

ADULT SOCIAL CARE AND HEALTH

A record of decisions made by the Executive Member with responsibility for Adult Social Care and Health on:-

MONDAY, 11TH DECEMBER, 2006

following consideration of the matters detailed below in the presence of:-

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| Councillor Clare | Executive Member for Adult Social Care and Health |
| Councillor Ibrahim | Executive Member for Culture and Community Services |
| Councillor Shaw | Major Opposition Spokesperson |
| Councillor R. Ronson | Minor Opposition Spokesperson |
| Mr. J. Rutherford | Director of Adult Services |
| Mrs. A. Gannon | Director of Health and Social Care Integration |
| Mr. A. Kilpatrick | Assistant Director of Adult Services (Adults) |
| Mr. A. Scott | Policy Accountant |
| Mr. J. Lord | Head of Community Housing |
| Mrs. C. Street | Office Manager |
| Mrs. S. Bailey | Principal Democratic Services Officer |

38. MONITORING OF EXECUTIVE MEMBER DECISIONS

The Director of Legal and Democratic Services submitted a report which monitored the progress of decisions within the portfolio of the Executive Member for Adult Social Care and Health.

The Executive Member NOTED the progress of the decisions taken at the previous Executive Member meetings.

39. MENTAL CAPACITY ACT

The Director of Adult Services submitted a report which:-

- a) outlined the implications of the new Mental Capacity Act 2005 for the Authority with regard to the commissioning of an Independent Mental Capacity Advocacy Service for Bolton; and
- b) put forward options for its implementation.

By way of background information, the report explained that the Mental Capacity Act provided a statutory framework to empower and protect vulnerable people who were not able to make their own decisions. The Act set out a single clear test for assessing whether a person lacked capacity for a particular decision at a particular time and made it clear who could take decisions, in which situations and how they should go about this. It enabled people to plan ahead for a time when they may lose capacity.

The Act was due to be implemented from April, 2007 and was underpinned by five principles:-

- a presumption of capacity;
- the right for individuals to be supported to make their own decision;
- individuals must retain the right to make what may be seen as eccentric or unwise decisions;
- anything done for or on behalf of people without capacity must be in their best interests; and
- least restrictive intervention.

The Act would replace the current enduring Power of Attorney and Court of Protection receivers.

The main implications of the Act for the Authority were outlined and involved the need to nominate a contact for the Act and set up a local implementation network.

In Bolton, the contact for the Act was the Assistant Director of Adult Services (Adults) with operational progress being managed by the Joint Commissioning Manager for Mental Health. Discussions were ongoing regarding the establishment of a Local Implementation Group in Bolton, although Bolton's preferred model would be to incorporate this activity within the existing Safeguarding Adults Board area of responsibility.

Guidance suggested the role of the group would be to:-

- ensure that Independent Mental Capacity Advocacy service was in place;
- disseminate information and publicity;
- raise awareness of health and social care staff as to the implications of the Act;
- support education and training via the use of the training materials to be published;
- link into the regional network; and
- agree a multi agency implementation plan confirming how the training monies would be allocated.

Comprehensive membership was suggested to include primary care trusts and local authorities and a wide range of other organisations.

Funds for training to ensure that all health and social care staff were able to meet the requirements of the Act had been announced and Bolton could apply for ring-fenced funding in 2006/2007 of £25,888 and the same amount in 2007/08. As yet, there was no indication of the allocation for future years. This was dependent on having a local Training Plan in place,

which at the present time, was in draft form.

The report went on to outline a further provision in the Act to make Independent Mental Capacity Advocacy (IMCA) available in order to protect vulnerable people.

The main functions of the IMCA would be to:-

- support the person to participate in the decision making process;
- establish what they could about the person;
- ensure every effort was made to find out the likely wishes and promote their preferences raising issues on their behalf;
- make sure information was available and properly considered; and
- seek a second medical opinion if appropriate.

The IMCA service should have the flexibility to extend their role beyond this within the resources available, for example, involving an IMCA in a care review or adult protection case when the person was particularly vulnerable.

The timescales required the IMCA services to be commissioned by local authorities in 2006 working in partnership with PCTs given that this covered both health and social care decisions. The service should be operational by 1st April, 2007.

The Department of Health had made available new resources to facilitate this. For Bolton, £38,907 had been allocated and could be applied for to support the service in 2007/08. A further allocation of £12,929 in 2006/07 could also be applied for to support the commissioning and tendering of the IMCA service.

A draft service specification and tender requirements had been developed nationally, although these could be integrated and adapted for local use. In summary, the IMCA service should be:-

- independent from the Local Authority;
- recruit, train and manage and supervise advocates;
- provide advocates at short notice; and
- manage the provision of short term, issue specific, non instructed advocacy for people with a variety of communication needs in a variety of settings.

The report reminded the Executive Member of the existing Bolton Advocacy services and how they would have the opportunity to tender for the IMCA service.

The options for commissioning an IMCA service were also outlined, as follows:-

- a) existing provider – no selection process;
- b) use of funding across all local advocacy services;
- c) selection process – all local, one national pilot, other national advocacy service;
- d) national tender process;
- e) Greater Manchester wide service;
- f) Network approach; and
- g) Bolton, Salford and Trafford Footprint.

Full details of the options and the advantages and disadvantages of each were outlined.

The report went on to put forward various recommendations to be adopted as this Authority's way forward:-

- a) to establish a Local Implementation Group (Safeguarding Adults Board) and agreed representation from organisations as appropriate to ensure co-ordinated multi-agency approach and reduce risk of duplication;
- b) to agree leads in each organisation to ensure;
 - a training plan was completed and the training programme was delivered;
 - ensure policies and procedures were amended in a timely way to reflect the requirements in conjunction with other agencies; and
 - ensure that requirements to meet Mental Capacity Act/IMCA service were reflected in all contracts including with all out of area placements for the LA and PCT.
- c) progress towards jointly commissioning the IMCA service in partnership with Salford and Trafford Local Authorities as described in Option G above;
- d) agree Bolton's application for the ring-fenced funding associated with the Act and the IMCA, as described in the report now submitted; and
- e) update elected members, Chief Executives and Directors on a quarterly basis on progress.

The Executive Member APPROVED –

The recommendations in respect of Bolton's approach to the Mental Capacity Act 2005, as detailed in the report now submitted.

40. GYPSY AND TRAVELLERS STRATEGY 2006/2011 AND POLICY

The Director of Legal and Democratic Services submitted a report which put forward a Gypsy and Travellers Strategy and policy relating to illegal encampments for the consideration and approval of the Executive Member.

By way of background information, the report advised that the Housing Act 2004 and the Race Relations Amendment Act 2000 had required the Council to understand housing need, identify land and to review Council services for gypsies and travellers. In response, a multi agency group had been formed to steer, guide and take an active role in the research process and development of a strategy.

The report advised that there was also a need to ensure that gypsies and travellers had the same access to services as the rest of the community as well as addressing the issue of gypsy and travellers illegal encampments, business waste disposal and law and order issues. These issues were covered in a separate Gypsy and Travellers Policy which, together with the Gypsy and Travellers Strategy, formed Bolton's comprehensive gypsy and travellers approach.

The report went on to outline the research that had taken place in order to formulate the strategy. The strategy aimed to:-

- increase access and up take of customer orientated services and achieve greater involvement;
- reduce exclusion and health and economic inequalities/prejudice and support;
- encourage engagement and interaction with the wider population; and
- facilitate the maintenance and promotion of the cultural distinctiveness of gypsies and travellers.

In order to achieve this aim there were five objectives, namely:-

- to improve understanding of need;
- to improve consultation and engagement;
- to create more effective partnership working;
- to improve access to services; and
- to improve and develop services.

The strategy contained a 2 year action plan that would be reviewed and refreshed. In addition, a Bolton Multi-Agency Group for Gypsies and Travellers had been developed which would be responsible for:-

- delivering the Strategy and Action Plan over the next two years;
- monitoring the Strategy and Action Plan;
- reviewing the Action Plan in 2 years;
- developing a new Action Plan in 2 years;
- reviewing the Strategy in 5 years; and
- ensuring the work in Bolton feeds into the broader regional processes.

A copy of the strategy was attached to the report at Appendix 1.

The report also advised that a gypsy and traveller policy for dealing with illegal encampments had also been developed. The Executive Member was reminded that Bolton MBC had operated an effective service in dealing with illegal encampments for a number of years, and had worked closely with the local community, elected members and partner agencies. The policy set out the response of key agencies to

the range of issues presented by illegal encampments, and how the powers available would be used by each agency.

The policy had been presented to an informal meeting of Bolton Council in November 2006 and was attached to the report at Appendix 2.

The Executive Member APPROVED –

The Gypsy and Travellers Strategy and Policy relating to illegal encampments, as now submitted.

41. WINTER PLAN

The Director of Adult Services submitted a report which put forward the Winter Plan 2006/2007 for the consideration and approval of the Executive Member.

The report reminded members that the Local Health and Social Care Communities were required to work together to prepare for Winter. There was a requirement to have agreed arrangements in place to ensure preparedness in the following seven areas:-

- operational readiness, namely, capacity, staffing, Christmas and New Year;
- out of hours arrangement;
- NHS/Social Care joint arrangements;
- Ambulance service/Primary Care/Accident and Emergency links;
- critical care services;
- preventative measures, such as a flu campaign; and
- communications.

A Winter Plan had been developed which covered the period November, 2006 to November, 2007, outlining actions to be taken with timescales and financial implications. A copy of the Plan was appended to the report and had been developed in collaboration with Bolton Hospital NHS Trust, the Local Authority and Bolton Collaborative Medical Services. It aimed to ensure:-

- continuity of services through the winter period, particularly over Christmas and New Year periods;
- sufficient capacity and flexibility to meet demand for health and social services during the winter period.

The Executive Member APPROVED –

The Winter Plan 2006/2007, as now submitted.

42. 2006/2007 PERFORMANCE, BUDGETS AND EFFICIENCIES – QUARTER 2 MONITORING REPORT

The Director of Adult Services submitted a report which outlined the current position of the Adult Services Department 2006/2007 Budget and also of performance against service indicators for the second quarter ending 30th September, 2006.

The 2006/2007 Adult Services Revenue Budget was £72.877m with the current forecast, based on the financial position as at end of October, 2006, was that the budget would overspend by £3.3m, although this was partly due to an overspend on support and premises costs relating to Children's Social Care which, when passed on to Children, would reduce the figure relating to Adults to approximately £2.7m.

With regard to the 2006/2007 Adult Services Capital Programme, the report reminded the Executive Member that the original figure was £1.815m (£911k for Adult Social Care and £904k for Culture Community Services). However, the actual available allocations for 2006/07 had increased due to the carry forward of unused spend from 2005/2006 and the

securing of other capital funding. The Adult Services Programme now amounted to £3.908m (£2.099m for Adult Social Care and £1.809m for Culture and Community Services).

Actual spend incurred against the Capital Programme in the first six months of 2006/2007 was low at £196,000. However, this was traditionally low in the early part of the Financial Year due to the lead in time required to order and start capital works. Expenditure was expected to increase during the remainder of the Year although there was projected to be an underspend of £940k at the year-end.

The report went on to highlight the various cost pressures against the Revenue Budget, which included:-

- direct payments;
- demand-led growth items;
- premises; and
- Culture and Community Services overspend.

In offsetting the above projected overspends, the Department continued to receive Supporting People income over and above that built into the budget. For 2006/2007, this was expected to be approximately £1.3m.

The report also referred to the £2.1m savings identified as part of the 2006/2007 Resource Allocation process, £600,000 of which were currently at risk of not being achieved. This also affected the Adult Services Gershon efficiency target which was £1.6m, of which £1.3m were cashable.

The report also identified measures to address the projected overspend.

In terms of service performance, the report identified those indicators which were at risk of deterioration in performance. These were being closely monitored and measures put in place

to improve performance.

The Executive Member NOTED the report.