

CABINET

Monday, 6 June 2016

<u>Present:</u>	Councillor	P Davies (Chair)	Leader of the Council
	Councillors	G Davies C Jones AR McLachlan B Mooney M Patrick T Smith S Whittingham J Williamson	Housing and Community Safety Adult Social Care Transformation, Leisure and Culture Environment Community Engagement & Communications Children and Family Services Highways and Infrastructure Public Health

1 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Councillor Stuart Whittingham declared a personal and prejudicial interest in Item No 7 – Revision of Governance Arrangements for Wirral Partnership Homes Trading as Magenta Living - by virtue of his position as a Board Member of Magenta Living. He indicated that he would leave the meeting whilst this item of business was under consideration.

Councillor Bernie Mooney declared a personal interest in Item No. 5 – Better Care Fund – by virtue of her working for Age UK.

2 MINUTES

RESOLVED:

That the Minutes of the last meeting of the Cabinet held on 25 April 2016 be confirmed as a correct record.

3 EXECUTIVE KEY DECISIONS TAKEN UNDER DELEGATED POWERS

RESOLVED:

That the following key decision that had been taken under delegated powers during the period 11 March 2016 (date of publication of last ordinary Cabinet agenda) to date be noted:

- **Leader of the Cabinet – Strategic Policy and Oversight
Dock Bridges Contract – Awarded to Dawnus Construction Holdings Ltd in the sum of £6,962,441.
Effective from 16 April 2016.**

CARE ACT KEY CHANGES TO POLICIES & PROCEDURES - UPDATE FOR CABINET

Councillor Chris Jones introduced a report of the Acting Head of Delivery Services that informed about recommended changes in, Adult Social Care policy documents. It was reported that a full review of all social care policies had been undertaken in response to the new social and health care legislation, the Care Act 2014.

The Care Act 2014 was the biggest change to adult social care law in over 60 years. It consolidated over 30 different pieces of legislation. The majority of Care Act changes came into force in April 2015, with the exception of the major reforms to the way people pay for adult social care which has been deferred until 2020.

The report specifically highlighted proposed policy changes in relation to key elements of the Care Act where the Council had discretionary powers (for example in relation to the charging for specific services). The Cabinet noted that this was an important focal point for policy change, and an interim policy framework was set out in the report which was subject to consultation.

The Cabinet also noted that the policies had been developed in line with the Wirral Plan's 2020 Pledges. As well as providing a personalised framework for supporting the most vulnerable, these policies specifically offered people greater access to information, new rights and links with supporting older people to live well and to ensure that people with disabilities could live independently.

Appended to the report was:

- Appendix 1 - Primary and Secondary legislation which has been revoked by the Care Act
- Appendix 2 - A Full List of Revised Policies
- Appendix 3 - The Consultation Exercise Results

Councillor Phil Davies made reference to this important piece of legislation that had significant implications and proposed that Cabinet Members keep a close eye on this over the coming weeks and months.

RESOLVED: That

(1) the following Care Act compliant policies be approved:

- 1. Assessment Eligibility and Review**
- 2. Carers**
- 3. Choice of Accommodation and Additional Payments (Top-ups)**

4. **Complaints**
5. **Deferred Payments**
6. **End of Life Care**
7. **Homelessness**
8. **Hospital Discharges**
9. **Market Shaping and Market Failure**
10. **Medication**
11. **Ordinary Residence**
12. **Overarching Values and Principals**
13. **Personal Budgets and Direct Payments**
14. **Reablement**
15. **Referral and First Contact**
16. **Safeguarding**
17. **Safeguarding Adults Partnership Board (SAPB)**
18. **Support Planning**
19. **Transitions**

(2) **the following policies be approved and authority be delegated to the Cabinet Member for Adult Social Care to make any amendments which may be required following consultation:**

1. **Assisted Transport**
2. **Charging and Financial Assessments**
3. **Financial Protection Policy (including protection of moveable property)**

5 BETTER CARE FUND 2016/17

Councillor Chris Jones introduced a report by the Head of Transformation which provided the Cabinet with an update on the Better Care Fund achievements during 2015/16 and the priorities for submission in 2016/17, put together on behalf of Wirral Council and Wirral Clinical Commissioning Group, in collaboration with key partners.

This linked to the Wirral Plan Pledges

- Older People live well
- People with Disabilities live independently

The report informed that that the Council had over achieved the 3.5% non-elective admission reduction target for 15/16 within budget and that Key schemes were evidencing real impact and progress in establishing a sustainable seven day community offer.

Financially, the health and care economy in Wirral was in a challenging position. Despite seeing a reduction in the number of people admitted, those who needed to be admitted had cost more, due to their high level of needs.

The Cabinet noted that the priority for 2016/17 was to ensure a sustainable Health and Social Care economy which supported the national direction of travel, in particular a community offer which enabled seven day admission avoidance and discharge.

The Cabinet also noted that it was the commissioning intention for 2016/17 to agree cost envelopes with the main NHS providers, which would support the financial sustainability for acute and community care and minimise any negative impact or risk to providers, moving towards a more accountable single care system. The BCF would continue to invest in schemes to deliver the wider system change and prioritise support and mitigation of risks.

The BCF would continue to prioritise cost effective 7 day community services that were responsive, delivering the right care in the right place at the right time. Services would continue to be transformed, redesigned to ensure better outcomes for people, best value and effective use of resources across all providers.

Appended to the report was:

- Appendix 1 – Wirral BCF Headlines 2015/16
- Appendix 2 – The BCF Scheme Summary

Councillor Chris Jones thanked the officers who had carried out some fantastic work in commissioning these services and in particular Jacqui Evans.

Councillor Phil Davies endorsed the recommendations set out in the report and informed that it was his view that, ideally, the Council should ensure that people were looked after in their own homes.

RESOLVED: That

- (1) the BCF achievements in 2015/16 detailed in Appendix 1 be noted;**
- (2) the 2016/17 BCF plan and the role of the Health and Wellbeing Board in signing off the final submission (Appendix 1 overview and Appendix 2 scheme details) be noted; and**
- (3) the quarterly targets agreed and the governance arrangements for monitoring progress (Appendix 1) be noted.**

6 SOCIAL CARE FEE SETTING PROPOSALS 2016/2017

Councillor Chris Jones introduced a report by the Head of Transformation and Commissioning that set out the outcome of consultation with care providers

with regard to 2016-17 fee rates for services provided for Adults in Wirral Council. The report summarised local requirements to deliver a sustainable care market within the Care Act requirements, with a quality of care that reflected local expectations. The Cabinet was informed that officers had worked collaboratively with an independent agency to benchmark, consult and engage with the sector, and had provided an independent oversight and objective review of processes. Proposals had been made in the context of significant financial pressures in relation to care costs for both providers and the Council.

The consultation had covered services provided on behalf of Wirral Adult Social Care and Wirral Clinical Commissioning Group as part of its joint commissioning arrangements with service provision Wirral Wide in all wards.

The report covered all sectors: Residential and Nursing (including Intermediate Care and specialist services), Domiciliary Care and Supported Living.

The Cabinet noted that funding required to meet recommended increases was in excess of what the Council had budgeted for in 2016/17 and would require the transfer of £1.5 million from the revenue budget contingency plus an additional £1.5 million of balances to be used for 2016/17 to fill the gap with the commitment to build this into the 2017/18 Budget. To put this into context the Cabinet noted that the 2% Adult Social Care precept raised £2.3 million and was already being used for Adult Social Care.

The Cabinet was informed that the following pledges were linked to and supported by the recommended increases:

- Older People Live Well
- People with disabilities live Independently
- Young People are ready for work and adulthood
 - Wirral is a place where employers want to invest and businesses thrive
- Greater job opportunities in Wirral Council
- Thriving small businesses
- Workforce skills meet business needs

The report also included the following appendices providing the detail for each sector:

- Appendix 1 – Interim Rates
- Appendix 2 – Benchmarking Data
- Appendix 3 – Summary of Feedback Receive

Councillor Phil Davies informed that he welcomed the proposal to invest £3 million additional funding and made reference to the Living Wage, one of the Council's key priorities. The Council was enabling Care Homes to pay this. Councillor Davies also made reference to the Council's chronic under funding and the need for proper funding to meet the needs of elderly people. He informed that given the financial challenges the Council was facing, this was a good settlement.

RESOLVED; That

- (1) the rate and fees recommended by officers within the report be approved;**
- (2) the Council be RECOMMENDED to meet the increased cost of £3 million by £1.5 million from the revenue budget contingency and the £1.5 million from balances during 2016/17;**
- (3) the proposal that payments to providers be back dated to 1 April 2016 be approved;**
- (4) the forward work plan with the independent agency to develop a new costed care model for specialist residential and nursing be approved; and**
- (5) the forward work plan to develop an outcome based model via the LCR model of care for the Support Living Sector be approved.**

Councillor Stuart Whittingham left the meeting.

7 REVISION OF GOVERNANCE ARRANGEMENTS FOR WIRRAL PARTNERSHIP HOMES TRADING AS MAGENTA LIVING

Councillor George Davies introduced a report by the Head of Housing and Community Safety that advised the Cabinet that the Council, as a Company Member of Magenta Living, would be required to vote on proposals for Magenta Living to move to a Board that was selected on the basis of skills rather than by constituency nominations.

The Cabinet noted that Magenta Living's Board had agreed to move to a Board recruited for the skills and experience necessary to enable the organisation to move into more diverse and commercial areas of business and demonstrate it met the standard required by the Regulator, the Homes and Communities Agency (HCA) for the current business in the new operating environment.

Appended to the report was the Magenta Living Board Skills List.

Councillor Phil Davies emphasised the need for Members to be provided with relevant training so that they could apply for positions on the Board of Magenta Living going forward.

RESOLVED:

That the report be referred to the Council meeting scheduled for 11 July 2016 for approval and the Council be RECOMMENDED: To

- (1) agree the proposal for Magenta Living to move to a Board that is selected on the basis of skills rather than by constituency nominations;**
- (2) agree that Magenta Living's Articles of Association be revised to reflect the changes;**
- (3) delegate authority to the Head of Legal and Member Services to agree changes to Magenta Living's Articles of Association;**
- (4) authorise the relevant Council officer to vote on the changes (and associated matters) proposed and referred to in the report at the forthcoming Magenta Living General Meeting; and**
- (5) agree that relevant Members undertake and be provided with requisite training and development necessary/appropriate to be a Board Member of Magenta Living.**

Councillor Stuart Whittingham returned to the meeting.

8 REVIEW OF SCRUTINY ARRANGEMENTS

Councillor Anne McLachlan introduced a report by the Team Leader – Performance and Scrutiny which set out proposals for amending the Council's overview and scrutiny arrangements to better align with, support and challenge the effective delivery of the Wirral Plan. Members were informed that this would ensure that the scrutiny function added value in support of better outcomes for Wirral residents.

The new arrangements would also deliver better value for money through a reduction from the four existing Policy and Performance Committees to three new Overview and Scrutiny Committees that would be clearly aligned with the three Wirral Plan themes of People, Business and Environment. This would help ensure that the focus of scrutiny was targeted towards the Wirral Plan and its partnership delivery arrangements.

The new arrangements would involve the three committees driving forward a scrutiny work programme that was prioritised around the twenty pledges in the Wirral Plan. This would involve the establishment of task and finish groups and standing panels which would examine the effectiveness of Wirral Plan delivery. This would also provide non-executive members with the opportunity to challenge and influence partnership delivery arrangements and to harness the views of service users and residents to ensure the best outcomes for Wirral residents.

Changes to the Scrutiny function required a change to the Council's Constitution, Calendar of Meetings and appointments being made to the new Committees and consequently, would need to be referred to the Council for approval.

Appended to the report were:

- Appendix 1 - Transfer of Scrutiny Work Programme Items
- Appendix 2 - Appointments and Revised Calendar of Meetings
- Appendix 3 - Revised Article 6 and Table 2 - Responsibility for Functions of the Constitution
- Appendix 4 - Revised Part 4a - Standing Order 35
- Appendix 5 - Revised Part 4d Overview and Scrutiny Procedure Rules

Councillor Phil Davies pointed out that the reduction of four Policy and Performance Committees to three new Overview and Scrutiny Committees would provide savings.

RESOLVED: That

- (1) the proposed changes to the Council's scrutiny arrangements set out in the report and its appendices be approved;**
- (2) the proposed changes detailed in the report and its appendices be referred for consideration to the Policy and Performance Co-ordinating Committee for consideration at its meeting scheduled for 15 June 2016; and**
- (3) the proposed changes to the Council's scrutiny arrangements detailed in the report (including Appendices) and the views of the Co-ordinating Committee as confirmed at its meeting on 15 June be referred to an extraordinary meeting of Council to be held on 27 June 2016 for consideration and approval.**

9 **COMMUNITY SAFETY PARTNERSHIP**

Councillor George Davies reported that at its meeting on 22 March 2016 the Transformation and Resources Policy and Performance Committee had considered a report on the Community Safety Partnership and recommended the 2016/17 priorities set by the Community Safety Partnership to the Cabinet. The Committee's report and subsequent Minute were attached to the agenda for Members information.

The report had highlighted the progress made to date in the delivery of the following two pledges set out in Wirral's 2020 Vision:

- Ensuring Wirral's neighbourhoods are safe.
- Zero tolerance to Domestic Abuse

RESOLVED: That

- (1) the contents of the report and the progress made in the delivery of the two 2020 pledges be noted; and**
- (2) the 2016/17 priorities set by the Community Safety Partnership be approved.**