

Minutes of the Safe and Strong Communities Select Committee Meeting held on 9 November 2016

Present: John Francis (Chairman)

Attendance

Maureen Compton	Robert Marshall
Mike Davies	Christine Mitchell
Terry Finn	Mark Olszewski
Sandra Hambleton	David Williams (Vice-Chairman)

Also in attendance: David Loades and Mark Sutton

Apologies: Bob Fraser

PART ONE

21. Declarations of Interest

There were none on this occasion.

22. Minutes of the Safe & Strong Communities Select Committee held on 5 September 2016

RESOLVED- That the minutes of the Safe and Strong Communities Select Committee held on 5 September 2016 be confirmed and signed by the Chairman.

23. Deprivation of Liberty Safeguards

The Deprivation of Liberty Safeguards (DoLS) provide protection for the most vulnerable people living in residential homes, nursing homes or hospital environments. They give a legal requirement for care to be provided in a way consistent with the human rights of people lacking capacity who are not otherwise protected or safeguarded through the use of the Mental Health Act or Court of Protection powers.

The Select Committee noted that as of 30 September 2016 there were 1817 DoLS referrals and a backlog of 2687 referrals awaiting assessment. They also noted that it was anticipated the current monthly demand of completing 81 high priority assessments should be reached by the end of January 2017, at which point the high priority assessment backlog would have increased to an estimated 300 assessments. A number of measures were being introduced to address the backlog, including: recruiting to three new substantive Best Interest Assessors (BIA) posts; increasing the number and capacity of independent BIA contractors; and increasing the performance of the BIA rota from the current 20 assessments a month to 44 a month by April 2018 in partnership with the Staffordshire and Stoke-on-Trent Partnership NHS Trust (SSOTP).

Whilst Members welcomed the action taken to address this backlog they remained concerned over whether the expectation of eliminating the high priority assessment backlog by June/July 2018 was realistic. They also noted that these measures only addressed high priority DoLS, with no capacity to address medium or low level assessments.

Anyone deprived of their liberty had a statutory right to appeal and Members heard that Staffordshire currently had 18 ongoing and expected cases, and 9 completed appeals with timescales for completing these being variable. Members were aware of the impact of the 2014 Supreme Court judgement on P verses Cheshire West and Chester Council, with a 13 fold increase in requests for DoLS nationally. However, whilst acknowledging this, they remained concerned at the backlog of high priority cases, the lack of capacity to address any low or medium priority applications and the budgetary overspend. Members also asked for a more detailed explanation of the rationale behind the high priority application backlog being eliminated by June/July.

A draft Bill on mental capacity and deprivation of liberty was due in December and it was hoped that this would have a bearing on future DoLS. Members requested a further report to their January meeting considering the impact of the draft Bill whilst giving more detail on the referral backlog, the high priority anticipated backlog elimination and the overspend figures and how these would be addressed.

RESOLVED – That a report be brought to the 16 January meeting on the implications to DoLS of the draft Bill and addressing Members continued concerns around:

- a) the anticipated elimination timescale of June/July 2018 for the high priority backlog and the rationale behind this;
- b) the budgetary overspend; and
- c) how medium and low level referrals will be addressed.

24. Customer Feedback & Complaints Adult Social Care Annual Report 15/16

The Select Committee considered the Annual Report of the Customer Feedback and Complaints Service, Adults Social Services 2015/16. The Report provided information about complaints made during 1 April 2015 to 31 March 2016 under the complaints and representation procedures established under the NHS and Community Care Act 1990 and the Local Authority Act 1970.

There had been a total of 186 statutory complaints received this year, 54 of these were County Council complaints with 132 SSOTP complaints. 20 complaints had escalated to the Local Government Ombudsman (LGO). 108 compliments were recorded during this period.

There was a 60% increase in the number of complaints investigated under the “Independent Investigation” stage of the Statutory Complaints Procedure when compared with the previous year. Members heard that an independent investigation was initiated when a complaint was complex and/or a level of seriousness was identified, often in circumstances where there had been multi-agency involvement.

Members were concerned that 79% of complainants had not received a formal outcome (ie an investigation report and covering letter) to their complaint within the agreed

timescales. The legislation gave statutory timescales within which the formal outcome should be received, however unfortunately SSOTP had not given their response within these agreed timescales. Members felt this was unacceptable and were aware that SSOTP delays adversely affected the County Council's ability to work within the statutory timescales. The Section 75 Agreement was currently being amended to ensure more detail was included to help address this issue.

Members noted the learning actions that had been identified from complaints investigations. Whilst they were pleased that actions were taken to address any issues found, no timescales were shown within the report by which the changes should be made. Timescales were produced showing when each action should be completed, but had not been included in this report. This information would be made available to Members after the meeting.

The Select Committee felt that case management was a theme within the complaints received. They noted the 45% reduction in complaints received for Independent Futures in this period and commended officers for this success. Members also suggested that for future an indication should be given of where a case was ongoing, rather than (as within this report) reported as "outcome not known".

The Select Committee expressed concerns around the use of Care Director, asking why the system worked well within children's services but not for adults services. The Cabinet Support Member felt there were a number of possible reasons for this, including the type of information input and the range of staff proficiency in using the system.

RESOLVED – That:

- a) Officers be commended on the thoroughness of the report;
- b) details of the timescales for implementing the "learning actions" within the customer feedback and complaints annual reports be forwarded to the Select Committee Members after the meeting; and
- c) where an investigation has not yet been completed this should be reported as "ongoing", rather than "outcome not known".

25. Customer Feedback & Complaints - Children's Social Care Annual Report 15/16

The Select Committee considered the Annual Report of the Customer Feedback and Complaints Service, Children Social Services 2015/16. The Report provided information about complaints made during 1 April 2015 to 31 March 2016 under the complaints and representation procedures established under The Children Act 1989 Representations Procedure (England) Regulations 2006, and "Getting the Best from Complaints", the accompanying guidance.

A total of 70 complaints were investigated at Stage 1 of the Statutory Complaints Procedure. This was a decrease of 64% in comparison with the previous year. However this did not represent a trend as number of complaints fluctuated on a year on year basis. The Select Committee noted that again the main theme for the nature of complaint was found to be around case management.

Last year the Select Committee had requested comparative data be included within the Annual Report. Whilst some authority comparisons had been included it had been difficult to get data from those authorities the Department for Education (DfE) used as comparators for Staffordshire as none of these authorities had published an annual report on line. The Complaints Managers for these authorities had been contacted and the comparative data would be shared with Members once this was available.

Members noted that 59% of corporate complaints were responded to within the prescribed timescales and asked how this figure could be improved. The Customer Feedback and Complaints Manager explained that the complaints investigating officer would be in constant contact with the complainants throughout the investigation and should ensure that they were the centre of the complaint. 80% of investigating officers worked to this standard, with training being undertaken to address the other 20%. It was more critical to ensure the complainant was at the centre of the complaint and to ensure the complaint was investigated thoroughly than to fit with a timescale.

RESOLVED – That:

- a) the Customer Complaints and Feedback Manager be commended for her report; and
- b) comparative data be shared with the Select Committee once this was available.

26. Staffordshire and Stoke on Trent Adult Safeguarding Partnership Board (SSASPB) Annual Report 2015/2016

The Select Committee considered the Annual Report of the Staffordshire and Stoke-on-Trent Adult Safeguarding Partnership Board (SSASPB) covering the period 1 April 2015 to 31 March 2016.

Members noted the speed of progress with the Transition and Leadership in Care Homes Strategic Priorities was reported as slower than expected. The SSASPB had agreed a move to a three year strategy to allow further scoping and help make delivery more realistic. Rather than this being an example of “moving the goal posts” Members were informed that this gave a more realistic timeframe, particularly in those instances where information required to help clarify and identify issues had previously been unavailable. It was also important to ensure the appropriate people were part of the discussion and demands on partners made this difficult within too short a timescale.

The Select Committee were informed that Care Act terminology now used “concerns” rather than referrals for adult safeguarding. Members also noted that there had been a decrease in the total number of concerns reported, from 4789 in 2014/15 to 4457 in 2015/16. This had been attributed to the introduction of the Care Act in April 2015 and Members heard that grey areas had been clarified by the Act around vulnerabilities, which had been helpful. Improved screening and sign posting was also helpful as a better understanding of the Care Act was developed.

The report indicated there continued to be unavailable data on the source of concerns due to limitations with data capture of the Care Director IT system. They were informed this was largely due to issues around the type of data the system had been set up to capture. A workshop session had been held to identify the type and range of information needed and a new platform was being developed to capture this. The cost of this

system update was not currently available and Members asked that details of cost be forwarded to them as soon as this was possible.

Members expressed their concern that there appeared to be year on year difficulties identified with IT systems and suggested that there would be benefit in undertaking a stand alone piece of work to identify the issues and how best to address these. Members felt it was not possible to scrutinise or make recommendations without adequate information. As this was a corporate issue it was suggested that this would best be addressed through the Corporate Review Committee.

Members noted that the main source of risk to adults with care and support needs continued to come from individuals known to them. Members queried why the IT system didn't record the relationship of individuals to the adult. Anyone seeking greater clarity would need to access the actual records on Care Director to find out who was the source of risk, which was easily achieved. Information was shared where appropriate and working through the MASH had made a positive contribution to this.

The Select Committee noted the extension of the definition of Domestic Abuse into wider family relationships had led to a number of referrals for Domestic Homicide Reviews (DHRs) where they could be a safeguarding element. The SSASPB had worked with connected partners to ensure that the Safeguarding Adult Review (SAR) Sub-Group was notified of potential DHRs and had the opportunity to consider whether a safeguarding element existed, ensuring this was considered throughout the review where appropriate. Members understood this approach needed to be ratified in the SAR Protocol during 2016/17. This change in definition created some potential difficulties in demarcation. However, Members were informed that the Police, as the reporting body, contacted Helen Jones, SSASPB Manager, to determine whether each incident required a DHR or SAR.

Level 1 adult safeguarding training was mandatory for SSOTP staff, provided via E-learning or taught sessions. Members asked how this mandatory level of training was guaranteed. The Chairman of the SSASPB informed Members this was an area subject to scrutiny and that there was no complacency. Progress was being maintained and SSOTP were aware they were under scrutiny.

Members were also informed that a new webpage was available promoting the SSASPB and officers would welcome feedback on the type and detail of information included.

RESOLVED – That:

- a) the Annual Report of the SSASPB for 2015/16 be noted;
- b) a letter be sent to the Chairman of the Corporate Review Committee outlining the Select Committee's concerns around IT issues, suggesting they include an item on their work programme to identify problems and how to address these; and
- c) details of the SSASPB webpage be forwarded to the Select Committee.

27. Work Programme

The Select Committee agreed the following amendments to their work programme:

- a) a report on DoLS, including the impact of the White Paper be added to the January meeting items ;

- b) The Staffordshire Safeguarding Children's Board Annual Report 2015/16 be moved from the December to the January agenda; and,
- c) Following the September meeting with the Police and Crime Commissioner, the item on Places of Safety – use of Police cells, be removed from the work programme.

RESOLVED – That the amendments to the work programme be noted.

Chairman