
REVIEW OF SOCIAL SERVICES

Report 0 SB/5/05 to the Executive

May 2005

Adopted by the Overview and Scrutiny Board
on 16th March 2005

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Foreword

As with many other councils throughout England, Torbay Council has struggled with an overspend in its social services budget year on year. When the new administration began the task of setting its first budget for the year 2004/2005 the Members realised that this situation needed to be addressed.

The Overview and Scrutiny Board were charged to create a Social Services Review Panel, which would scrutinise, in depth, the budgets and service delivery of the directorate. Whilst this review was sitting the department itself was undergoing major changes. The Council had committed itself to creating a Children's Service, combining the provision of both the education and social care of children into one service provided by the Local Authority and also to setup an Adults Trust in partnership with the PCT, combining both health and social care provision for adults within the Bay. The success of these changes in the administration of social services could be adversely affected if their budgets were inappropriately set. As a result of these changes there were also changes in the personnel during this period including the appointment of a Director of Children's Services and others at a lower level.

The Council appointed Mick Lowe, a social services consultant, whose contribution to our work was invaluable. There were also several meetings with senior officers from within social services. The Panel were very impressed with their co-operation and the commitment they showed to improve this area of provision, not least, in light of the changes they were having to put in place due to the new provision of children's and adults care. It became apparent that the officers were implementing some of the recommended changes as Mick Lowe identified them thus easing the pressures on the present year's budget.

I feel the recommendations we have made will enable the Council to deliver a service that gives support where it is needed in a quicker and more appropriate manner. The recommendations will be monitored regularly by the appropriate Performance Boards and I believe that the senior management who took part in this review will continue to implement best practice changes wherever they are needed.

The Panel wishes me to extend a thank you to all the social services staff who worked with us during this time and I would also like to extend my thanks to Kate Spencer and her team for their professional support throughout this review.

Councillor Cindy Stocks
Chairman of the Social Services Review Panel

1. Executive Summary

1.1 The Social Services Review Panel was established following concerns from the Overview and Scrutiny Board about the levels of spending within the then Social Services Directorate.

1.2 By appointing an external specialist to examine in detail the practices and procedures within the Directorate, the Panel were helped to be able to understand the pressures faced by the Council in relation to social services. In many ways, undertaking the review and turning the spotlight of the service has had a positive impact. The recommendations of the Panel have been formulated to ensure that the changes that have taken place over the course of the review continue at an appropriate pace.

1.3 As the positive moves in relation to budget management and service delivery are coupled with the structural changes occurring within the Council, the Panel believes that the Authority is in a good position to move forward in providing a cost effective but responsive service to the most vulnerable in Torbay.

1.4 It is recommended to the Executive, that in respect of Children's Services:

1.4.1 That standards of record keeping within the Service should continue to be improved.

1.4.2 That care planning and assessment methods be improved so as to better inform decision making to ensure that children receive more appropriate services (recognising that it is with the more difficult cases that this is required).

1.4.3 That the review and monitoring of children and young people once they have been placed in out-of-borough residential placements be improved.

1.4.4 That the stock of foster carers be expanded and their skills and professional standards be extended to provide alternatives to expensive out-of-borough placements.

1.4.5 That joint working be improved, a more holistic approach be developed and collaboration with health and education be improved so as to achieve more effective solutions and shared funding of placements for more complex cases.

1.4.6 That contracting and the monitoring and review of contracts be improved.

1.4.7 That a "gap-assessment" be completed whereby the needs of young people looked after by the Authority and the services

currently available to meet their need are profiled and that addressing the gap identified be the target for the Children's Services to achieve over the medium term.

1.5 It is also recommended to the Executive, that in respect of Adults' Services:

- 1.5.1 That an audit of the information available to residents about the availability of care services in the marketplace be undertaken to enable residents to purchase these direct rather than via the Council and that new communication and information tools be developed to remedy any shortfall.
- 1.5.2 That the eligibility criteria through Fair Access to Care Services be retained as "substantial" or "critical" and that social services managers be requested to ensure that the methods being used to assess potential clients is robust enough to ensure that services are only available to people who meet this level of need.
- 1.5.3 That social services managers ensure that the panel meetings held within the adult social services division that determine placements are more robust in their decision making.
- 1.5.4 That, through joint working, health officials be given a clearer understanding of the levels at which the Council will intervene and provide services for older people.
- 1.5.5 That health professionals be provided with the same information that will signpost clients to the marketplace in the first instance for care services for clients who are not likely to meet the intervention criteria.
- 1.5.6 That a review of social services charging policies and practices, financial assessments, income raising and debt recovery be undertaken to ensure an efficient and effective service is provided and that the Council is able to retrieve all of its income in a timely manner.

2. Introduction

2.1 At its meeting held on 22nd December 2003, the Overview and Scrutiny Board considered Report F/16/03 which gave a summary of the projections of income and expenditure for the 2003/2004 financial year compared with the approved budgets of the Council for that year. The Report indicated that the Council faced a projected net overspend of £1.133 million at the end of the financial year and that, in particular, the budget for the Social Services Directorate was projected to be overspent by £1.005 million. This represented 3.1% of the net revenue budget for the Directorate.

2.2 Arising from consideration of Report F/16/03 the Overview and Scrutiny Board established the Social Services Review Panel to review the difficulties being faced in meeting the needs of the Social Services Directorate against the budget set for the service and, in particular, to examine:

- (a) the underlying reasons for the growth in demand for both children's and adults' social services; and
- (b) the implications for the Medium Term Financial Plan of the Authority.

2.3 When the Board went on to consider the position of the 2003/2004 revenue budget at its meeting in April 2004 it was noted that the Directorate was projecting an overspend of £1.329 million which equated to 4.0% of the net revenue budget for the Directorate. The final out-turn figures for the 2003/2004 Financial Year were presented to the Board in July 2004 and it was confirmed that the Social Services Directorate budget had overspent by £1.189 million over the course of the year.

2.4 The scope of the Review was:

- (i) To consider the cost pressures in relation to social services which are facing the Council (including the state of the market for social care placements) together with the policy choices which are influencing these pressures.
- (ii) To compare these costs to those facing similar authorities.
- (iii) To review the demographic and other likely forward pressures facing the service.
- (iv) To challenge the existing approaches to service delivery with the aim of identifying potential areas for improving efficiency.
- (v) To identify the statutory minimum requirements for the services, the degree to which discretion is being exercised in relation to

these requirements and the relationship of these factors with the star status of the service.

- (vi) To review the current performance of the Social Services Directorate and the scope for the continuous improvement in relation to star status.
- (vii) In light of the above, to consider the potential for re-appointing and containing the budget for the Directorate and the implications for aggregating the social services budget given the agreement to establish a Children's Service and Adult Care Trust.

- 2.5 The Project Plan, which sets out the full details of the review including the methodology that was employed, is attached as Appendix 2.
- 2.6 The membership of the Panel comprised Councillors Burrage, Carter, Cope, Jennings, Stocks and Turnbull. Following his appointment to the Executive, Councillor Jennings was replaced on the Panel by Councillor Hayman. Councillor Carter became a Member of the Executive in December 2004 and was therefore no longer eligible to sit on the Review Panel. Councillor Stocks, as Scrutiny Lead Member for Social Services and Inclusion, chaired the Review Panel.

3. Process

3.1 Given the scale and complexity of the Review, Mick Lowe was commissioned via SOLACE Enterprises to undertake analysis work in connection with the review. He gave presentations of his findings to the Review Panel and provided support to the Panel throughout the review process.

3.2 The first stage of Mr Lowe's work involved a financial analysis of social services expenditure over the past five years. It drew primarily on data provided by the Social Services Directorate to the Social Services Inspectorate through the Performance Assessment Framework (PAF). The analysis brought together the PAF data with the Office for National Statistics population trends and other information from the Directorate.

3.3 Having received a presentation of Mr Lowe's initial findings, the Panel met with the following groups of managers within the Social Services Directorate:

- Adult Services Management Team
- Social Services Finance Team
- Community Learning Disability Team
- Supporting People Team
- Children's Services Management Team

3.4 The purpose of these meetings was to discuss with managers the initial findings of the review and to examine the processes by which the Council assesses the needs of people who are referred to the Social Services Directorate.

3.5 In addition, the Review Panel observed a meeting of the Children in Need Panel. It was not possible to observe an Adults Panel.

3.6 The second stage of Mick Lowe's work involved investigation of a number of issues and concerns that were identified following the first stage diagnostics. These investigations included file audits in both Children's and Adults' Services and continuing discussions with the Social Services Directorate Management Team.

3.7 Further evidence for the Review Panel's work was collected from the following sources:

- Analysis of background papers, reports and briefing notes. A list of key documents is attached as Appendix 2.
- Interviews with the Executive Member for Social Services.
- Interviews with the Director of Social Services and her management team, the Assistant Managing Director and the Director of Finance.

- Interview with the Assistant Director (Adult Services) and the Service Manager- Supporting People

4. Key Findings

4.1 The Social Services Directorate of Torbay Council provides a wide range of support and care services to a wide variety of people (both adults and children) within the area. These include people who need help to live their lives as independently as possible in the community, people who are vulnerable and people who need protection. Improving the health and social care of the community in Torbay is a priority for the Council and the aim of the Directorate is to place the service user at the heart of all of its activity.

4.2 The Council provides services to the following groups of people:

- Children and families in difficulty
- Children in the care of the Council
- Children who commit offences
- Older people
- People with physical disabilities
- People with sensory disabilities
- People who have learning disabilities
- People with mental health problems
- People with drug or alcohol abuse problems
- Ex-offenders who need help with resettlement
- People who care for others

4.3 Whilst the service is demand-led, it is funded through a formula rather than based on committed cases. The Council has a statutory duty to provide services to people who need them but the law does not allow the Authority to refuse help on the grounds of cost alone. Torbay Council has a duty to use the limited resources available to help the people who have critical or substantial risks associated with their needs.

4.4 However, in relation to services for older people and in line with national Fair Access to Care Services guidance, the Council may take resources into account when setting its eligibility threshold. This is the threshold of need that above which people may receive services that are purchased or commissioned by the Council and below which people cannot receive services.

4.5 Social Services departments operate under a range of legislation with key acts being the National Assistance Act 1948, the Children Act 1989 and National Health Service and Community Care Act 1990. The Department of Health issues guidance (in the form of circulars) on a regular basis which deal with the operational aspects of new legislation and initiatives.

4.6 Since Torbay Council became a unitary authority in April 1998, the Social Services Directorate has been consistently working on a number of areas for improvements as a result of external inspections, best value

reviews and the Delivery and Improvement Statements. A directorate restructure took place in 2002 and 2003 with the aim of consolidating the strengths of the Directorate and to assist areas which needed to be improved. The restructuring for the Adults Services Directorate took longer to achieve due to the delay in securing office accommodation for the whole service in Union House, Torquay. This was finally achieved in May 2004.

- 4.7 Partly in response to the Green Paper Every Child Matters, the Directorate is working closely with the Learning and Cultural Services Directorate, Torbay Primary Care Trust and stakeholders in the independent and voluntary sectors to achieve service integration in both adults' and children's services. These developments are focused upon outcomes with the objective of achieving more effective and efficient services for all users. The move towards a Children's Service and an Adult Care Trust have been progressed rapidly during the life of this Review. The findings relate to the Social Services Directorate which no longer exists although it is hoped that the findings will be considered during the establishment of the new structures.
- 4.8 The Directorate has a budget of £40.3 million funded by Council Tax income and Government Grant but in addition receives an extra £14.9 million in specific grant to fund additional services (including £6.2 million for Supporting People). This level of spend compares with a Formula Spending Share (FSS) of £35.593 million or 13% above. However, it must be clearly acknowledged that the FSS is merely a mechanism for allocating Government grant and is not an indicator of need.
- 4.9 The FSS calculation is based upon externally validated data and taken from national returns or sources other than the Council. Weightings are given to certain of these calculations such that the elderly who are more prominent in the South West in general and Torbay in particular get extra weighting as they move through the age bandings. The formulae were reviewed nationally some 12 months ago but the Council still has concerns over the continued use of pre-2001 census data. The Council's current view is that, in terms of FSS, the quantum for social services is too low - a view held by many Councils throughout the Country.

Trends in Social Services Expenditure

- 4.10 As his initial piece of work, Mick Lowe analysed information relating to the expenditure of the Social Services Directorate since the 1999/2000 financial year. The sources for the analysis included the information provided by the Directorate to the Social Services Inspectorate as part of the Performance Assessment Framework and Office of National Statistics population trends. The information was compared against the data for the Council's statistical neighbouring authorities that are set out in Table 1 (the "family"). Of this family, Poole Borough Council is Torbay Council's closest statistical neighbour.

Torbay Council's Family of Statistical Neighbours
Bath and North East Somerset Council
Blackpool Council
Bournemouth Borough Council
Brighton and Hove City Council
Isle of Wight Council
North East Lincolnshire Council
Poole Borough Council
Portsmouth City Council
Southampton Council
Southend-on-Sea Council

Table 1: Torbay Council's Family of Statistical Neighbours

4.11 The breakdown of the Social Services Directorate's budget for 2002/2003 is set out in Table 2. Approximately two thirds of the Directorate's gross expenditure is on the provision of services to adults and elderly people. Therefore the same percentage savings in this area would produce more than twice the savings in real terms as in Children's Services.

Social Services Directorate Budget 2002/2003		
	Gross Expenditure £m (million)	Net Expenditure £m (million)
Children's Services	11.227	11.001
Older People	29.446	17.680
Physical Disability	1.821	1.681
Learning Disability	7.604	6.067
Mental Illness	2.559	1.918
Other	0.481	0.370
Strategy	0.488	0.488

Table 2: Social Services Directorate Budget 2002/2003

4.12 The figures for 2002/2003 showed that, compared with the family, the gross expenditure on children's homes and foster care, the number of days of care given to looked after children and the gross weekly cost of that care was mid-table. (The findings of Mick Lowe are shown graphically in Appendix 4).

4.13 The gross weekly cost of child placements in children's homes and foster care was the fourth lowest within the family. It was reported to the Panel that whilst the proportion of looked after children within Torbay is higher than for the other authorities in the family, the Council has not had to rely on private foster carers as much as other authorities. Private foster carers cost about three times more than local authority foster carers.

4.14 However, it was also reported that the full impact of the National Care Standards had not been felt within the 2002/2003 financial year and it

was therefore expected that the expenditure on children's homes and foster care would be higher in the 2003/2004 figures.

4.15 In terms of the percentage changes in the figures between April 1999 and March 2003, Torbay Council had the lowest increase in gross expenditure of all the ten authorities except North East Lincolnshire Council. North East Lincolnshire Council's increase was 42% and Torbay Council's was 46% whilst all of the other authorities had increases of over 60%. Four authorities had increases of over 100%.

4.16 Although the increase in the number of care days given was only 9% within Torbay, seven of the eleven authorities within the family had lower increases - indeed six authorities had percentage decreases in the number of care days provided.

4.17 Over the three year period, the percentage increase in the gross weekly cost of care was 34%. This was the lowest within the family.

4.18 However, within Torbay the amount spent on care per 1000 children under 18 was the fourth highest within the family. Given that the cost of living within Torbay is one of the lowest within this group of authorities, it was felt that this point would need further investigation. Equally significantly, the number of days of care provided per 1000 children under 18 was the second highest amongst the eleven authorities.

4.19 One of the likely reasons for the high number of days of care given was the restructuring of Social Services Directorate. This had meant that when managers had made assessments they had associated greater levels of risk to cases than would have been the case within a more stable environment. It had been reported to Members that one of the immediate effects of restructuring would be the decrease in performance before the benefits would be seen.

4.20 In relation to social care for all adult client groups and elderly people, Torbay Council had the fifth highest gross expenditure of the family. The total amount of weeks of care given by Torbay Council was the second highest behind Brighton and Hove City Council. (It should be noted that, based on 2001 Census figures, Brighton and Hove has the highest overall population within the family whilst Torbay has the lowest.) However, when considering the gross weekly cost of this care, Torbay Council has the lowest costs within the family (and, according to the Performance Assessment Framework data for 2002/2003, the lowest within England and Wales).

4.21 This information would seem to suggest that more weeks of care were being provided than the figures indicate the Council should be providing. But this care is being provided at a significantly lower cost than by the rest of the family.

- 4.22 The reasons for the high levels of care and the low cost of that care were identified as needing further consideration. This would include studying the market for residential care within Torbay. The area has a large number of residential care homes and therefore it could be argued that the lower costs reflect the level of supply rather than the level of demand.
- 4.23 Over the past three years, there has been a 78% increase in the number of weeks of care provided in relation to adult services by Torbay Council. This is the fourth highest increase out of the eleven authorities in the family. The gross expenditure on these services increased by 45% (the sixth highest increase within the family). However, the gross weekly cost of care only increased by 6%. This was the lowest increase across the family.
- 4.24 The number of weeks of care provided per 1000 people was not just the highest within the family but was significantly higher than any other authority in the group. In fact the number of weeks of care per 1000 population were 250 times higher than the authority that provided the lowest number of weeks per 1000 population (Poole Borough Council - Torbay Council's closest statistical neighbour).
- 4.25 Within Torbay the amount spent on care per 1000 people was the highest amongst the family. However this was due to the amount of care provided rather than the costs of that care. The evidence shows that Torbay Council spends disproportionately more on adult social services than the rest of the authorities within the family.
- 4.26 It was agreed that the reasons behind the amount of care provided and the cost of that care would need further investigation. At this stage of the Review, the Panel did not wish to assume that the needs of the adult population in Torbay had increased by a significant amount over the past three years. Neither did it assume that there had been an influx of adults needing care into the area.
- 4.27 The Panel heard that the former Head of Adult Purchasing had left the Authority in October 2001 and, until the recent restructuring, this post had been filled on a temporary basis. From November 2002 to March 2003 there was only a part-time officer in post. Since the appointment of an Assistant Director (Adult Services), the focus of the Directorate had been on the integration of services with the Primary Care Trust. As a result of these factors, it was suggested that, as with Children's Services, the level of risk taken by individual managers may have decreased. Ultimately it may be seen as "safer" for a vulnerable adult to be placed in a residential home than for no care or different types of care to be provided.
- 4.28 Similarly the introduction of fines against the local authority if patients cannot be discharged on time from hospital into suitable care has led to an increase in the number of placements in residential homes. The

cost of care within residential homes is, in most cases, higher than the cost of providing domiciliary care. However, the Council receives a significantly higher level of income for people in residential care and this can provide a perverse financial incentive against the use of intensive domiciliary care.

4.29 It was also reported that there is a need to educate the wider healthcare community about the alternative options to placing clients in residential homes, including the option of Supporting People services. More than 50% of referrals in relation to adults' social services are from other healthcare professionals such as GPs and consultants.

4.30 Further, it was reported that Torbay Council's performance against the indicator for assisting people to stay in their own homes had been improving over the past two years. It can therefore be shown that the Council is not just placing clients in residential homes. As a result the initial findings seem to suggest that too many people within Torbay are receiving some types of adult social care services compared with the family group.

File Audit and Diagnostic Assessment - High Cost Placements in Children's Services

4.31 At the conclusion of the first stage of Mick Lowe's work it was recommended that an audit be conducted of the high cost placements in child care to ascertain if these placements were providing value for money or whether more cost effective decisions could be made.

4.32 A cross-section of six children who had been placed in high cost accommodation was selected. Through reviewing the files, two independent, qualified social workers tested whether decision making earlier in these children's childcare history could have prevented movement to a high cost placement. An audit tool was developed and used to consistently review the files. After completing the audit the findings were discussed between both auditors and the facts checked with the allocated social workers. The audit addressed a number of questions such as:

- Are there organisational weaknesses in the decision-making practice?
- Is it possible that there is too much discretion for individual decision-making in Torbay?
- Does the "gatekeeping" role work in practice?
- Are systems in place to ensure scrutiny of all "high cost placements" within the Directorate?
- Are systems and procedures in place that enable social workers to explore all alternatives to such placements?
- Are there patterns and practices within the Directorate that could be changed to prevent such placements?

4.33 The following paragraphs set out the conclusions of Mick Lowe and his associates in relation to the file audit.

4.33.1 In two of the six cases, young people have been placed at a local residential home and then moved to a specialist residential placement at a high cost and with a seemingly negative outcome, to the extent that there is a likelihood of the placements breaking down. Social Services may subsequently be placed in an untenable position of finding it very difficult to place these children with the parallel problem associated with long term costs.

4.33.2 In both cases, weaknesses in practice were found. Principally, there had been a lack of a thorough assessment to inform planning and decision-making and the standards of assessment need to be improved. In three of the cases it would seem that the placement was determined more by the availability of the resources than the actual needs of the child. In defence of the department, however, they were placed in difficult positions with a need to find placements in emergency circumstances and the lack of appropriate facilities locally has resulted in the expensive, out-of-borough alternatives. From the file audit it was also not always possible for the auditors to be clear about the mechanism for the decision-making process and the standards of record keeping need to be improved.

4.33.3 Another important theme was a lack of local foster carers and particularly those with specialist skills to be able to manage children and young people with challenging needs. It must be recognised that this is a problem facing many smaller authorities. This deficiency has sometimes led to more costly alternative placements being chosen in locations some distance from Torbay. There were examples of children being placed in expensive therapeutic communities without evidence of any attempt to place with fostering placements. The department needs to expand its stock of foster carers and extend its depth of skill in its foster carers. (For example, some authorities have developed and trained foster parents to provide therapeutic parenting for children whose needs demand such an approach - which was the case with some of the children whose files were audited.)

4.33.4 We also observed that there were too many examples where the social services department were left to work alone in care planning and sourcing solutions for children and young people. There were examples where we would have expected a more holistic approach with social services, health and education working much more closely to seek solutions and a much greater collaboration in meeting the identified needs - including collaboration overfunding some of these placements. Joint working needs to be improved.

4.33.5 However, there is no doubt that the children and young people being placed in 'out-of-borough' residential placements face multiple problems and are very complex cases. And in discussions with staff there are obviously a number of very complex cases being addressed in the department with children demonstrating severe behavioural difficulties, disabilities and relatively high levels of sexual abuse. The cost being charged to the department for these places is extremely high but the going rate across the south of England. All other authorities are being charged at similar rates, although, without regular reviews the department has not been in a strong position to negotiate reductions in rates as the prevailing problems subside and services provided reduce. Improvements in contracting and in monitoring and review of these contracts are essential ingredients of an improvement programme. Such improvements are now in place with the introduction of a contract management to the service.

4.33.6 We do believe that in some cases, if different action had been taken earlier in the care episode and more regular monitoring and review had been in place of the children and young people in their placements, the high levels of expense could have been avoided or at least reduced. The department needs to undertake a 'gap assessment' whereby it profiles the needs of this group of young people whose needs are difficult to meet and a similar profile of the resources currently available. The gap identified is the target for the department over the medium term.

4.33.7 From the available performance data the department still provide higher proportions of care weeks and spend proportionally higher per 1000 young people than the majority of their similar boroughs. This has been a long-term trend and whilst the lack of cheaper placement alternatives locally may go some way to account for the higher cost we have not yet been able to reach clear conclusions why these phenomena exist. Staff are comparing the proportion of income they receive from health and education with the other authorities as there is some evidence to indicate that this could also be a contributory factor. More work is currently underway on this by staff. The creation of the Children's Department and much closer working with health should improve this situation and the outcome of their research (and the action taken) will be reported when it is concluded.

4.34 Following the audit and other diagnostic work undertaken, the recommendations of Mick Lowe in relation to Children's Services were that the Directorate:

1. improve the standards of record keeping
2. improve care planning and assessment methods so as to better inform decision-making to ensure that children receive more appropriate services (recognising that it is with the more difficult cases that this is required)
3. improve the review and monitoring of children and young people once they are placed in out-of-borough residential placements
4. expand its stock of foster carers and extend their skills and professional standards to provide alternatives to expensive out-of-borough placements
5. improve joint working, develop a more holistic approach and improve collaboration with health and education so as to achieve more effective solutions and shared funding in placements for more complex cases
6. improve contacting and the monitoring and review of contracts
7. complete a "gap assessment" whereby it profiles the needs of this group of young people whose needs are difficult to meet and a similar profile of the services currently available to meet their needs. (The gap identified would then be the target for the Directorate to achieve over the medium term.)

- 4.35 The conclusions and recommendations were discussed by the Panel with the Assistant Director (Children's Services). He felt that they were an accurate reflection of the current situation within the Children's Services Division and that the report from Mick Lowe was balanced and fair. However, he went on to outline the actions that were continuing to be undertaken.
- 4.36 In relation to record keeping and care planning and assessment methods, work had been underway for the past twelve months to improve front-line practice. However, there continue to be difficulties in the recruitment and retention of staff within the Division. Following the decision that the Child Protection Team should be fully staffed, there are staff shortages within the Looked After Children Team.
- 4.37 Training programmes, targeted family intervention and more effective working with the Learning and Cultural Services Directorate are also helping to ensure that these recommendations are being implemented.
- 4.38 Monthly monitoring of placements has been in place since the end of 2003. This has improved the monitoring and review of children and young people once they are placed out of borough. More accurate information is now available about these placements and the Assistant Director was confident that more robust monitoring would lead to a consideration reduction in the overspend on independent sector placements.
- 4.39 In terms of expanding the stock of foster carers, Torbay's geographical area and location makes it more difficult to recruit more carers. The Council now has specialist contact carers and adolescent carers but there continues to be a need to invest in carers to be able to look after children and young people with complex needs. By continuing to provide and develop good support mechanisms for foster carers, the Council would hope to be able to attract more carers. The recently appointed Director for Social Inclusion has had experience of expanding and developing in-house placement services in her current Authority and that this experience will be drawn on once she is in post.
- 4.40 The move towards a Children's Service has seen a huge improvement in the way in which the educational needs of looked after children are financed. Protocols are being developed to ensure that costs are shared fairly between the social care and education budgets. It is hoped that the same approach can be adopted with relevant health agencies given that the majority of children in the care of the Local Authority have health as well as social care needs.
- 4.41 A Contracts Manager was appointed as part of the restructuring of the Social Services Directorate. Procedures are now in place to review placements to ensure that the Council is receiving best value whilst at all times ensuring that the needs of the child or young person are met.

The Division has worked hard to reduce the number of emergency placements that are made thereby making the most appropriate placement. However, this is not always possible and once a child is placed stability is a key requirement and it may not be in the child's best interest to move him or her. The balance between the needs of the child (ie. the Council's role as a Corporate Parent) and the Council Taxpayers should be considered at all times.

- 4.42 Work started on a "gap assessment" with the Best Value Review of Children's Services. This work now needs to be updated and reviewed and will be undertaken following completion of the Children's Social Services inspection.

File Audit - Services to Older People and Other Adults

- 4.43 In connection with Adults' Services, it was recommended by Mick Lowe at the end of his initial review that further investigations should be commenced into the number of adults and elderly people that have been assessed and provided with a service over the past four years. It appeared that there has been a disproportionate increase in people being assessed and offered a service. This was also at a level far greater than any other authority in Torbay Council's family of similar authorities. The result was a significant increase in expenditure. There was a need to develop short term solutions to meet the budget problems of the Council in the current year that would also lead to long term, sustainable solutions that will bring savings to the department and the Council.
- 4.44 Between July and October 2004 further analysis was completed of the patterns of service being provided to adults and elderly people. A file audit of 74 files was completed by Social Services staff and observations made of 18 cases discussed at the Adults Services Panel. Most of the work focussed on service to older people rather than adults with disabilities.
- 4.45 The file audit was undertaken by the Assistant Director (Policy and Performance) and the results shared with Mick Lowe. Its aim was to establish whether the cause of the variance between the number of care weeks provided by Torbay Council compared with the family of authorities was because people were being given a service whose needs did not meet the criteria of "substantial" or "critical". The Assistant Director concluded that many of the cases reviewed presented substantial risks associated with their needs and were therefore likely to qualify for services. A minority of the cases appeared to present moderate or low risk and were not likely to qualify.
- 4.46 Alongside the audit, the Assistant Director also carried out an analysis of all of those social services clients who had long-term residential care contracts agreed between April 2003 and March 2004 (this amounted to no less than 200 people). Nearly all of those admitted appeared to

have critical risks associated with their needs and had often been supported in their own home prior to being admitted. The average age of people entering residential care was 88 with the average length of stay before death being 124 days. This length of stay backs up the evidence that they had critical risks associated with their needs.

4.47 There is evidence that some people who meet the "full cost" of the residential care (ie. they are assessed to have their own private financial means to meet the costs of their care) receive care management services from the Council. The Council has a legal duty to assess clients and to provide information and advice. However, if a client can meet the full cost of their care there is no duty to help that client to find a care home or to negotiate fees (a part of "care management"). Initial investigations by Mick Lowe suggest that the level of activity associated with the care management of those clients meeting the full cost of their care is exceptionally high compared to other local authorities. Nearly 30% of all residential placements by Torbay Council involve clients who are paying the full cost of their care. No other authority in the family had more than 10% with many having an insignificant number.

4.48 The audit concluded that Torbay Council's eligibility threshold is in line with almost all other local authorities. It is understood that only one local authority in England operates a threshold above "substantial" with a response given only to "critical" risks. Two authorities operate a more permissive threshold providing or commissioning services to a disproportionate number of older people when compared to its peers.

4.49 Observations by the Assistant Director and interviews with staff found that the Adult Services Panel was not as rigorous in challenging applications as they ought to be. The criteria used to approve placements needs to be as robust as the "substantial" and "critical" criteria presume.

4.50 The following paragraphs set out the conclusions of Mick Lowe and his associates in relation to the audits and analysis undertaken in relation to Adults' Services.

4.50.1 This review has highlighted that there are some systemic issues that have caused the department to be spending at high levels - both in absolute terms and relative to others in the authorities. By using the performance information available, we have been able to identify the consequences of these issues. A number of interrelated factors have been operating for many years that have, in our opinion, resulted in more people - particularly elderly people - receiving services than should be expected. In our opinion, this has created a culture whereby intervention has been at levels lower than that which would generally be expected from the 'substantial' and 'critical', Fair Access to Care, criteria. And this has been reinforced by the expectations of health care professionals and of the families of older people needing care services.

4.50.2 Given the above conclusion, the department should be taking action in accordance with the following recommendations to re-align the assessment

and care management practices to ensure that citizens are receiving services to match the intervention criteria. Given the current situation, it is not possible to make instant budget reductions because the council would not want to remove people for whom it has given a commitment and who are now living in their new homes. However, the action will enable a gradual reduction of the budget in a planned way that also ensures those in most need do continue to receive services from the council. This approach will also protect the council from any legal challenge or judicial review as a result of its actions.

4.50.3 As a consequence, we are recommending that a gradual reduction in the budget for services for older people be implemented (and tightly monitored and controlled) from the next financial year. The current year's budget should remain as per the estimates with, I am suggesting, £800,000 reduction in each of the next three years. This would need to be subject to more detailed work being completed by staff in the department during the next 2/3 months as the estimates are being prepared.

4.51 In the light of these conclusions, the recommendations of Mick Lowe in relation to social care services for adults are that the Council should:

1. make a policy decision to not take responsibility for elderly people who can pay the full cost of residential care themselves,
2. audit the information available to residents about the availability of care services in the marketplace to enable them to purchase these direct rather than via the Council and develop new communication and information tools to remedy any shortfall,
3. implement the new approach from a date to be agreed by senior management in the Social Services Directorate but likely to be 1st January 2005,
4. request social services managers to complete an analysis of the likely savings in care management and administration as a result of the above change and re-organise work as appropriate to realise these savings,
5. retain eligibility criteria through Fair Access to Care Services as "substantial" or "critical" and request management in the department to ensure that the methods being used to assess potential clients is robust enough to ensure that services are only going to people who meet this level of need,
6. ensure that panel meetings with Social Services that determine placements are more robust in their decision making,
7. ensure that health officials have a clearer understanding of the levels at which the Council will intervene and provide services for older people,
8. provide health professionals with the same information that will signpost clients to the marketplace in the first instance for care

services for clients who are not likely to meet the intervention criteria or who are likely to be full cost cases,

9. review the department's charging policies and practices, financial assessments, income raising and debt recovery to ensure an efficient and effective service is provided and that the Council is able to retrieve all its income in a timely manner, and
10. consider a gradual reduction in the budget for services for older people from the next financial year that must be tightly monitored and controlled.

4.52 The conclusions and recommendations were discussed by the Panel with the Assistant Director (Adults' Services). It was reported that the recommendations in relation to not undertaking care management for those individuals who met the full cost of their care needed a caveat in that the Council would still have a duty to provide this service for those most vulnerable individuals.

4.53 By significantly reducing the amount of care management that is undertaken for clients who meet the full cost of their care, this would free up officer time within the Directorate. (There would obviously not be a reduction in the actual amount that the Council spends on care as the clients are meeting the cost of their own care anyway.) On the other hand, by undertaking this type of care management, the Council is to some extent controlling the market for social care. By reducing the amount of care management that the Council undertakes, there is a risk that the market could be disrupted.

4.54 The Council is continuing to look to provide alternatives to residential care to ensure that it promotes independent living as far as possible. However, it was noted that this would not necessarily lead to cost savings.

4.55 Protocols have recently been developed to help to ensure that there was a consistent robustness about the decisions made by the care panels within the Directorate.

4.56 In relation to the need for closer working with health professionals, it was noted that this should become easier with the creation of an Adult Care Trust. This would also create a single point of entry into the health and social care system.

4.57 The Assistant Director felt that the recommendations about considering a gradual reduction in the budget for services for older people was attainable and it was agreed that this would help to reduce the pressure on the budget in a planned way. However, given the low cost of residential care within Torbay, it may be appropriate to use some of these savings to improve the quality of care.

Testing of Mick Lowe's Findings

- 4.58 In terms of testing the findings of Mick Lowe, the Panel held discussions with the Executive Member for Social Services and key officers from across the Authority. The following paragraphs set out the Panel's findings from these discussions.
- 4.59 The Panel received information about the process that is followed (in both Children's and Adults' Services) when assessing the needs of service users. The timescales that are set for each type of assessment were also discussed as was the linkage of these timescales to the performance indicators of the Council. It was felt that the move towards the integrated approach to service delivery should leave the Council better placed to meet its targets.
- 4.60 It was stated that the main problem faced by the Council in meeting its targets was finding resources within the marketplace. However, it was the view of the Department of Health that if there was a problem within the marketplace, it was up to the local authority to find a solution. This is something that the Council is currently addressing.
- 4.61 The Panel discussed with the Social Services Management Team the systems that are in place across the Directorate to ensure that the gatekeeping role was appropriate and that there was consistency throughout the Directorate. Individual members of staff have regular supervision discussions and are included in training sessions and workshops that enable discussions within Teams about the interpretation of guidance and the sharing of good practice. Multi-disciplinary team meetings are also held to facilitate the sharing of good practice. Integration of services will help this process across the different agencies in Torbay.
- 4.62 There are a number of levels of audit throughout Social Services - from managers carrying out file audits, to cases being reviewed by management teams, to the Commission for Social Care Inspections ensuring that assessments and gatekeeping are sound.
- 4.63 Panel meet to discuss cases and as stated previously protocols have been developed to ensure that there is consistency in their decision making processes.
- 4.64 Following concerns about the projected level of overspend on the Social Services Directorate budget in the current financial year the Executive established a Social Services Committee in June 2004. This Committee was initially established for a trial three-month period. The terms of reference of the Committee were:

To exercise (so far as shall be lawful) all the Executive's powers in relation to all the Social Services and Housing functions, including (but not limited to) the following:

- (i) to review the financing of the Social Services Directorate (both within the current financial year and in the long term);
- (ii) to authorise any service changes that the Committee considers to be reasonably necessary to ensure that the Social Services Directorate operates within its approved budget for 2004/2005; and
- (iii) to consider and determine all care packages where the final total value is likely to be in excess of £25,000 per year or where the weekly cost of the package is likely to exceed £1000.

4.65 The Committee had been meeting weekly although this has recently reduced to fortnightly. All proposed care packages over £25,000 per year (or £1000 per week) were referred to the Committee for consideration. This Committee has now ceased to exist because Members believe that care packages are now robustly scrutinised and provide best value for money. These packages are now considered by the Executive.

4.66 The Executive Member for Social Services acknowledged that the creation of the Committee had enabled the awareness of the issues surrounding the allocation of appropriate care to social services users to be raised. However, it was not felt that there had been any positive impact on the budget situation as a result of cases being referred to the Committee for approval.

4.67 The Panel heard that there were a number of checks and balances in place within the Directorate to ensure that the most appropriate and cost effective placements were sought for service users. No further consideration was given to cases than before the Committee was established. The Committee had not improved the "gatekeeping" of the service because the majority of cases fall underneath the financial threshold of the Committee's terms of reference and are therefore dealt with within the Directorate. Concern was expressed that the members on the Committee could be getting a negative view of the Directorate because they were not seeing the efforts that are being put into addressing the budget situation within the Directorate.

4.68 Each case was presented to the Committee by the relevant social worker. This meant that there were additional tasks that needed to be completed by the Social Worker – such as preparing reports to be considered by the Committee and attending the meetings. This left less time for Social Workers to be involved in other case work.

4.69 The Assistant Managing Director reported that since the establishment of the Committee there had been an increase in the number of queries from social care practitioners (and from Committee Members themselves) about alternative sources of funding for care.

- 4.70 To date, all of the recommendations before the Committee had been accepted. It was noted that a lack of resources was not a legitimate reason for declining to provide care.
- 4.71 The Panel wanted to assess the impact that Mick Lowe's findings and recommendations would have on the creation of an Adult Care Trust. It was reported that the benefit would be felt in the everyday practice of Social Services staff. Officers are now more aware of how the budget has been apportioned between services and there is a need to be clear about what are the Council's future commitments. There is also a need for investment to enable the Council to reduce its dependence on residential placements. However, the impact of the creation of the Trust on the Council's budget was still open for negotiation.
- 4.72 Assessment processes were now more robust and this had helped to create an atmosphere where Social Services staff were more risk aware rather than risk adverse. The findings from the pilot of the integrated approach to service delivery that was currently being undertaken in Brixham would play a key role in determining the future working arrangements of the Trust.

Supporting People

- 4.73 Supporting People is a Government initiative that provides housing related support to help vulnerable people to live as independently as possible in the community, whether in their own homes or in hostels, sheltered housing or other specialised supported housing. It provides complementary support for people who may also need personal or medical care. Supporting People only funds housing support but this can be part of a package of differently funded but co-ordinated support which meets the needs of individuals.
- 4.74 The Government funds the Supporting People programme by way of a grant. The money is then distributed locally by Administering Authorities that are either unitary authorities or county councils. Therefore Torbay Council is the Administering Authority for the Supporting People programme within Torbay. However, it is the Commissioning Body that makes the strategic decisions on commissioning services. In Torbay, the Commissioning Body is made up of representatives from Torbay Council, Torbay Primary Care Trust and Devon and Cornwall Probation Service.
- 4.75 In Torbay, there are a total of 53 different providers of 85 services in relation to Supporting People. The overwhelming number of these providers are small private providers. 70 of the services are accommodation based and 15 provide "floating" support.
- 4.76 When the Overview and Scrutiny Board considered Report F/66/04 on the forecasted out-turn position of the Council's revenue account for

2004/2005, it was noted that it was projected that there would be an overspend of £767,000 within the Supporting People service at the end of the financial year.

4.77 It was noted that, as previously reported to Members, the cost of services being provided within the Supporting People Programme was projected to be in excess of the grant allocation by approximately £230,000. This had been reported to Executive and it had been agreed that the deficit would be managed over a two-year grant period and rolled into the 2004/05 grant. It was also noted that the Government was expecting all local authorities to make efficiency savings within the Supporting People Programme and had cut the grant available in 2004/05 to reflect this expectation. In addition to the £230,000 budget pressure identified in 2003/04, to date the Supporting People Grant was projected to overspend by £537,000 in 2004/05, totalling £767,000.

4.78 The reasons for the overspend were discussed by the Panel with the Assistant Director (Housing Services) and the Supporting People Manager. A number of reasons were given:

- Failure to commence service review on 1st April 2003
Supporting People interim contracts run until the conclusion of a service review. The key areas examined in a service review are: strategic relevance, value for money and eligibility for grant. Service reviews are the mechanism by which savings can be made. Due to the size of the Supporting People Team within Torbay and by prioritising other areas of work, service reviews have only recently commenced.
- Reduction in grant money by Government imposed efficiency savings
HM Treasury are concerned about the national level of the Supporting People Grant and efficiency savings of 25% were imposed in 2003/2004 and 2004/2005 thereby reducing the grant available.
- Contact types and void levels
Two main contact types were issued within Torbay: block gross chargeable (whereby the Administering Authority is required to pay for the capacity of the service minus 10% voids allowance) and block gross subsidy (whereby the Administering Authority only pays for those in receipt of Housing Benefit). There were a number of vacancies in both types of contacts as at 31st March 2003 and the grant allocation was based on this information. This meant that the programme within Torbay started off with a substantial deficit and the risk of increased deficit as subsidy services filled up.
- High cost services within Torbay
Torbay has been identified as one of the 19 "high cost" services across the Country. This means that the unit costs of the majority of

services, when compared to similar service types, exceed national and regional averages. However, the reasons for the high costs only become clear as service reviews are progressed.

4.79 The Panel received information about how the Supporting People programme within Torbay compared with those of Beacon Authorities. The main area of difference would seem to be the fact that Beacon Authorities were well prepared for the programme and are on schedule with their service reviews.

4.80 A number of authorities recognised the opportunity that Supporting People offered to provide more flexible and responsive services for vulnerable people while at the same time meeting the objectives of their communities in a more effective way. Within Torbay there was a lack of a strategic approach and a lack of corporate and partner commitment to the programme.

4.81 The findings of the comparisons with Beacon Authorities fit with the findings of the inspection of the Supporting People service that was carried out by Audit Commission during 2004. The finding of this inspection was that the service was "poor" with "uncertain" prospects for improvement. Three main areas of concern were highlighted as a result of the inspection:

- Governance and corporate ownership
- Resources
- Supporting People Strategy and sustainable improvement

4.82 An action plan to address these points has been prepared and is currently being implemented. Linked to the implementation of the action plan is the need to deliver the Supporting People Strategy. Each Administering Authority is required to produce a five year strategy which sets out the commissioning priorities up to 2009. The strategy must be based on a needs analysis as well as the priorities identified in the Community Plan and other key local strategies on social inclusion, community safety, homelessness, health improvement, regeneration and learning disabilities. Progress against the action plan will be monitored by the Community Performance Board.

4.83 With the re-structuring of the Council's management structure and the creation of an Adult Care Trust, the Supporting People Team now sits within the Communities Portfolio and the Accountable Officer roles, as well as the management has moved from the Assistant Director of Adult Services to the Assistant Director of Housing. This will help to establish robust governance arrangements for the programme.

5. Conclusions

- 5.1 The Panel believe that as a result of this review there has been a focus on the issues relating to the amount, type and cost of social care that is provided by Torbay Council. In many ways, the process of undertaking the review has had to positive outcomes rather than these outcomes being achieved as a result of the recommendations of the review. There has been a response from all social services staff in applying best practice and rigour in how the relationship between the needs of individuals and the resources available to the Authority are managed. It is pleasing that the Review has had this effect.

Children's Services

- 5.2 The Panel concur with Mick Lowe's conclusions. The Panel accept that the number of days of care given and the gross weekly cost of that care is average compared with Torbay Council's statistical neighbouring authorities. The file audit undertaken by Mick Lowe's associates showed that there were some weaknesses in the processes related to record keeping and contact management.
- 5.3 However, the Panel recognise that systems have been put in place since the Review began (and in some cases had already been put in place) to address these weaknesses. Improvements need to continue to be made to ensure that the processes within the Service are as robust as they can be.
- 5.4 The Panel believe that the creation of the Children's Service will further improve the partnership working that has been developed over the past months and years. This will help to ensure that better joint working practices continue to be developed between the social services and education functions and with the health service.

Adults' Services

- 5.5 The Panel concur with the findings of Mick Lowe in respect of his comparisons between the data relating to Torbay Council and that of the family of authorities. The Panel accept that the number of weeks of care given by Torbay Council is much higher than the figures indicate that the Council should be providing. Whilst the average cost of that care is the lowest in the County, Torbay Council's gross expenditure per 1000 population is the highest in the family.
- 5.6 Whilst the Social Services Management Team did not agree with Mick Lowe's assertion that the Council was not applying its Fair Access to Care Services criteria strictly enough and the file audit did not identify any significant inappropriate placements against the current criteria, over the course of the review there was a marked downward trend in the number of placements made. This would suggest that the broad issues highlighted by Mr Lowe were valid.

- 5.7 The Panel feel that it may not be appropriate at this time to adopt certain of Mick Lowe's recommendations but that they should be considered as part of the creation of the Adult Care Trust or considered by the Care Trust during its first years of operation. In particular, the Panel feel that the Care Trust may wish to consider whether a policy decision should be taken to not take care management responsibility for elderly people who can pay the full cost of residential care themselves.
- 5.8 Similarly, whilst not recommending at this stage that there should be a gradual reduction in the budget for services for older people, the Panel believe that it should be possible in future annual budget rounds to review the amount of resources for this service with a view to achieving a reduction year on year subject to an analysis of need.

6. Recommendations

6.1 The Panel agree with Mick Lowe's recommendations in relation to Children's Services and therefore would recommend to the Executive:

6.1.1 That standards of record keeping within the Service should continue to be improved.

6.1.2 That care planning and assessment methods be improved so as to better inform decision making to ensure that children receive more appropriate services (recognising that it is with the more difficult cases that this is required).

6.1.3 That the review and monitoring of children and young people once they have been placed in out of borough residential placements be improved.

6.1.4 That the stock of foster carers be expanded and their skills and professional standards be extended to provide alternatives to expensive out of borough placements.

6.1.5 That joint working be improved, a more holistic approach be developed and collaboration with health and education be improved so as to achieve more effective solutions and shared funding of placements for more complex cases.

6.1.6 That contracting and the monitoring and review of contracts be improved.

6.1.7 That a "gap assessment" be completed whereby the needs of young people looked after by the Authority and the services currently available to meet their need are profiled and that addressing the gap identified be the target for the Children's Services to achieve over the medium term.

6.2 The Panel agree with the majority of Mick Lowe's recommendations in relation to Adults Services and would therefore recommend to the Executive:

6.2.1 That an audit of the information available to residents about the availability of care services in the marketplace be undertaken to enable residents to purchase these direct rather than via the Council and that new communication and information tools be developed to remedy any shortfall.

6.2.2 That the eligibility criteria through Fair Access to Care Services be retained as "substantial" or "critical" and that social services managers be requested to ensure that the methods being used to assess potential clients is robust enough to ensure that services are only available to people who meet this level of need.

- 6.2.3 That social services managers ensure that the panel meetings held within the adult social services division that determine placements are more robust in their decision making.
- 6.2.4 That, through joint working, health officials be given a clearer understanding of the levels at which the Council will intervene and provide services for older people.
- 6.2.5 That health professionals be provided with the same information that will signpost clients to the marketplace in the first instance for care services for clients who are not likely to meet the intervention criteria.
- 6.2.6 That a review of social services charging policies and practices, financial assessments, income raising and debt recovery be undertaken to ensure an efficient and effective service is provided and that the Council is able to retrieve all of its income in a timely manner.

7. Monitoring Arrangements

- 7.1 The Panel would wish that the recommendations be incorporated into the appropriate Business Plans of the Council and that these Business Plans be monitored by the relevant Performance Board.
- 7.2 The Panel would wish to meet in September 2005 to review the implementation of its recommendations.

Acknowledgements

The Panel would like to thank Mick Lowe and his associates for the work that was undertaken to support this Review.

Members of the panel would also like to thank the following people and teams for meeting with them and discussing the issues raised by Mr Lowe:

Jain Wood
Vince Clark
Philippa Scott
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Sue Lewis
Steve Honeywill
Janet Wheeler
Paul Lucas
Richard Thorpe
Bill Norman
Frances Mason
Simon Sherbersky
Adults Services Management Team
Social Services Finance Team
Community Learning Disability Team
Supporting People Team
Children's Services Management Team

Appendix 1

Implications of the Recommendations

Legal	There are no legal implications arising from the recommendations.
Financial	There are no financial implications arising from the recommendations.
Human Resources	There will be a need to take proactive steps and a considerable investment of time will be required, by both managers and staff, to address the cultural differences that exist within the organisation and with partner agencies to successfully implement a collaborative working approach.
Property	There are no property implications arising from the recommendations.

The recommendations contained within this Report are in accordance with the Council's Budget and Policy Framework.

The recommendations contained within this Report would not be a Key Decision

Appendix 2

Project Plan

Objective of the Review

To review the current difficulties being faced in meeting the needs of the Social Services Directorate against the budget set for the service and, in particular, to examine:

- (a) the underlying reasons for the growth in demand and cost for both children's and adults' social services; and
- (b) the implications for the Medium Term Financial Plan of the Authority.

Introduction

At its meeting held on 22nd December 2003, the Overview and Scrutiny Board considered Report F/16/03 which gave a summary of the projections of income and expenditure for the 2003/2004 financial year compared with the approved budgets of the Council for that year.

The Report indicated that the Council faced a projected net overspend of £1.133 million at the end of the financial year and that, in particular, the budget for the Social Services Directorate was projected to be overspent by £1.005 million which represented 3.1% of the net revenue budget for the Directorate. The main reasons for the projected overspend were:

- (a) within Children's Services, the increasing costs faced by the service, the difficulty in recruiting and retaining staff and the expenditure on adaptations for disabled children and short-term breaks for children in care homes;
- (b) within Adults' Services, the impact of the reduced Supporting People grant; and
- (c) within Learning Disabilities, the increased costs due to recruitment difficulties and the appointment of agency staff.

At this stage, the Board established a Social Services Review Panel with the objectives as set out above.

The Board considered a further Report (F/31/04) at its meeting in April 2004. This Report stated that the Directorate was currently projecting an overspend of £1.329 million which equated to 4.0% of the net revenue budget for the Directorate.

Scope of the Review

1. To consider the cost pressures in relation to social services which are facing the Council (including the state of the market for social care placements) together with the policy choices which are influencing these pressures.
2. To compare these costs to those facing similar authorities.
3. To review the demographic and other likely forward pressures facing the service.
4. To challenge the existing approaches to service delivery with the aim of identifying potential areas for improving efficiency.

5. To identify the statutory minimum requirements for the services, the degree to which discretion is being exercised in relation to these requirements and the relationship of these factors with the star status of the service.
6. To review the current performance of the Social Services Directorate and the scope for the continuous improvement in relation to star status.
7. In light of the above, to consider the potential for re-prioritising and containing the budget for the Directorate and the implications for desegregating the social services budget given the agreement to establish a Children's Service and Adult Care Trust.

Service Background

The Social Services Directorate either commissions or provides a range of social care services for adults and children in Tobay, working closely with clients and carers. The aim of the Directorate is to place the service user at the heart of all activity.

The provision of good quality Social Care and Housing is a priority for the Council. Service users and their carers are actively involved in the planning, monitoring and evaluation of the Directorate's services. The Council has focused upon preventative services wherever possible however this has occurred in a challenging context of increased referrals and budgetary pressures for all of statutory services, in particular Children's Services and Learning Disabled.

The Directorate is working closely with colleagues in the Learning and Cultural Services Directorate, Tobay Primary Care Trust and stakeholders in the independent and voluntary sectors to achieve service integration in both adults and children's service. These developments are focused upon outcomes with the objective of achieving more effective and efficient services for all our customers.

The Directorate has been consistently working on a number of areas for improvements in recent years as the result of best value reviews, external inspections and the Delivery and Improvement Statements, and continues to focus in these areas and maximise the use of available resources.

The Directorate is funded through revenue monies and a series of Specific Grants. Detailed and robust monthly budget monitoring takes place and bimonthly performance management reports are also in place. Management information is circulated through the Directorate via management and team meetings and through electronic communication and the intranet. A directorate restructure took place in 2002 and 2003 with the aim to consolidate the strengths of the Directorate and to assist areas which needed to be improved.

In Spring 2004 the Authority was advised that an inspection of the Supporting People service would be undertaken in the light of the high costs of the service.

Legislative and National Background

Social Services departments operate under a range of legislation, key acts being the National Assistance Act 1948, the Children's Act 1989 and National Health Service and Community Care Act 1990. The Department of Health issues guidance on a regular basis in the form of circulars which deal with the operational aspects of new legislation and initiatives.

The Directorate is required by the Department of Health to consult with users and carers and carry out various customer surveys as part of data collection and statutory returns requirements. Various other forums have also been developed locally where the Directorate meets to hear the views and concerns of partners in the independent and voluntary sectors, and increasingly to work on improvements together for the benefit of service users.

Initial Supporting Documentation

Report F/4/04 and SS/1/04 - Implications of 2004/2005 Budget Targets (Social Services Directorate)

Report O SB/2/04 - Revenue Budget 2004/2005 (Report from Overview and Scrutiny Board)

Base budget figures for Social Services Directorate

Extracts from Strategic Plan

Business Plans for Social Services

Progress Statement to Monitoring Meeting with Office for Deputy Prime Minister

Review Panel

Councillor Stocks (Scrutiny Lead Member for Social Services and Inclusion)

Councillor Burridge

Councillor Carter (until December 2004)

Councillor Cope

Councillor Jennings (until October 2004)

Councillor Hayman (from October 2004)

Councillor Tumbull

Review of Social Services

Timetable for Review and Methodology

Date	Time	Venue	Council/Stakeholder/Community Representatives	Key Tasks and Questions
Thursday 3rd June 2004				1. To discuss the project plan for the review.
Wednesday 16th June 2004	4.00 p.m.	Town Hall Torquay	Executive Member for Social Services and Inclusion Director of Social Services Assistant Director (Adults Services) Assistant Director (Children's Services) Learning Disability Partnership Manager Finance Manager (Social Services) Executive Officer (Social Services)	2. To receive a briefing from Mick Lowe (Solace Enterprises) on his initial findings in relation to the review of Social Services
Tuesday 22nd June 2004	9.00 a.m.	Union House, Torquay	Adult Services Management Team	3. To discuss the issues arising from Mick Lowe's investigation with the managers responsible for the provision of social care to adults. <ul style="list-style-type: none"> What types of care are provided by the Division? Are there similarities between cases? What are the trends? What is the balance between residential and domiciliary care? What would be the implications of shifting this balance in terms of care levels, risks and costs? How are clients' needs assessed? What is the process from referral through to the provision of care? If applicable, how are judgements made against the Fair Access to Care criteria? How does the Council ensure that interpretation of need is consistent across the Directorate? What impact does the requirement to make assessments in a short time scale have on the level and type of care provided? How are individual case loads monitored? How do managers ensure that cases are spread evenly through each team?

Review of Social Services

Date	Time	Venue	Council/Stakeholder/Community Representatives	Key Tasks and Questions
Tuesday 22nd June 2004	9.30 a.m.	Oldway Mansion, Paignton	Social Services Finance Team	<p>4. To discuss the issues arising from Mick Lowe's investigation with finance team for the Social Services Directorate.</p> <ul style="list-style-type: none"> What information is provided to each part of the Directorate in terms of budget monitoring information? How often is this information provided? At what stage of the referral process are the Finance Team notified? What are the trends in the Social Services budget for the current year and what action is being taken to address these? What are the implications of the future commitments of the Directorate?
	2.00 p.m.	Parkfield House, Paignton	Children in Need Panel	<p>5. To observe the work of the Children in Need Panel.</p>
Thursday 8th July 2004	10.00 a.m.	Castle Circus Health Centre, Torquay	Community Learning Disability Team	<p>6. To discuss the issues arising from Mick Lowe's investigation with the managers responsible for the provision of social care to adults with learning disabilities.</p> <ul style="list-style-type: none"> What types of care are provided by the Division? Are there similarities between cases? What are the trends? What is the balance between residential and domiciliary care? What would be the implications of shifting this balance in terms of care levels, risks and costs? How are clients' needs assessed? What is the process from referral through to the provision of care? If applicable, how are judgements made against the Fair Access to Care criteria? How does the Council ensure that interpretation of need is consistent across the Directorate? What impact does the requirement to make assessments in a shorter time scale have on the level and type of care provided? How are individual case loads monitored? How do managers ensure that cases are spread evenly through each team?

Review of Social Services

Date	Time	Venue	Council/Stakeholder/Community Representatives	Key Tasks and Questions
Friday 9th July 2004	2.00 p.m.	Oldway Mansbn, Paignton	Supporting People Team	<p>7. To discuss the role of the team and the linkages with other parts of the Authority.</p> <ul style="list-style-type: none"> What work does the Team undertake? How does this work fit with the rest of the Directorate and what are the links to other parts of the Authority? What are the issues facing the Team in terms of service delivery and funding?
Wednesday 21st July 2004	9.30 a.m.	Oldway Mansbn, Paignton	Children's Services Management Team	<p>8. To discuss the issues arising from Mick Lowe's investigation with the managers responsible for the provision of social care to children.</p> <ul style="list-style-type: none"> What types of care are provided by the Division? Are there similarities between cases? What are the trends? What is the balance between residential and domiciliary care? What would be the implications of shifting this balance in terms of care levels, risks and costs? How are clients' needs assessed? What is the process from referral through to the provision of care? If applicable, how are judgements made against the Fair Access to Care criteria? How does the Council ensure that interpretation of need is consistent across the Directorate? What impact does the requirement to make assessments in a shorter time scale have on the level and type of care provided? How are individual case budgets monitored? How do managers ensure that cases are spread evenly through each team?
Wednesday 18th August 2004	4.00 p.m.	Town Hall, Torquay	<p>Executive Member for Social Services and Inclusion</p> <p>Director of Social Services</p> <p>Assistant Director (Adults Services)</p> <p>Assistant Director (Children's Services)</p> <p>Learning Disability Partnership Manager</p> <p>Finance Manager (Social Services)</p> <p>Executive Officer (Social Services)</p>	<p>9. To receive an update on the work undertaken by Mick Lowe since the meeting held on 16th June 2004.</p> <p>10. To review the issues that were raised with the Panel during the course of its site visits.</p> <p>11. To determine the issues that should be raised with Members of the Executive and the Management Team of the Social Services Directorate.</p>

Review of Social Services

Date	Time	Venue	Council/Stakeholder/Community Representatives	Key Tasks and Questions
Tuesday 21st September 2004	4.00 p.m.	Town Hall, Torquay	Executive Member for Social Services and Inclusion Director of Social Services Assistant Director (Adults Services) Assistant Director (Children's Services) Learning Disability Partnership Manager Finance Manager (Social Services) Executive Officer (Social Services)	<p>12. To review the system and procedures which have been put in place to address the overspend within the Social Services Directorate budget for the current financial year.</p> <ul style="list-style-type: none"> Will the overspend within the Social Services Directorate's budgets be eliminated by the end of the financial year? What are the risks and implications associated with this course of action? What are the long-term impacts? Are Members of the Executive getting the information that is necessary to satisfy themselves that the overspend will be dealt with? What impact has the establishment of the Social Services Executive Committee had on the budget within the Directorate? Has the Committee made a difference? What has changed as a result of the meetings? Has the Committee improved the "gatekeeping" of the service? What has been the impact on social services practitioners within the Council? Have additional procedures been put in place within the Directorate as a result of the establishment of the Committee? Is the Committee in a position to be able to not accept the recommendations of the Director of Social Services?
Monday 11th October 2004	4.30 p.m.	Town Hall, Torquay	Executive Member for Social Services and Inclusion Assistant Director (Adults Services) Assistant Director (Children's Services) Assistant Director (Policy and Performance) Learning Disability Partnership Manager Finance Manager (Social Services) Executive Officer (Social Services)	<p>13. To receive a briefing from Mick Lowe on the conclusions from the second stage of his review of social services.</p>

Review of Social Services

Date	Time	Venue	Council/Stakeholder/Community Representatives	Key Tasks and Questions
Wednesday 3rd November 2004	5.00 p.m.	Town Hall, Torquay	<p>Executive Member for Social Services and Inclusion</p> <p>Assistant Director (Adults Services)</p> <p>Assistant Director (Children's Services)</p> <p>Assistant Director (Policy and Performance)</p> <p>Learning Disability Partnership Manager</p> <p>Finance Manager (Social Services)</p> <p>Executive Officer (Social Services)</p>	<p>14. To consider the conclusions from the second stage of Mick Lowe's review and to explore the detail behind them.</p> <p>15. To consider how the anecdotal evidence gathered during the Panel's visits fits with the findings of Mick Lowe.</p> <ul style="list-style-type: none"> What is the process for assessing cases which are referred to Social Services? (The Panel would wish to see copies of the Fair Access to Care criteria, guidance for making assessments and sample minutes from referral panels) How well do the individual care panels within the Social Services Directorate do their jobs in ensuring that gatekeeping is appropriate? How is consistency of assessment ensured throughout the Directorate? What would be the impact of the recommendation from Mick Lowe that the Council should not take responsibility for elderly people who can pay the full cost of residential care themselves? What will be the impact of the findings of Mick Lowe on the creation of an adult care trust? What will be the impact of an adult care trust on the Council's budget? Will practitioners become more "risk averse"? Do the findings from the pilot scheme in Brixham for the adult care trust show that the health officials have a clearer understanding of the level at which the Council will intervene and provide services for older people?

Review of Social Services

Date	Time	Venue	Council/Stakeholder/Community Representatives	Key Tasks and Questions
Thursday 2nd December 2004	4.00 p.m.	Town Hall, Torquay	Executive Member for Social Services and Inclusion Assistant Director (Adults' Services) Supporting People Manager	<p>15. To consider the issues behind the overspend within the Supporting People budget and to compare the service provided by Torbay Council with that of a Beacon Authority.</p> <p>16. To consider the Action Plan prepared in response to the Supporting People Inspection.</p> <p>17. To consider the Supporting People Strategy.</p> <ul style="list-style-type: none"> • Why is the Supporting People function within Torbay Council one of the 19 highest cost functions in the Country? • How does the Supporting People function fit with the priorities of the Council? How does it fit with the structure of the Authority? • Why is the function overspent by £700,000? • How does the function compare with that provided by an Authority with Beacon Status? • How will the overspend and the findings of the inspection be addressed?
12th January 2005	2.00 p.m.	Town Hall, Torquay		<p>18. To consider the conclusions and recommendations in relation to the review of social services.</p> <p>19. To finalise the report of the Social Services Review Panel.</p>

The final report of the Review Panel will be presented to the Overview and Scrutiny Board at a meeting to be held on 16th March 2005.

Appendix 3

List of Key Documents

Presentation and Reports from Mick Lowe

Report SS/30/04 to Executive Social Services Committee (Fair Access to Care Services)

Record of Decision - Establishment of Executive Social Services Committee (8th June 2004)

Population Pyramid Graph of Statistical Neighbouring Authorities

Briefing Note to Leader, Deputy Leader, Executive Member for Social Services and Managing Director prepared by Director of Social Services

Report F/50/04 to Overview and Scrutiny Board (Budget Monitoring - Revenue Budget)

Briefing Paper on the Assessment Process prepared by the Assistant Director (Policy and Performance)

Supporting People Fact Sheet and Newsletter

Briefing Paper on Supporting People prepared by Supporting People Manager

Supporting People - Beacon Case Studies

Supporting People Programme - Inspection Report

Appendix 4

Graphs of data analysis from Phase One of the review by Mick Lowe











