

AUDIT AND RISK MANAGEMENT COMMITTEE

28 SEPTEMBER 2010

REFERRALS TO CABINET

24 CARE QUALITY COMMISSION (CQC) REPORT ON SAFEGUARDING AND ADULTS WITH A LEARNING DISABILITY

The Director of Adult Social Services presented his report which had been considered by the Cabinet on 2 September 2010 (minute 109 refers) in relation to the Care Quality Commission (CQC) Report, following its Service Inspection of Adult Social Care undertaken in May 2010. The focus of the review had been on safeguarding adults, making a positive contribution for adults with a learning disability and increased choice and control for adults with a learning disability.

He commented that the CQC report had criticised the Council's performance. The report had concluded that the Council was performing poorly in safeguarding adults and in supporting adults with a learning disability to have increased choice and control. The report had also concluded that the Council was performing adequately in supporting adults with a learning disability to make a positive contribution. Lastly, the CQC had concluded that the Council's capacity to improve was uncertain.

The Director outlined the key findings from the report and indicated that it contained a number of recommendations for the Council to improve. Those recommendations had been incorporated into a robust improvement plan that had been approved by the Cabinet and submitted to the CQC. The Director had been instructed to present a further report to the 14 October 2010 Cabinet, to include the timetable required to deliver the improvements set out in the second, revised improvement plan.

Members expressed their concern with regard to the findings of the CQC report and sought assurance that measures were now in place to ensure that the significant risks identified were being addressed. The Director stated that in response to the previous 'Red Flag' related to safeguarding adults, there had been a fundamental review of how performance data was collected. Data quality was now as good as it had ever been and this had been acknowledged by the CQC. However, he acknowledged that the improvements made were recent and the CQC wanted to see that the changes had bedded in. In response to a question from a Member, the Director commented that the Department had worked closely with Internal Audit with regard to the key components of the improvement plan.

The Director indicated that the improved governance arrangements put in place would supplement the usual management arrangements and would ensure that progress was tightly monitored to ensure improvement in all areas within the timescales set out in the plan. He stated that there was a need to prioritise work within DASS to ensure compliance with the Improvement Plan. The Director also referred to engaging with partners to help support delivery of the Improvement Plan.

The Chair asked whether work was being undertaken to change things culturally within DASS. The Director confirmed that this was the case, particularly in relation to improving skills and competencies and ensuring that mechanisms were in place to provide support to managers and frontline staff working with vulnerable adults and adults with learning difficulties. The Director expressed his appreciation of the support DASS had received from Corporate HR in this work.

Resolved –

- (1) That the report be noted.**
- (2) That the Cabinet be advised to receive a report to each meeting in relation to progress to date against the actions contained within the improvement plan.**
- (3) That an update report be presented to the January 2011 meeting of the Committee.**

25 PROGRESS REPORT ON REIMBURSEMENT IN RELATION TO PUBLIC INTEREST DISCLOSURE ACT 1998 (PIDA)

Further to minute 95 (24 March 2010), the Director of Adult Social Services provided an update on progress in the implementation of reimbursement to certain residents and former residents of Bermuda Road, Curlew Way and Edgehill Road supported living establishments in Moreton, following the agreement of the Cabinet (minute 256 (14 January 2010) refers) to the recommendations of this Committee.

The Director reported that of the sixteen individuals, who had been identified as eligible for a payment, four were now deceased and reimbursement payments had been made to their next of kin. Each of the remaining twelve people had been provided with an independent advocate, ten with Wirral Mind, one with Mencap and one with Advocacy in Wirral. He reported that a task force had met on a regular basis since February 2010 in order to review progress with advocates on individual cases and to discuss any issues. Those meetings were attended by advocates, Weightmans Solicitors and Council staff (including officers from finance, welfare benefits and operational areas). In response to a comment from the Chair, the Director of Law, HR and Asset Management confirmed that although Weightmans Solicitors had been appointed to represent the Council, their attendance was to ensure that the reimbursement process was carried out in a proper and lawful manner. The Council had accepted that it was liable and the role of Weightmans was non-adversarial and intended to be supportive.

The Director of Adult Social Services reported that, in May 2010, a letter had been received from the Office of the Public Guardian (OPG), who had been made aware of the proposed reimbursements and had identified potential safeguarding concerns in relation to substantial sums of money being paid to vulnerable adults who may not have the capacity to make their own decisions. The OPG had advised that capacity assessments should be completed in respect of all individuals and that, where they did not have capacity, it would be appropriate for applications to be made to the Court of Protection. Of nine initial assessments completed, there was an indication

that eight individuals did not have the capacity to make decisions around financial matters. Referrals had been arranged for formal assessments of those eight individuals, which is a requirement of the Court of Protection. The Director proposed that the Department would make applications to the Court where there was not an appropriate person or family member willing to do so. The outcome of the three remaining initial assessments was awaited. The Director confirmed that the one payment already made was to a person who did have capacity.

In response to a question from a Member in relation to the timescales for the completion of the work to reimburse the remaining eleven individuals, the Director indicated that there was a desire to conclude the process as soon as possible. Although the pace of work had been guided by work undertaken with advocates, he commented that it was now dependent upon the progress of the applications to the Court of Protection.

Resolved –

- (1) That the report be noted.**
- (2) That the final details of reimbursements to individuals be reported to the Cabinet.**
- (3) That an update report be presented to the January 2011 meeting of the Committee.**