

Minutes of the Overview and Scrutiny Board

13 October 2021

-: Present :-

Councillor Douglas-Dunbar (Chairwoman)

Councillors Atiya-Alla, Barrand, Brown, Bye (Vice-Chair), Mandy Darling, Hill, Kennedy and Loxton

(Also in attendance: Councillors Cowell and Stockman)

20. Apologies

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended to include Councillor Hill in place of Councillor Foster.

21. Minutes

The minutes of the meeting of the Board held on 15 September 2021 were confirmed as a correct record and signed by the Chairwoman.

22. Adult Social Care Improvement Plan

Torbay Council Head of Adult Commissioning, Steve Honeywill, and the Torbay and South Devon NHS Foundation Trust Associate Director of Operations for Torbay, Steve Holman, outlined the submitted presentation in respect of the Adult Social Care Improvement Plan and responded to Members' questions in relation to the following points:

- concern about the shortage of domiciliary care workers and the amazing job they do which did not seem to be recognised, what could be done to raise the profile of the role, improve training and potential recognition from the Royal College of Nursing that the role was similar to that of a nurse – meetings have been held with domiciliary care providers to explore this issue further, it was not all about the money, although there were many jobs in hospitality and other trades that pay higher wages, it was also about how employees feel about the job and the status that it was given, looking with wider NHS Devon to see how we could market the job at a higher level and using Torbay News to promote it as a career, also looking at training and development opportunities;
- the number of readmissions following discharge and how discharges were being planned and managed when Torbay Hospital had 40 people in the

Emergency Department waiting for beds – they had to match people with the solution that provides the best outcome and due to shortages of some provision it could be necessary to accommodate people outside of Torbay. They were working with the NHS to try to recruit more staff but this was a national issue and some of our provision was taken by people from outside Torbay, there were also plans to increase capacity and make more use of community support;

- why Direct Payments was going out to procurement and if people had problems procuring services for themselves – it was being procured as this is normal practice;
- query on how the savings had been made over three years and if this had resulted in any care packages being compromised – savings had been made through a number of ways including those under 65 with no mental health issues being placed in supported living rather than residential homes, restructuring of staff and savings through Direct Payments as a result of some people not wanting to access services during the pandemic;
- how people would pay for their care if they needed to go into a nursing home etc. – there were a number of options depending on circumstances which included deferring payment until their property was sold once the person had passed away, day care being assessed based on available cash and income and what the person could afford to pay;
- how people could access befriending services and get help with gardening, collection of medication etc. through the voluntary sector – there were many organisations that could provide this with people being directed to contact the Community Helpline and they would be signposted to the most appropriate support;
- difficulty discharging patients with additional needs e.g. dementia – they try to ensure that people were placed with providers that could meet their needs, there was limited capacity for acute nursing care, support for people with dementia, learning difficulties and autism which could result in people being placed out of area to ensure that their needs were adequately met, the pathways for these people was closely monitored;
- suitability of key worker accommodation for nurses and domiciliary care workers to encourage them to come to work and live in Torbay – access to affordable housing was key to filling our local vacancies, some providers also offer accommodation on site;
- importance of place shaping to ensure Torbay can meet the needs of our workers – they were working with the Planning Department to explain what their needs were and building relationships with community partnerships and ward Councillors early on in the planning stages for new accommodation. Housing was a key issue and the Housing Team were helping people to move on from large social housing to free up capacity for larger families when occupation had reduced;
- impact of staff not receiving the Covid-19 vaccination – 10% of care workers had not received the vaccination and work was being done to support those individuals, including peer support to try to encourage them to get vaccinated. This was also happening across the whole system to reduce the number of people who would not be able to carry out their full role after the deadlines imposed by the Government;

- loss of residential beds – four providers had closed for a number of reasons and work was being done to help support the remaining providers as well as building more extra care housing to help people live at home with appropriate support; and
- how people with severe mental health conditions were supported – most people were able to live safely within the community and had regular intensive support to help them settle into the community, they were closely monitored, normally under the management of the Devon Partnership NHS Trust. Often they were relying on carers they live with which could be difficult for many family members.

The Board requested the following information be provided:

- a breakdown of how the £6m would be saved;
- data on how many people we support in nursing care, residential placements, domiciliary care, day care etc; and
- an estimate of the number of key worker's accommodation required to meet the needs and help fill our care worker vacancies.

Resolved (unanimously):

- 1 that the Board recognise the work being carried out in Torbay to deliver the Adult Social Care Improvement Plan and the hard and professional work of our care workers. The Board encourage the Council's Head of Adult Commissioning and the Torbay and South Devon NHS Foundation Trust's Associate Director of Operations for Torbay to continue to recognise our care workers, by raising their profile, exploring ways to enhance their career opportunities in care and investigate ways of providing sufficient additional key worker accommodation, to encourage more staff to come to work in Torbay and fill our vacancies in the care sector; and
2. that the Devon Partnership NHS Trust and Torbay and South Devon NHS Foundation Trust be invited to a future meeting of the Overview and Scrutiny Board to outline the Community Mental Health Framework on how people are supported with severe mental health needs.

(Note: Councillor Brooks arrived during discussion of this item and Councillor Stockman left the meeting during discussion of this item.)

23. Impact on the Council of the increase in the Higher Needs Block of the Dedicated Schools Grant

The Cabinet Member for Children's Services, Councillor Law, and the Assistant Director of Education, Learning and Skills, Rachael Williams, outlined the submitted presentation on the impact of the Council of the increase in the higher needs block of the dedicated schools grant in order to support the number of children with an Education and Health Care Plan (EHCP). Members were advised that there was a long overdue national review of the Special Educational Needs Code due to be released in 2019 with the new Government Minister now wanting to start the review from scratch, it was anticipated that the review would result in a

positive decision around future funding but it was not known when this would be published for consultation.

The Board asked questions in respect of the following:

- where did the money come from – the Council cash funds the gap between the funding from the Government and the funding required for the higher needs block, whilst the Council was not responsible for this funding a Statutory Override allows a deficit to be built up and the Council was waiting for the Government to make a decision on who would pay for the deficit from 2023, once the Statutory Override ends;
- how much money was the Council losing from funding this from our cash holdings – the Council was not losing much income as the investment of its cash was on a rolling basis ensuring that sufficient cash was available each month to make payments such as wages;
- if we paid for EHCP for children out of Torbay or their transport costs – no this would be paid for by their local authority but we would pay the costs for any of our children placed outside of Torbay;
- why we have higher numbers of EHCPs than nationally – there was a link to poor historical children's social care performance, this was currently the subject of a review and part of the recovery plan was to explore how we use early help and other services to support children to avoid the need for an EHCP;
- was there a maximum cost for an EHCP – schools receive a notional £6,000 to help deliver support for special educational needs with additional funding per EHCP depending on the needs of the individual child; and
- exclusions and the impact on those with an EHCP – this links to the Council trying to understand what was driving demand and the Council was looking at Plymouth City Council who had completed positive work around exclusions and Lincolnshire Council who had taken action to reduce the number of EHCPs.

The Board requested the outcome of the Review of the EHCP Plan that would be submitted to the Education, Skills and Funding Agency to be reported to a future meeting of the Board prior to submission.

Resolved (unanimously):

That the Cabinet be recommended to lobby the Government:

1. to seek the national consultation on the Special Educational Needs (SEN) Code be released together with details on entitlement to funding for SEN provision to ensure best outcomes for children as soon as possible; and
2. to release information on the future of the statutory override to ensure clarity for local authorities to be able to know how they will be funded in the future.

(Note: Councillors Cowell and Law joined the meeting prior to consideration of this item.)

24. Update on Review of Planning Service Action Plan

The Assistant Director of Planning, Housing and Climate Emergency, David Edmondson, and the Director of Place, Kevin Mowat, provided an update on the review of the Planning Service Action Plan. Mr Edmondson responded to questions in respect of the following:

- relationship with the Neighbourhood Forums and working relationships between the Planning Committee Members and Officers – officers had productive meetings with the Neighbourhood Forums and explained the rationale for officers requiring more time to present their reports to ensure that all parties were adequately aware of the relevant issues. There was some merit in the Planning Officers and Members of the Committee meeting informally before the meeting;
- why the dedicated resource for TDA Planning applications had not been appointed – the delay was partly due to identifying how the post would be funded and it was accepted that this could have been progressed sooner. Assurance was given that this would be pursued as a matter of priority, having regard to the difficulty in recruiting and retaining Planning Officers, currently experienced by the Council;
- consultation and engagement with ward Councillors regarding applications in their ward which may be contentious to help them work with their communities – this point had been reiterated to the Planning Officers earlier that day;
- sustainability checklist – this had not been progressed due to other priorities but it was suggested that examples of good practice could be explored to enable this to be in place in the near future;
- confusion over who was representing the Council when providing advice on planning applications, sometimes SWISCo or TDA – departments such as highways have been transferred to SWISCo but were providing advice on behalf of the Council from those departments, this could be made clearer in future reports; and
- the length of time taken to validate some applications – it was acknowledged that sometimes the Planning Officers did not proactively chase outstanding responses to enable applications to be validated or progressed, assurance was given that this would be carried out in the future.

Resolved (unanimously):

1. that the Assistant Director of Planning, Housing and Climate Emergency be requested to progress the sustainability checklist, using good practice from other local authorities, as a matter of urgency, to ensure applicants are taking climate issues into consideration when designing their application;
2. that the Director of Place be requested to progress the appointment of a dedicated planning officer within the TDA; and

3. that the Council Leadership Group be recommended that Modular Planning training to be included as part of the mandatory training for planning committee members with an expectation that they attend at least 50% of these a year to help develop their planning knowledge.

(Note: Councillors Barrand and Law left the meeting prior to consideration of this item.)

Chairwoman