

HEALTH AND ADULT CARE SCRUTINY COMMITTEE

21 March 2019

Present:-

Councillors S Randall Johnson (Chair), M Asvachin, P Crabb, A Connett, R Peart, S Russell, P Sanders, A Saywell, R Scott, J Trail, P Twiss, N Way, C Whitton and C Wright

Devon District Councils

Councillor P Bialyk

Apologies:-

Councillors J Berry and J Yabsley

* 117

Standards Committee

The Chair welcomed Sir Simon Day who was attending the meeting in his capacity as a Co-opted Member of the Council's Standards Committee to observe and monitor compliance with the Council's ethical governance framework.

* 118

Minutes

RESOLVED that the Minutes of the Budget and ordinary meetings held on 24 January 2019 2018 be signed as correct records.

* 119

Items Requiring Urgent Attention

There was no item raised as a matter of urgency.

* 120

Public Participation

There were no oral representations from members of the public.

* 121

Integrated Care - Developing a long-term plan for Devon

The Committee considered the Report of the Head of Adult Commissioning and Health (Devon County Council) and the Director of Strategy, NEW Devon and South Devon and Torbay CCGs on the emerging approach to developing a long-term plan for Devon.

The Committee had been previously briefed on recent developments in the Sustainability and Transformation Partnership (STP) and plans for developing Integrated Care. The Report referred to the NHS long term plan and the plan for Devon with the continuation of current partnership working and member engagement.

Members' discussion points/comments with the Head of Adult Care Commissioning and Health, Director of Strategy (South Devon and Torbay CCG and NEW Devon CCG) and Associate Director of Commissioning (Devon CCGs) included:

- the process was about meaningful engagement with the communities of Devon and leading to a Plan to recognise and meet the needs of the population;
- the role of the Scrutiny Committee in helping shape the Plan;

- use of collective resources across the health and care system (including Local Authorities and social housing) that would deliver and meet the needs of the population in accordance with the Plan (including the need to reference local pharmacy services, optometry, dentistry and GP services (commissioning to be transferred from NHS England);
- expected guidance from the regulators NHS England;
- progress of the CCGs' merger to create one 'footprint' for Devon by September 2019 noting existing joint commissioning arrangements from 1 April 2020 and co-location at County Hall and plans for full integration by 2020/21;
- the importance of the digital innovation, connectivity and integrated systems (the Director of Strategy undertook to share the digital strategy with Members);
- the STP's financial position with savings achieved in 2018/19 of £105m, which meant a planned deficit of £80m but with additional grant finding a projected outturn of £35m deficit for 2019/20;
- continuation of current governance arrangements including scrutiny engagement and a review of the role of the Health and Wellbeing Board; and
- the process for developing the Plan with Member involvement and engagement at all levels.

It was **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Way and

RESOLVED

(a) that Officers prepare a written description of the process and timescale for producing the long-term plan for the Committee to come to a view as to the robustness of the process to include the following elements:

- (i) a description of the overall process and timescale,
- (ii) a description of the plans for engagement at Locality, District, County and STP wide levels;
- (iii) the executive arrangements for progressing the development of the plan including the role and function of the Health and Wellbeing Board;
- (iv) a matrix or description of which issues might be best considered at which level; and
- (v) intentions in terms of the likely methods and material used to support engagement.

(b) that a draft of the Plan be presented to this Committee in order to enable Members to (i) understand how the Integrated Care Services model sits within the Plan, (ii) to consider whether the Draft Plan highlights issues for further scrutiny and to offer a commentary / challenge from a Scrutiny perspective; and (iii) to liaise with the Health and Wellbeing Board to ensure that there is a good understanding of the Board's perspective.

* **122** **Local Area Special Educational Needs and Disabilities (SEND) Inspection Update**

The Committee considered the Report of the Head of Education and Learning (CS/19/12) which gave an update of the Local Area Special Educational Needs and Disabilities (SEND) Inspection by Ofsted and the Care Quality Commission (CQC) on the effectiveness of the County Council in meeting its legal duties under the Children and Families Act 2014.

The focus of the Inspection was concentrated on three key areas as to the effectiveness of the local area on:

- identifying children and young people with special educational needs and/or disabilities;
- assessing and meeting the needs of children and young people with special educational needs and/or disabilities; and

- improving outcomes for children and young people with special educational needs and/or disabilities.

The Report covered the findings of the Inspection which had been held between 10 and 14 December 2018 and the requirement for a Written Statement of Action (WSOA) to address areas of weakness identified by Ofsted and CQC. This would set out the detailed outcomes and actions that the local area (and not just the County Council) would need to address the areas of concerns. The Report also detailed progress to date across the system.

The Committee noted that the Children's Scrutiny Committee had agreed at its meeting on 18 March 2019 to set up a Task Group to inform and dovetail with the on-going work in response to the findings of the Inspection, including transitions from children's services to adults' services.

Members' discussion points/comments with the Head of Education and Learning, Senior Commissioning Manager (disabilities and mental health) and Head of Women and Children's Unit in NEW Devon CCG) included:

- the objective to improve outcomes for children and young people from 0 -25 within the Devon County Council area and the work of the multi-agency SEND Improvement Board responsible for the Programme;
- the close working with the 'County Lines' team;
- the large increase in demand for EHCPs over the last 18 months and associated capacity issues and increased personnel; and continued tracking and monitoring of progress;
- improvements in the timeliness and quality within the NHS in their work on EHCPs working closely with Education and Social Care;
- the production of an online Induction Pack for all new staff involved with SEND children and young people to help embed good practice; and
- the relatively low number of exclusion of children with SEND noting the graduated approach before permanent exclusion and the relatively low level funding for Devon Schools and impact on the special needs.

It was **MOVED** by Councillor Randall Johnson, **SECONDED** by Councillor Way and

RESOLVED

(a) that the findings of Devon's Local Area SEND Inspection and the requirement for the local area to produce a Written Statement of Action within 70 days be noted;

(b) that the Inspection is of the area not the Local Authority be noted;

(c) that the actions already taken or in progress by the local area be noted; and

(d) that the formation with the Children's Scrutiny Committee of a Task Group to inform and dovetail with the work of the Inspection, including transitions from children's services to adults' services be supported, and that Councillors Randall Johnson, Saywell and Whitton be nominated to serve.

* 123

Developing the Integrated Short-Term Offer

The Committee considered the Report of the Head of Adult Care Operations and Health (ACOH/19/01) on work to further develop the integrated short term offer in Devon to enable oversight of progress in this area.

The integrated short-term offer was a key component of the Care Model in Devon and the Report outlined the ambition, local opportunities and challenges in this service delivery area

The Integrated Short Term Offer or Intermediate Care was defined in the National Audit of Intermediate Care in 4 categories: '*crisis response, home-based intermediate care, bed-based intermediate care and reablement and they respond to a range of health and social care needs*'.

The Report highlighted the core principles of intermediate care (from NICE guidance) of accessible formats and the description and activity of the current short-term services that operated in Devon.

The NHS and the County Council were using the improved Better Care Fund to significantly invest and develop these services and the ambition was to continue to integrate the current short-term services to ensure a seamless, safe and responsive offer that enabled people to maximise their independence and stay safe and well at home.

Members' discussion points/comments with the Head of Service for Adult Care Operation and Health and Deputy Assistant Director – Eastern (Health & Social Care) included:

- the continued challenges relating to recruitment and retention and different pay and terms of conditions across the various areas;
- the reducing number of unsupported discharge and care packages and delayed transfer of care with additional staffing on which detailed information would be provided in the regular performance reports to be presented at the Committee's next meeting; and
- increasing pressures arising from the closure of local residential care and nursing homes and closer working with homes by Health and the County Council.

The Chair and Members commended the reported improvements and good progress being made and noted that a detailed performance report would be presented to the next meeting.

* **124** **Internal Audit Outline Audit Plan 2019/20**

The Committee considered the Report of the County Treasurer on the internal audit activity within Adult Care and Health and the Plan for 2019/20. It outlined the proposed Audit Reviews and associated risks as agreed by the Audit Committee which would be developed and aligned to this Committee's work programme and subject to Members' views.

It was **MOVED** by Councillor Whitton, **SECONDED** by Councillor Randall Johnson and

RESOLVED that the outline internal audit plan be endorsed subject to within the risk area '*Promoting independence for people with disability (including Supporting Independence contract)*', reference to issues relating to incomplete packages of care; and delayed transfer of care.

* **125** **The Mental Capacity Act and Deprivation of Liberty**

The Committee considered the Report of the Members (CSO/19/11) on a meeting of the Standing Overview Group on 20 February 2019 which had looked at the Mental Capacity (Amendment) Bill amending the Mental capacity Act 2005. The Report covered the provisions of the 2005 Act and the implications of the new Bill and issues which had been identified by Members at the Standing Overview Group meeting including concern about the Deprivation of Liberty Safeguards assessment waiting lists.

Following the passing of the Mental Capacity (Amendment) Bill a report on the implications to the Council would be submitted to the Committee. This was another area which could be considered for inclusion in the Audit programme (Minute 124 refers).

* **126** **Work Programme**

The Committee noted the current Work Programme subject to inclusion of the following topics (arising from this meeting) for future consideration:

- (a) the NHS Long Term Plan (Minute *121);
- (b) Audit Plan 2019/20 (Minute *124); and
- (c) Mental Capacity Act (Minute *125)

[NB: The Scrutiny Work Programme was available on the Council's website at <https://new.devon.gov.uk/democracy/committee-meetings/scrutinycommittees/scrutinyworkprogramme/>]

***DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.15 pm and finished at 5.10 pm