

ADULTS, CHILDREN AND HEALTH OVERVIEW AND SCRUTINY PANEL

WEDNESDAY, 30 SEPTEMBER 2020

PRESENT: Councillors Carole Da Costa, Maureen Hunt (Chair), Gary Muir, John Story and Amy Tisi

Also in attendance: Councillors John Baldwin, Clive Baskerville, Gurpreet Bhangra, David Coppinger, Andrew Johnson, Samantha Rayner, Gurch Singh and Simon Werner, Tony Wilson, Mark Jervis and Janet King

Officers: David Birch, Andy Carswell, Nikki Craig, Hilary Hall, Lynne Lidster, Kevin McDaniel, Michael Murphy, Fatima Rehman and Duncan Sharkey

ELECTION OF VICE CHAIRMAN

Cllr da Costa nominated herself for the role of Vice Chairman, this was seconded by Cllr Tisi. A named vote was carried out; two members voted in favour of the motion and three members voted against.

Cllr Hunt nominated Cllr Story for the role of Vice Chairman, this was seconded by Cllr Muir. A named vote was carried out; three members voted in favour of the motion and two members voted against.

RESOLVED: The Cllr Story by appointed Vice Chairman for the remainder of the 2020/21 municipal year.

APOLOGIES FOR ABSENCE

Apologies were received from Cllr Bateson. Cllr Muir was attending as a substitute.

DECLARATIONS OF INTEREST

There were no declarations of interest.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on June 11 2020 be approved as an accurate record.

HEATHERWOOD HOSPITAL UPDATE

The Panel was reminded that a presentation had been given on the progress of the new Heatherwood Hospital last year and that Members had asked for an update. Janet King, Director of HR and Corporate Services and Deputy CEO of the Frimley Health NHS Foundation Trust, introduced herself and began by giving an overview of what was on each level of the hospital. Level four was the plant room, and level three was the inpatient ward containing private beds and external terraces for patients to use. Level two contained the theatres, which were laminar flow to ensure the maximum levels of flexibility in terms of what surgeries could be performed. Janet King explained that level two had been the most problematic to arrange and construct, as it was discovered during the building that the windows that had been designed would not afford patients with sufficient levels of privacy. Level one contained outpatient services and consulting rooms, along with a large radiology

department. Janet King said consideration was being given to having further specialist departments on this level.

Janet King said the project was due to be delivered on time and on budget. This was despite the social distancing rules needing to be observed by the contractors, which could have slowed down the construction work. Janet King said credit needed to be given to the contractor in ensuring the project was still on track to be delivered on time.

The Panel was shown a short video detailing the work that had been carried out.

Janet King said she was due to be given the keys to the hospital in July 2021. A period of five to six months had been set aside to complete the commissioning work, with a view to starting to open the hospital for some services in the winter. Construction work at the main roundabout was due to start in November 2020. Janet King acknowledged there had been delays due to technical problems during work at a smaller roundabout by the hospital. New infrastructure at the hospital included parking/charging for electric cars, a cycle rack and a bus stop.

Janet King said it was planned to have a longer working day, in order to allow for evening appointments and for theatres to be open for ten hours a day across a six hour and four hour shift. She explained this would allow for more efficient use of resources. This change was being implemented now so the new ways of working would already be established and in place before the hospital opened. Further changes may be implemented following a simulation study, although these would be established prior to opening.

The Forum was told the Trust had engaged with neighbouring residents to keep them updated on what was happening, and Janet King said she had received a letter from a resident thanking the Trust for being proactive in their communications. Consideration was now being given to green space surrounding the hospital and how this would look.

Cllr Story said this was an important project, not just for Ascot but for the Royal Borough and wider area. He asked if the hospital would be able to accept its first patients from March 2022 and for it to be fully operational by the end of the year, which was confirmed by Janet King. She also stated that the GP hub was due for completion in November and would be housed in an old mental health building on site, which had been modernised. It had been agreed that the hospital would share services with the GP hub. Regarding the main roundabout, Janet King said the work needed to be completed before the start of Royal Ascot in June 2021.

Responding to a question from Cllr da Costa, Janet King confirmed the theatres would be handling low risk and elective surgery online. Clinicians had asked for an HDU bed for treating slightly higher risk patients; however Janet King said that patients considered to be a full risk should be placed in care of acute wards elsewhere.

Janet King said the building, and in particular the laminar theatres and natural ventilation, had been designed with lower carbon emissions in mind. A green wall had not been considered at the planning and design stage, although consideration was being given to having a green space on the roof of the hospital.

Members of the Panel were offered the chance to go on a tour of the new building, which was an opportunity they unanimously agreed they would like to take up. It was hoped this could take place before winter. Members thanked Janet King for the presentation and said they were impressed at the standard of work that had been carried out.

ANNUAL COMPLIMENTS AND COMPLAINTS REPORT

Nikki Craig, Head of HR, Corporate Projects and IT, introduced the item and outlined what was in the report. Members were told that a total of 400 complaints had been received by the Council in the 2019/20 municipal year. Of those 27 related to adult services and 54 related to children's services; of the children's services complaints 35 were corporate and the remaining

19 were statutory, which were complaints made by or on behalf of a child in care or a child in need. Nikki Craig said the most common complaints theme overall was over a lack of action. However for adult services the most common complaint related to not received the required help or intervention, and for children's services it was a failure to follow policy and failing to take enough information into account.

The Panel was told that 56 per cent of all adult and children's services complaints were responded to within the correct timescales. The overall figure across the Council was 59 per cent, compared to 64 per cent in 2018/19. Nikki Craig said 61 per cent of all complaints were either wholly or partially upheld; however this figure was 52 per cent for adult services and 63 per cent for children's services. Members were reminded that complainants could escalate their concerns to the Social Care Ombudsman and this had been done a total of 49 times. Of those, nine related to adult services; four were upheld, two were closed as they were incomplete and three were closed after initial enquiries. There were ten Ombudsman referrals relating to children's services; two were upheld, one was closed as it was incomplete, one was closed after initial enquiries and the remaining six were referred back to the Council for local resolution.

The Panel was told there had been 440 compliments received by the Compliments and Complaints team, of which 21 related to adult services and 63 related to children's services.

Cllr Story asked for further information on the reasons given for the complaints concerning a lack of response, after noting the report referred to the complexity of the complaint and officer resource pressure. The Panel was told this was partly attributable to the use of agency staff, whereas there was now less resource pressure and greater ability to meet capacity. Staff were now being challenged to gather as much information at the initial point of contact with a service user to understand the root issues and concerns, and in order to prevent any complaints being made in future. Michael Murphy, Director of Strategy Services and Deputy DASS, said the quality assurance process for adult services had been improved to ensure the right information was given at the right time, and if there was conflict then it could be resolved earlier. He said the benefits were already starting to be shown. Kevin McDaniel, Director of Children's Services, said there was a similar situation with children's services, particularly relating to the SEND team. Last year there had been 76 agency staff employed in children's services, which had now been reduced to 26. Permanent staff had been identified to replace the agency staff.

In terms of failing to respond to complaints in a timely manner, Nikki Craig, Kevin McDaniel and Hilary Hall, Director of Adults, Health and Commissioning, all said this was usually due to the complex nature of the issues involved and more time was often needed to gain a full and clear understanding. Face to face and virtual meetings with service users had been offered to help fully understand the nature of complaints, which had been useful for officers and complainants.

RESOLVED UNANIMOUSLY: That the Panel noted the report and agreed that the report is published on the Council's website, and the annual report continues to be produced and presented at Overview and Scrutiny panels.

2020/21 Q1 PERFORMANCE REPORT

Kevin McDaniel, Director of Children's Services, explained that this would be the last report referring to the performance indicators, as a new interim outbreak control plan had been introduced in July as a result of new ways of working brought in due to the Covid19 pandemic. The outbreak control plan was developed partially to enable services relating to family safeguarding to continue. The Panel was told that of the 14 old performance indicators referred to in the report, eight had met or exceeded targets, three had fallen just short but were within tolerance, and three were outside of tolerance and required improvement.

Cllr Story asked how people receiving care in their homes was being kept under review. He stated that keeping people in their own homes, while desirable, could lead to their needs becoming more complex and this could impact negatively on their wellbeing. Hilary Hall, Director of Adults, Health and Commissioning, said frequent reviews to ensure the right package of care was being delivered were taking place. A decision had to be made based on all the issues involved and there was no one size fits all approach. Feedback would be provided to the Council by either a social worker or domiciliary care worker. If it was felt a person's needs were changing then a more frequent review would be prompted.

Cllr Story asked about the status of family network meetings. Kevin McDaniel explained there was a requirement for the Council to bring extended families together to find solutions to young peoples' needs and support. Family group conferencing had been used for a number of years but these required a suitably qualified person and over time it had become increasingly difficult to find qualified people. The network meetings now made it possible to respond in a more timely manner.

Cllr Tisi noted that health visitors were able to continue with 6-8 week reviews in spite of Covid19, and asked for clarification on whether these were carried out to a suitable standard. Kevin McDaniel said reviews were undertaken using video calls; if any concerns were raised at that stage then arrangements would be made for a Covid secure visit to be made. For example as the weather was usually good it was possible for reviews to be done outside. Kevin McDaniel said there was a higher than usual level of engagement from families wanted to use the video calls. The majority of reviews were now able to be taken face to face again.

Regarding the measure of completing Education Health and Care Plans within 20 weeks, Kevin McDaniel explained this was a national measure. It was noted that 90 per cent of assessments in the Royal Borough were being completed within this timeframe. If there were delays it was often at the parents' request, to ensure the right information was collected. Kevin McDaniel told the Panel that across the 19 areas in the South East Group of Directors of Children's Services, which he chaired, performance in terms of meeting the target varied between 96 per cent and two per cent.

Cllr da Costa asked about the performance indicator relating to the percentage of carers assessed or reviewed in the last 12 months. Hilary Hall explained that this related to people providing care for family members and it had not been possible for formal reviews to be carried out during the pandemic. Informal contact had been made with carers during lockdown, with carers being invited to offer evidence. Now that restrictions were being eased a greater number of formal assessments were able to take place.

Regarding increased use in alcohol dependency services, Hilary Hall stated that although the increase had been noted it was not putting pressure on the high end of the support service. The public health team were doing more work on this, and this would ultimately influence the future strategy of the alcohol and drug services.

The Panel thanked Kevin McDaniel and Hilary Hall for the work their teams had done throughout the pandemic, particularly in terms of helping vulnerable residents during very difficult circumstances.

RESOLVED UNANIMOUSLY: That the Panel noted the report and:

- i. Noted the 2020/21 Adults, Children and Health Overview and Scrutiny Panel Q1 Performance Report in Appendix A.**
- ii. Noted that from Q2 onwards performance of measures relating to the Interim Council Strategy will be reported, along with the measures included in Appendix A which will be grouped by lead service.**
- iii. Requested relevant Lead Members, Directors and Heads of Service to maintain focus on improving performance.**

RESPONSE TO THE OMBUDSMAN PUBLIC INTEREST REPORT

Hilary Hall, Director of Adults, Health and Commissioning, introduced the item and explained this was a public interest report regarding an adult social care case that was published by the Ombudsman on September 3. Hilary Hall stated that what had happened in this case had been unacceptable and she offered sincere, unreserved and heartfelt apologies to the family concerned.

Since this case, new methodologies and practices had been introduced to ensure members of the same family were assessed in the same way. These included new methods of monitoring, mandatory guidance to ensure managers had full oversight of performance, and the introduction of a quality assurance panel to provide oversight of packages of care. This panel was chaired by Michael Murphy, Director of Statutory Services and Deputy DASS. Hilary Hall explained the panel required suitable evidence on the recommendations that were proposed by the relevant practitioner or manager before any care package was approved.

Regarding domiciliary care, Hilary Hall told the Panel that an officer had been assigned to ensure the quality of provision and monitor performance. Part of this role entailed contacting families of those in domiciliary care to ensure their expectations were being met. Any complaints would be responded to by this officer.

In respect of the case that was reviewed by the Ombudsman, the Panel was told that there was no one point of contact who had retained overall management of the various strands of the complaint for the couple involved. The complexities of the case had also made it difficult to resolve. Practice had now changed to ensure one senior manager would oversee each complaint, particularly if there were multiple agencies involved.

It was confirmed the report, and the minutes of this Panel, would be considered at October's Cabinet meeting, where it was expected that the list of recommendations listed in the report would be agreed and actioned. Responding to a question from Cllr Story, Hilary Hall confirmed that one of the five care agencies the Council had a contract with was rated as requires improvement, and this agency had been involved in the case that was reviewed by the Ombudsman. Lynne Lidster, Head of Commissioning – People, told the Panel that at the time the complaints were first raised the agency was under a different ownership and management structure. The manager had not been able to recruit sufficient numbers of permanent members of staff and there had been a reliance on agency staff, which had led to inconsistencies in the levels of support provided and increased complaints. The Panel was told the company was under new management, the number of temporary agency staff used was now zero, and the quality assurance team at Optalis had been working closely with the agency about the level of care provided. The agency had been due an inspection in the spring but it was not possible for this to be undertaken due to Covid19. The CQC had said a re-inspection would not be possible this year. However the quality assurance team was satisfied that the agency's standards had improved sufficiently, and if the inspection had taken place then the expectation was it would have received a good rating rather than one of requiring improvement. The Care Quality Commission had recently told the agency that as they are not deemed to be "at risk" they would not be prioritised for an inspection. No complaints had been raised in the last two months.

Cllr Story asked if there had been any cases of couples in the care of the Local Authority, as the Ombudsman had recommended that any such cases should be reviewed. The Panel was told there were 27 such cases, which had all been reviewed by the Director of Statutory Services.

Cllr Story asked for an explanation as to how Mrs Y came to be a permanent resident of a care home when 12 days previously arrangements were being discussed over possible living at home arrangements. Hilary Hall said this would be done if it was decided after review that a care home was the most appropriate setting for ensuring a person's needs were met and were kept under constant review; similarly, a person's ability to be looked after in their own home

would also be kept under review. Michael Murphy said a care user would be considered as being a permanent resident of a care home after they had been there for at least six weeks; until then they would be classed as a temporary resident. Some care users would be put into a care home if it was considered an emergency matter, but generally any moves would only be made following recommendations that were put to the quality assurance panel from a social worker and senior social worker. Guidance in the Care Act around this was very robust and sufficient control levels were in place.

Cllr da Costa said the care agency concerned had been discussed at a previous Panel meeting in September 2019, and at the meeting it was stated that the agency was not to have their contract renewed. It was noted that the Lead Member had stated that they only wanted care providers who had been given a good or outstanding rating. Cllr da Costa said she accepted some of the reasons why this had not happened, but stated her belief that the Council needed to be more transparent in explaining the decision to renew this contract. She said it was essential that the agency have a CQC inspection review, but also congratulated the agency on now having no temporary staff involved in care. Lynne Lidster said the contract renewal had been done with good intentions as an inspection was planned and it had been anticipated that the agency would be given a good rating. He said the 'requires improvement' rating was not an accurate reflection of the levels of care the agency was able to provide. He also said the CQC was being pushed for as early an inspection as possible to be undertaken.

Responding to a question from Cllr Tisi, Michael Murphy stated that of the cases involving a couple to have been reviewed, no concerns had been raised about any harm to the relationship of those involved and there had been no reference to any negative consequences to one of the people in a couple having to be placed in an alternative setting due to an emergency. The new panel also meant that cases were being dealt with in a more timely manner. In addition risk assessments were being carried out at an earlier stage.

Cllr Tisi asked how other care providers, which had previously been given a good or outstanding rating, were being assessed to ensure standards were being maintained, particularly when it was not possible to carry out an inspection. Hilary Hall explained this was a focus of the care quality team at Optalis, which kept a detailed database of feedback and complaints, and there was a dedicated officer to oversee everything. The team would also perform regular enhanced visits of care providers to check standards. Lynne Lidster said contract monitoring had been continuing in spite of Covid19 and was still on schedule.

Cllr Carroll and Cllr Johnson both reiterated Hilary Hall's earlier remarks and offered heartfelt apologies for what had happened in this case, and stated that they did not want something like this to happen again and it was important that lessons were learned. Cllr Carroll said Cabinet was the most appropriate forum for the matter to be discussed further and encouraged all Members to attend if possible. He said an internal review had been undertaken and new protocols and quality assurance measures were now in place. Cllr Carroll said it was important that the Council took a proactive approach to all aspects of its work. He said he would write to the CQC to ask for an inspection of the care agency to take place as soon as possible, and ask for a timescale to be given. He said an inspection would provide maximum assurance to residents that standards of care were high.

Cllr Hunt said she wanted to receive quarterly updates on the actions that were recommended in the Ombudsman report. This was agreed by Members.

RESOLVED UNANIMOUSLY: That Panel recommends that

- i. Cabinet agrees to fulfil the recommendations made in the Ombudsman report**
- ii. The outcome of the scrutiny and a further report will be sent to the Ombudsman in three months' time updating on progress**
- iii. Quarterly updates on progress against the actions will be presented to the Adults, Children and Health Overview and Scrutiny Panel.**

WORK PROGRAMME

Cllr da Costa asked if a report could be produced regarding post-16 education, as it had been hard for youngsters to get places this year due to the Covid19 pandemic. Cllr Tisi suggested a report providing an update on high needs funding for children with special educational needs should be brought to Panel. Members agreed to add these two items to the work programme, in addition to receiving an update at the next meeting on the Ombudsman report discussed as the previous item.

The meeting, which began at 6.25 pm, finished at 8.50 pm

CHAIRMAN.....

DATE.....