

CABINET MEMBER FOR HEALTH, WELLBEING & SOCIAL CARE

RECORD OF DECISIONS of the Cabinet Member for Health, Wellbeing & Social Care 's meeting held on Tuesday, 1 November 2022 at 3.00 pm at the Guildhall, Portsmouth

Present

Councillor Matthew Winnington (in the Chair)

Councillors Yinka Adeniran
Lewis Gosling
Brian Madgwick

25. Apologies for absence

There were no apologies for absence.

26. Declarations of interest

There were no declarations of interest.

27. The Liberty Protection Safeguards

Andy Biddle, Director of Adult Social Care, introduced the report, noting that as of the previous week there was still no update on when the Liberty Protection Safeguards (LPS) would be implemented. However, a report would be brought back to the portfolio when further information was available.

In response to questions from members, Mr Biddle said DoLS (Deprivation of Liberty Safeguards) applications had been increasing each year since they started. There was a difference between the number of referrals and applications that were granted with about 75% applications granted. There has been a slight increase in applications after Covid but they were increasing anyway.

The introduction of LPS will show how good the Health & Care Portsmouth agencies are in educating citizens in recognising a potential deprivation of liberty, taking it into account and making an assessment. If applications increase it will show good education. In addition, as the LPS covers people living in their own homes applications are likely to increase. For example, a bolt at the top of a door could constitute a deprivation of liberty.

Portsmouth is lucky in having a dedicated team dealing with deprivation of liberty, unlike some county authorities, but there could be a backlog if numbers increase.

In Mr Biddle's experience the quality of practice is generally good and there are specified processes for LPS as with DoLS. The difficulty posed by potential funding cuts is how timely staff can be as quality dips if there are not

enough resources; delays in assessment mean liberty is deprived for longer. All staff involved in the process should be clear, comfortable, competent and familiar in their role with regard to their responsibilities around the LPS. If an organisation has high staff turnover they will need to provide regular training. Quality is at risk if applications increase and organisations have not got sufficient resources to enable timely responses.

Councillor Winnington noted ASC had been working on the LPS for some time, despite delays due to Covid, and thanked all those involved. Despite not knowing when the LPS will be implemented ASC will continue preparing for them. Postponing implementation (originally scheduled for October 2023) will cause delays and private and voluntary sector organisations will struggle so clarification on a date and finances is needed. He noted DoLS had arisen from the Cheshire West court case and that the LPS was an improvement. He looked forward to a report coming back to the portfolio and knowing the exact date of implementation so ASC can support colleagues.

The Cabinet Member noted the report which is for information only and is not subject to call-in.

28. Adult Social Care Assurance

Andy Biddle, Director of Adult Social Care (ASC), introduced the report, noting ASC's engagement with Children's Services, who have been subject to inspection for many years, and that although inspection is a burden it can also be an opportunity for ASC to demonstrate how it performs and serves residents.

Members agreed the today's reports showed the amount of legislation affecting the social care sector in recent years together with the impact of Covid. Organisations have been so busy with other matters in the last couple of years but now they can step back and examine the services offered as some may not be as good as they were thought to be.

Councillor Winnington thanked Debbie Young, Head of Quality and Performance, for writing the report and Mr Biddle for presenting it. Covid had compressed many activities that might have been done on a staggered basis and then changes such as the Integrated Care System meant much activity happened at once. There has been much investment from the council to meet the challenges. However, inspection could be an opportunity to improve the care sector. ASC could also see what can be learnt from Children's Services, which have been subject to intense inspection for many years. However, in terms of resources, there is a challenge, as the last national inspection programme for ASC ceased in 2010 and staff that would have been working on these processes at that time are no longer employed. Resources therefore have to be built back into ASC and there is a cost to this. Many staff will not be familiar with the process as inspection ended in 2010.

Ms Young said everyone in ASC is engaged in preparation for inspection; it is good opportunity to showcase but also to scrutinise to some areas. The cost is a concern as it feels like a new burden as it has not been done for a long

time. Neither the Department for Levelling Up, Housing & Communities, (DLUHC) nor the Department for Health & Social Care, (DHSC) see it as new burden, so whilst money is invested in sector led improvements via LGA (Local Government Association) and ADASS (Association of Directors of Adult Social Services) there is not money invested directly into councils to help them prepare. In addition, the interim assessment framework has been shared but not the final one. Secondary legislation is likely to be passed in January 2023 but there is uncertainty over the April 2023 date for implementation. However, as ASC has already started work it will continue but it is a concern the final framework is not available.

Councillor Winnington said the chaos in national government has not helped as it would have been useful for ASC to have the framework by now. He and the Leader are considering another call to central government to address the new burdens and get a proper funding package; the opposition spokespersons are welcome to join in. If cuts fall on social care it will be really tough. Although Portsmouth is relatively financial stable cuts would be difficult and for other local authorities it could be extremely difficult. For example, people moving to different areas might struggle to get the help they need. He thanked officers for the report and Ms Young's team for their work. He looked forward to seeing what the framework would be and to working with the opportunities that arise and doing the best for Portsmouth residents.

The Cabinet Member noted the report which is for information only and is not subject to call-in.

The meeting concluded at 3.33 pm.

Councillor Matthew Winnington
Chair