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Meeting	Health Overview & Scrutiny Committee
Date	25 March 2015
Present	Councillors Doughty (Chair), Funnell (Vice-Chair), Burton, Runciman, Douglas, Watson and Semlyen (Substitute for Councillor Hodgson)
Apologies	Councillor Hodgson

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## 71. **Declarations of Interest**

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests that they might have had in the business on the agenda.

Councillor Funnell asked that her standing personal interest as a trustee of York Centre for Voluntary Service (CVS) be removed as she was no longer a trustee. She declared a standing personal interest in the remit of the Committee as a member of the York Health and Wellbeing Board's Mental Health and Learning Disabilities Partnership Board.

No other interests were declared.

## 72. **Minutes**

Several points were raised from the minutes of the previous meeting these were;

- Minute Item 61- Minutes  
GP health checks for people with Learning Disabilities- was there a process in place for GP's to comply with this? Could the Clinical Commissioning Group consider making this a contractual requirement?

Officers added this referred to an annual return of health checks which was now carried out three monthly so there would be more monitoring carried out.

- Minute Item 62- Public Participation  
In relation to comments raised about the wheelchair service, the CCG would be conducting a review on this and community equipment. Officers suggested to the Committee that the outcome of this review be brought back to a future meeting.
- Minute Item 68- Report on outcome of Leeds and York Partnership NHS Foundation Trust Care Quality Commission Inspection Report  
That the following sentence should be added "*Members expressed concerns at the Care Quality Commission's findings. It was agreed that these concerns would be noted and brought back to the Committee at a later date.*"
- Minute Item 69- Safeguarding Vulnerable Adults  
The Chair felt that the minutes were not clear that the report asked Members to consider whether the arrangements were satisfactory and effective. He thought it was not up to Members to decide this but it was the role of expert Officers. Therefore if the Officers were confident then the Chair felt it helped with Members' assurance. Councillor Funnell did not endorse this view and felt that it was the responsibility of the Adult Safeguarding Board to determine this. The Chair shared his concerns that reports shared with the Adult Safeguarding Board were unable to be scrutinised by Members.

Resolved: That the minutes of the Health Overview and Scrutiny Committee held on 18 February 2015 be signed and approved by the Chair as a correct record subject to the insertion of the sentence at Minute Item 68 as detailed above.

### **73. Public Participation**

It was reported that there had been four registrations to speak under the Council's Public Participation Scheme.

Councillor Richardson spoke regarding Pain Management Services. He spoke about how pain originated from a variety of sources and that sufferers often had to manage the condition by themselves and how this made it difficult to drive to appointments or work.

He said that consultants often directed those who suffered from pain conditions to GPs who could only treat the pain and not the symptoms. He shared an anecdote with the Committee about an elderly gentleman who had injections to relieve lower back pain which were stopped without agreement. No one had asked if he was a carer, which he was, as the sole support for his ill wife. Councillor Richardson felt that it was time for the Council, Hospital and GPs to work together to guarantee a minimum level of care for pain sufferers and he hoped that the Committee might look at this as a topic for review.

Jo Whitehead from Lives Unlimited and York Independent Living Network spoke regarding changes to the Direct Payments and the letter that had recently been received by all Direct Payments recipients. She informed Members about how Direct Payments had given disabled people the chance to make a contribution to the city and that she felt that the changes would go against the Care Act. She felt that there had been no evidence of consultation or an equality assessment of how the changes would affect disabled people's lives. She wanted the changes halted so that genuine consultation could take place.

The Chair referred to a letter regarding the changes to the Direct Payments Policy that had been received by all Members from Lives Unlimited and York Independent Living Network that week and stated that he was concerned and recommended that the content of the letter be considered as an agenda item for the next meeting.

He asked Officers if there was any possibility of halting the policy. It was reported that a further letter had been drafted in response to the one sent by Lives Unlimited and York Independent Living Network but this would not include details on pausing the process. A further letter would be sent to Direct Payments recipients assuring them that the Council would work with them and this letter would also detail what consultation would take place at that stage.

Councillor Siân Wiseman spoke in regards to Agenda Item 7 (Older Person's Accommodation) she expressed her disappointment that the report had not been considered by the Health and Wellbeing Board before Cabinet as she felt this was the most appropriate body.

She was also concerned that the risks in the procurement had not been identified sooner and felt let down by Officers past and present, the Cabinet Member for Health past and present who had knowledge of the failure to procure the Plan. She also expressed her disappointment at the Cabinet Member's non attendance.

The Chair stated that he had received apologies from the Cabinet Member, Councillor Cunningham, who could not attend the meeting due to a Residents' Forum and Childcare.

Gwen Swinburn spoke on procedural issues. She asked for clarification on Officers' titles (for example if an Officer was an 'Interim Director' that title should be used, not 'Director') and felt that Officers should not refer to Members by their first names during meetings and vice versa.

#### **74. Chair's Report-Health and Wellbeing Board**

Members received a report from the Chair of the Health and Wellbeing Board which updated them on the recent work of the Board.

The Chair referred to Councillor Wiseman's earlier comments under Public Participation and agreed that it was unusual that the Elderly Persons Homes programme had not been discussed at the Health and Wellbeing Board. He also commented that the Care Quality Commission report was not mentioned in the report, but he was pleased to see that there was ongoing work in regards to student health.

Councillor Funnell pointed out that the Board had a very large remit and received many presentations at its meetings.

Resolved: That the report be noted.

Reason: So that Members of the Health Overview and Scrutiny Committee are kept up to date with the work of the Health and Wellbeing Board.

**75. Residential, Nursing & Homecare Services-Quality Standards**

Members received a six monthly monitoring report which provided them with details of the performance by York based providers against Care Quality Commission (CQC) standards and the Adult Commissioning Team's Quality Assessment Framework together with details of the CQC's approach to the regulation and inspection of care homes.

Officers highlighted that the retention and recruitment of staff still remained an ongoing problem which affected the continuity of care, which was a criteria that providers were failing on.

Questions from Members included;

- How much time and effort was needed for the reconfiguration of care homes to follow the inspection model?
- How long was an improvement plan for a Care Home?
- What was being done in regards to recruitment into the sector and what had been done in regards to additional training?
- How much capacity was available if a provider was found to be inadequate?

Officers stated that because of the constant change and new inspection model Care Homes would struggle to be rated "good" in the first round of CQC inspections. It would then be up to the homes to show improvements before the second inspection. Regarding the length of an improvement plan for a Care Home mentioned in the Officer's report, it was noted that this would be for a maximum of three months.

In regards to recruitment, Members were told that staff had been leaving residential services and going into the NHS. In regards to training, time constraints meant that this could not be fulfilled. Capacity wise, there were 30 vacant beds in York and an occupancy rate of 98% at any one time. This compared with a national occupancy rate of 85%.

Resolved: That the report be noted.

Reason: So that Members are kept aware of performance and standards of provision across care services in York.

## **76. Supporting Older People Scrutiny Review Interim Report**

Members received an interim report on the work carried out to date by the Task Group appointed to undertake the Supporting Older People Scrutiny Task Group.

One Member questioned given the length of time that had been spent what the aims and objectives of the review, as there were no recommendations. She felt that there should have been monitoring on pilot working and that residents should have been listened to in order to find out whether certain pilots such as the Better Care Fund pilot had kept people out of hospital.

Another Member questioned why Wardens from Council Sheltered Housing did not record tenants' information in regards to hospital admissions.

Officers responded that Wardens knew when tenants were in hospital but this was not routinely recorded. However, this was now being undertaken.

Resolved: That the report be noted.

Reason: To ensure compliance with scrutiny procedures and protocols.

## **77. Older Person's Accommodation**

Members received a report which put into context changes to the Council's Elderly Person's Homes programme.

The Chair explained to the Committee why he had invited the Chief Executive to attend the meeting, and highlighted in particular that Adult Social Care accounted for a significant proportion of the Council's budget.

Councillor Funnell commented that she felt that consideration of this item concerned procurement, which she felt was inappropriate as it was being examined at another meeting, would waste Officer time and was being used for purely political means.

Discussion took place over the chronology of the project and affordability, during which Officers outlined the following points;

- In regards to affordability it was important to recognise that in June 2013 a Cabinet paper was explicit about the risks involved with this project but only after the Council had been through the full procurement would the actual cost be known.
- In 2011/12 there was extensive consultation with developers and strong feedback that the project could be delivered by the developers within budget.
- Most of the delay from the first Cabinet paper in 2011 to 2013 was due to the period of consultation with the existing residents and potential developers (the consultation was not wholly from 2011-13 in its entirety) and the drawing together of documentation.

Officers also informed Members that during the consultation stage work also included the design of the homes. They also added that debates took place around how best to care for frail and elderly residents and how to schedule and pay providers. They admitted that the process was time consuming but covered all aspects.

In response to a question from the Chair, the Chief Executive responded that a group of cross party spokespersons had been recently formed in order to raise any concerns about adult social care but some of these could not be answered due to commercial confidentiality.

The Chief Executive reported that she had commissioned a report from the Council's external auditors, Mazars. This would look into all aspects of project management, the competitive dialogue process followed and would highlight any issues of concern. She added that she had received a document saying that they would look at programme initiation, use of external organisations to support the process and evidence to support the decision to suspend the procurement.

This would be received and considered by Audit and Governance Committee in June.

The Chair welcomed the Chief Executive's decision and commented that he looked forward to hearing the report and felt that an update report on this to the Committee might be useful at some point in the future.

Resolved: That the report be noted.

Reason: So that the Committee are kept fully informed of the reasons for the changes to the Council's Elderly Persons Homes project.

Councillor P Doughty, Chair  
[The meeting started at 5.30 pm and finished at 7.25 pm].