submitted and it was acknowledged that this was a national issue. Reference was made to schemes that were being implemented to try and address the issue including, the British Association of Social Workers campaigning to Government to address the issue which was also affecting Occupational Therapists and Physiotherapists.
- (b) In response to a question raised by Councillor C Reid in relation to money received for training, the Business Partner (People and Inclusion) advised that the money had been awarded from various schemes along with Government funding for some of the schemes which were available to Dudley to address adult social care workforce with partners across the Borough. Reference was made to the Think Ahead scheme for mental health and Dudley had recently signed up for the second tranche where candidates undertake training in Dudley and were then guaranteed a position in Dudley. Reference was also made to apprenticeships, where staff were trained in Dudley's culture and then become committed to work in Dudley, and the success of such schemes were acknowledged.

- (c) In response to a question raised by Councillor A Aston regarding the transient nature of the qualified social care workforce and whether higher pay was a factor, the Interim Director of Adult Social Care advised that some staff did leave for higher rates but generally the reasons were job satisfaction; an authority who gave support for the staff to work the way they wished to work, gaining experience in other authorities with other client groups, and to enhance their career development. It was noted that some staff who had previously left the authority, returned to work for Dudley with the valuable experience they had gained.
- (d) In response to a further question raised by Councillor A Aston regarding whether there had been a call for a national pay banding structure for Social Workers, the Business Partner (People and Inclusion) advised that there had not been a call for a salary banding however, Dudley worked closely with other local authority networks across the West Midlands Region and was presently developing a Memorandum of Understanding (MOU) which would help retain staff, noting that this had been undertaken in Children's Services and had proved successful. The Interim Director of Adult Social Care referred to agencies and the challenges they possessed by offering much higher rates to attract qualified staff and the aim was to restrict this movement within the region to stop this occurring.
- (e) In reference to the Think Ahead programme and apprenticeships within the authority that had been raised, the Chair questioned whether this involved young people training to become Social Workers or those already employed and wishing to retrain. In response, the Business Partner (People and Inclusion) advised that the programme included a combination of staff wishing to retrain; using the apprenticeship levy, and the authority were looking to increase the number of younger people working in adult social care using the degree apprenticeship levy. The Chair referred to the need to consider raising the number of apprenticeship schemes on offer within the Council and in response, the Interim Director of Adult Social Care, advised on the number of Universities offering good degree courses with good uptake, however, the challenge was to retain staff within the profession once qualified and there was a need to consider why so many leave within a short period.

- (f) Referring to paragraph 43 of the report submitted in relation to the stark gender imbalance within the sector, Councillor A Hopwood questioned the targeted recruitment campaign to attract men into the sector rather than attracting the right qualified staff, regardless of gender. In response, the Business Partner (People and Inclusion) commented on the campaign to attract more men into the sector to address the imbalance of women to men employed in adult social care and consideration needed to be given as to why less men were attracted to working within the sector.

Resolved

That the information submitted on workforce analytics and recruitment initiatives for the Adult Social Care Workforce, and comments made by Members as above, be noted.

42 Care Quality Commission (CQC) Inspection Readiness and Performance

A report of the Interim Director of Adult Social Care was submitted providing Members with an overview of Adult Social Care readiness for CQC assessment and current view on performance.

In introducing the report, the Interim Director of Social Care advised that CQC would be assessing the authority on whether part one of the Care Act was still being delivered given the current pressures being faced. Reference was made to paragraph 3 of the report which advised that the authority had received notification of the Local Authority Assessment from CQC on Monday 10th February 2025 and it was advised that the first part of the assessment in relation to the submission of the information return and the self- assessment had been completed, as set out in the report. Members had been circulated with a copy of the self-assessment. It was noted that the self-assessment had been co-produced with people who used the service to ascertain their views on areas of success and areas that required improvement and it was felt that the detailed self-assessment satisfactorily captured their views.

Reference was made to the thirty-eight Information Return (IR) that were also submitted which included; the authority's data, policies, strategies, the Development Plan which tracks how improvement is driven, and the Risk Log which recognises risks and demonstrates how they are being mitigated and managed.

Reference was made to paragraph 7 of the report which set out the process for 50 case studies to be sent to the CQC to scrutinise prior to the site visit. It was noted that 56 had been identified and would be assessed by the Interim Director of Adult Social Care using the authority's Quality Assurance Audit Framework to check their suitability. The top 50 would then be submitted to the CQC who would choose 10 case studies randomly, identifying 6 studies that they would wish to interview the person involved in the assessment and the Social Worker, discussing issues such as the process and interaction.

Reference was made to paragraph 13 of the report which set out the process for the Leadership presentation which would take place via Microsoft Teams and would provide an opportunity to demonstrate how adult social care was led in Dudley and the Members and Officers that would be involved were detailed.

The Interim Director of Adult Social Care made reference to the on-site visit which would likely take place four months from receipt of the information discussed above. This would involve the CQC being on site for two days, identifying the subjects they wished to discuss and the people they wished to interview. Reference was made to a drop in session that would also take place with adult social care staff, noting that authorities that had already been inspected stated that staff had seen this as a positive experience, giving them the opportunity to promote their expertise in their profession.

It was noted that Partners in Care and Health (PCH), funded by Local Government Association and Directors of Adult Social Services (ADAS), would attend Dudley and work with staff for two days, including a Principal Social Worker and Occupational Therapist, Heads of Service and Team Managers, in preparation of the inspection. Reference was made to the CQC inspection regime, acknowledging the effectiveness of the self-assessment undertaken in terms of challenging the authority to consider what the service users, staff and providers thought of the services Dudley provide, with any improvement suggestions being subsequently included into the Development Plan with actions to evidence how the authority were improving, noting that some had already been achieved and this process would continue going forward.

In conclusion, reference was made to the data set out in the report, which had been included as the data submission in the information return, noting that improvements in data were being seen on a monthly basis, however, areas of progress were still to be made, for example waiting lists were not in a satisfactory place but evidence could be shown to the CQC in terms of the waiting well policy that showed a consistence how people wait across the Directorate. It was noted that the CQC would be looking for evidence on how the authority were managing challenges despite the challenges being faced.

Following the presentation, the Chair acknowledged the improvements that had already been made and expressed his gratitude to the team and the Cabinet Member for Adult Social Care expressed her thanks to the Interim Director of Adult Social Care for her tireless work on the lead up to the inspection.

Resolved

That the overview of Adult Social Care readiness for CQC assessment and current view on performance, be noted.

43 Continuing Healthcare Funding in Dudley

The Interim Director of Adult Social Care provided Members with a verbal update on this issue, confirming that the cases that had been referred to at previous meetings were still in dispute and a further report would be submitted to a future meeting.

44 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 8.00pm.

CHAIR