



SCRUTINY SUB-COMMITTEE C

MINUTES of the meeting of SCRUTINY SUB-COMMITTEE C held on MONDAY OCTOBER 13th 2008 at 7.00 P.M. at the Town Hall, Peckham Road, London SE5 8UB

PRESENT:

Cllr Toby Eckersley – Chair
Cllr Anood Al-Samerai – Vice Chair
Cllr James Barber – Reserve for Cllr Sheik
Cllr Richard Livingstone
Cllr Jane Salmon
Cllr Dora Dixon-Fyle

**EXTERNAL
ADVISORS**

Patrick Horan – Disabilities forum
Tom White – Pensioners forum

**OTHER MEMBERS
PRESENT**

Cllr Ade Lasaki
Cllr David Noaks, Executive Member for Health and Adult
Care

**OFFICER
SUPPORT:**

Doreen Forrester-Brown – legal services
Jennifer Seeley – FMS
Eleanor Kelly – Deputy chief executive
Dominic Cain – Head of client services
Rod Craig – Director of client group commissioning
Shelley Burke – Head of scrutiny
Georgina Conaghan – Scrutiny project manager
Sally Masson – Scrutiny project manager

APOLOGIES

There were none

**NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR
DEEMED URGENT**

There were none

DISCLOSURE OF INTERESTS AND DISPENSATIONS

There were none

Chair signed off the minutes from the Freedom Pass meeting held on August 24 2008. It was noted by some Members of the sub-committee that the issuing of papers, three non-working days before this meeting had been subject to a very cautious interpretation of purdah guidance and could be seen as miss application of that guidance, which should be reviewed in the future

1 Co-opted Members

- 1.1 The nominees for co-option were Tom White from the Pensioners Forum and Patrick Horan from the Southwark Disabilities Forum. Legal services advised that if the nominees were voted on to the sub-committee as external advisers and not co-optees, they could join the sub-committee with immediate effect rather than wait for ratification from the Overview and Scrutiny Committee. Mr Horan raised concerns that if taken on as an external advisor, it would mean that constitutionally, he would not be able to question officers directly. The Chair responded by saying that any questions they may have would be put to officers via the sub-committee. Councillor Livingstone agreed that taking external advisors instead of cooption in this instance was a sensible decision but there should be constitutional changes to allow for more immediate cooption as required. Legal services assured the sub-committee that this was currently being worked at the constitutional panel.
- 1.2 Patrick Horan and Tom White were voted onto the sub-committee as external advisors.

2 Further submissions and updates

- 2.1 The Chair thanked everyone who took time to make their submissions. The committee did not add anything further to points 1, 1A and 2 as the issues raised were highlighted in the previous Freedom Pass meeting. Submission 3 was correspondence from Ms Janet Yatak, to Southwark Council illustrating that problems with the issuing of passes were still as bad today as they were in late August. The Chair thanked Ms Yatak for her efforts and noted that her mystery shopping results in August verified Seeley's experiences conducted at a similar time.
- 2.2 In Ms Yatak's submission she raised concern about the legality of informing people who had not received their renewed passes to continue to use their old passes, after they had run out. This was advocated by the Council's website. Councillors were advised that there was little evidence to suggest this was a legal issue. It was also thought that given the severity of the problems with the renewal process, that this advice, appeared to be a necessity to prevent further chaos; the alternative, not giving that advice, could be seen as being more negligent.
- 2.3 The submission on page 41 of the supplementary agenda from the Londonwide Local Medical Committee highlighted issues around GP's payment for the applications they helped with. The payments appeared to have halted briefly but were later reinstated and paid through the PCT. Rod Craig clarified that the PCT's pay the GPs directly and then claim the cost from the relevant Council department, in this case, adult and social care.

- 2.4 Members noted that the Department for Transport guidance on eligibility states that using an applicant's GP to verify that an individual meets the criteria is unsatisfactory because it compromises the doctor patient relationship. Evidence shows that it was mainly GPs that did the assessments in Southwark. Rod Craig confirmed that the basic costs of paying GPs worked out cheaper than paying occupational therapists. However he conceded that other costs, such as administration fees had not necessarily been accounted for. Rod Craig said that this is an item for further discussion with Dominic Cain on new approaches to freedom pass renewal and a meeting would take place next week. Councillor Barber stressed that it is important any outstanding money owed to GPs be paid to maintain good faith and strengthen the relationship between GPs and Southwark Council.
- 2.5 The update from the Londonwide Local Medical Committee, supported Ms Yatak's earlier submission, that the person responsible for processing the renewal forms was on long term sickness leave. The sub-committee agreed that this oversight had been very disappointing and had significantly added to the delays.
- 2.6 The submission from Post Office Ltd (p43 – 47) implied that the problems experienced were unique to Southwark. The Southwark Post Offices running out of passes were due to the long delays in processing, followed by a sudden influx of applications from Southwark Council without any prior warning. Members noted that the Post Office Ltd's involvement with freedom passes was centralised and their communication channels were via London Councils. It was thought that London Councils had not helped to clarify the situation or give the full picture of the renewal process across London. This is despite the knowledge that Southwark were not the only borough to require the renewal extension from the end of March to the end of May. However, it was noted that there was little attendance from Southwark at meetings which gave guidance to local authorities.
Recommendation: There was agreement to open up better channels of communication and improve our relationship with the Post Office Ltd or London Councils with regards to freedom passes.

3 Internal review – Officer report

- 3.1 The sub-committee turned to the internal review report by Jennifer Seeley. The sub-committee were informed that Ms Yatak had written to Eleanor Kelly - Deputy Chief Executive, to commend report but also to point out a few issues which she felt had not been properly addressed. Ms Kelly requested that the letter was circulated among the sub-committee, so that it could be referred to during the course of the meeting.
- 3.2 The sub-committee echoed Councillor Livingstone's sentiments that Ms Seeley's report was one of the most comprehensive and well written reports they had seen.
- 3.3 Members looked at paragraph 15 of the report which states that the eligibility criteria for concessionary travel under the GLA Transport Act was the same criteria as the 2006 freedom pass renewal. The rigorous application process was introduced in 2008 to establish a reliable audit of the freedom passes issued.

- 3.4 Members noted that the discretionary passes for travel around London were issued on a rolling programme, to avoid a sudden influx of applications, making the process smoother and quicker. **Recommendation: To lobby London Councils or TfL to introduce a rolling renewal process for the national freedom pass.**
- 3.5 In response to a Member's question Ms Seeley confirmed that TfL's role within the process was that of service provider. TfL have to reclaim the costs of providing free travel back from councils. This can be a very complicated calculation taking into consideration the practical operational costs as well as additional costs such as those for running services specifically for freedom pass holders.
- 3.6 Paragraph 17, p7: Southwark the council had issued Freedom Passes for many years. This was thought to have come about by default rather than a conscious decision. There was no policy trail to indicate that a new scheme should be introduced at this point.
- 3.7 Paragraph 18 outlines the criteria for Southwark's discretionary London only travel pass. Point 1 on the discretionary criteria states that "if you have a severe enduring and long term mental health condition and are on a full Enhanced Care Programme Approach," that this would enable a person to obtain the London wide travel pass only, because, currently, poor mental health is not part of the criteria for the national freedom pass. This may not have been made clear to people citing mental health issues on their applications for the national freedom pass. It may go some way to explain why some people were upset and confused when they received a discretionary London pass only.
- 3.8 Members noted points 2 and 3 on the discretionary criteria (unable to walk and virtually unable to walk respectively) were also included in the national freedom pass criteria. Member queries whether the duplication of the same criteria for both the national and discretionary pass may have caused confusion and therefore contributed to the processing delays. The Chair referred to paragraph 20 highlighting that a few London boroughs had discontinued their discretionary passes, continuing with the national freedom passes only. Officers agreed to come back to the committee with clarification. **Recommendation: To consider the value of the Southwark discretionary pass before the 2010 renewal process.**
- 3.9 Members of the committee were concerned that those on a higher rate of mobility, where the recovery to their health is unlikely, should be able to renew their passes automatically (paragraph 23 freedom pass report). **Recommendation: To make the necessary improvements to Southwark's information systems to make automatic renewal in these instances, possible.**

- 3.10 Members queried why so many GPs were used to assess people when the guidance states that independent healthcare professionals should be undertaking the assessments. Dominic Cain, Head of Client Services, replied that there were not enough occupational therapists to do block renewal so it made more sense for the GPs to do the assessment. However he conceded that no GPs were consulted before this decision was made. **Recommendation: If the renewal process were to change to a rolling programme, assessment should be made by healthcare professionals. It would also make better sense if London boroughs were to combine their healthcare professionals, making assessments easier and more widely available for all. Members also enquired as to the feasibility of freedom pass applicants to choose whether they get assessed by their GPs or by Occupational Therapists.**
- 3.11 **Councillor Livingstone suggested that it may help with clarification if the term “assessment centre” in the Department for Transport Guidance, is taken to mean dedicated assessment team, making the distinction from a physical place to a more flexible assessment mechanism.**
- 3.12 Paragraph 26 of Ms Seeley’s freedom pass report describes how the medical form that GPs were expected to fill in were long and complicated to follow. Whilst the forms must provide TfL with specific answers, there is some local discretion over how the form is set out and how information is requested. Dominic Cain reported that the form was designed for the 2008 renewal process with the intention of being easier to follow along with clearer questions. However the team did not test this form or consult with GPs during its development. **Mr Cain assured the committee that there is a new medical information form being created for the next renewal date which will be tested and consulted upon before being issued.**
- 3.13 Paragraph 27 acknowledges that return receipts for the medical information forms were not issued to GPs. Members asked why the recommendation for case management does not include receipts to GP’s. Ms Seeley replied that it should not be necessary to obtain receipts, if the case management process was working well, i.e. passes issued within 5 working days. If it takes more than 10 days to issue a pass, then a letter should be generated informing the applicant that their case is still being dealt with. A receipt, it was thought, would create a further administrative burden for the GPs who are not seeking further involvement in this process.
- 3.14 Members ascertained that all requests for paperwork by the Council from the applicants had been kept due to delays in getting the information scanned into the Council’s system. This meant that there were further delays in getting the documentation returned to the applicants. All the paperwork had now been completed and officers stated that this information will be used to verify and update the Carefirst database which had held a large amount of incomplete or incorrect data. The Vice-Chair highlighted that the information which could not be scanned on the spot must have added extra concern for people who could not track their forms or the progress of their application. Dominic Cain replied that there was not the technology or an adequate system in place to do this at the moment. **Recommendation: To revise the case management handling of freedom passes and to expand Ms Seeley’s recommendation in regards to this.**

- 3.15 Rod Craig, Director of Client Group Commissioning, explained the reasons behind the change of client database and the resulting problems. Historically Southwark was using many different databases across Children's Services and Adult and Social Care making information fragmented and hard to share. The Helix system - the old database, was considered inappropriate as it was reliant on only a few people being able to use it, which made the system vulnerable on days when those people were not in work. Therefore it was agreed to move to the Carefirst system across all social care departments as it was considered the most effective and efficient database at that time; a reputation which seemed to be upheld by the fact that other local authorities were also using it.
- 3.16 Members asked Rod Craig whether he was aware before the switch from Helix to Carefirst, that all of the information would have had to be entered manually. Mr Craig replied that consultants were split as to whether the data needed to be inputted manually. OLM, the company behind the Carefirst system, stated that files would corrupt and existing data would be overwritten if the data was uploaded electronically. However some technicians and consultants disagreed and thought it could be done safely. After much deliberation officers decided that it would be potentially, less risky to manually enter the data.
- 3.17 The database transition occurred in 2005. The team's original concerns were over problems arising before the 2006 freedom pass renewal. The report confirmed this and the committee were informed that this was due to the letters for the freedom pass renewal being sent out using the old but up to date Helix database (paragraph 64). The committee commented that the returned applications for the 2006 freedom pass renewals should have been used to update the new Carefirst database as they would contain the most up to date information and could have been used to 'cleanse' the system.
- 3.18 Members also queried whether those manually inputting data onto the new system were trained on Carefirst beforehand, to which Mr Craig assured the committee that extra resources had been put in place for training.
- 3.19 The Chair questioned whether the 1% of freedom pass holders who were sampled to verify their information had been found to be accurate on the Carefirst database, especially as this was a very small sample. Too small, perhaps, to be considered a reliable test. The Chair suggested that a 10% sample would have been better. Members commented that where there is room for human error, 100% of the database should have been checked especially as this information was sensitive. Members queried whether Dominic Cain knew to what extent the Carefirst database is now up-to-date. Mr Cain replied that the database will be cross referenced against the Post Office, London Councils, GPs letters and other databases to make sure it is clean. **Recommendation: to thoroughly cleanse and update the Carefirst database with regard to all of the information from the 2008 freedom pass renewals so it is as accurate as it can be.**
- 3.20 **Councillor Barber suggests that the committee's recommendations should be made to the internal auditors as well as the executive.**

- 3.21 Dominic Cain in responded to Members questions about why the decision had been made to move the freedom pass renewal to the One Stop Shop and Corporate and Customer Services. It had been a decision made by the previous Deputy Chief Executive as part of a restructuring of health and social care from 2002-2004. Mr Horan enquired as to why no consultation appeared to have taken place before making the decision to which Mr Cain replied that it was generally viewed as being more affective to be contained within the Corporate and Customer Care department rather than Adult and Social Care. Unfortunately as the service did not work as planned it was difficult to critique the effectiveness of the move.
- 3.22 Members queried whether a risk assessment was carried out before the freedom passes renewals were moved to the Post Office as most customers were used to using the One Stop Shop for renewal. Mr Cain replied that some risk assessment had been carried out but there could have been more effective governance, such as informing people that they can also apply for their freedom pass via the Post Office.
- 3.23 A Member questioned as to why, after the problems of the Blue Badge renewal, a short time before the freedom pass renewal, were the council not alerted to the potential problems that may arise and taken steps to remedy them? Mr Craig and Mr Cain agreed that problems relating to the blue badge renewals were due to the closure of the disability office and not related to the problems that affected the freedom pass renewal.
- 3.24 With regards to the failings at the One Stop Shops after the renewal date had expired (OSS) (paragraph 51-58) Mr Cain informed the committee that only Walworth's One Stop Shop was trained to deal with the national freedom pass renewals despite intentions to make the service available from all OSSs. This was because they had run out of time with regard to training staff before handing the service over in November. Tom White raised concerns at the way the staff at the OSS dealt with the disabled people. It was clear that the staff had had little or no training in dealing with disabilities. The Vice-Chair asked why Corporate and Customer Care did not ask Adult and Social Care for their expertise on dealing with disabilities or help with training, which Mr Cain admitted was an oversight.
- 3.25 **Recommendation: That more training should be provided for all staff concerned with the national freedom pass renewals. This should be divided into three areas: 1) Training for staff at the One Stop Shops in customer care with regards to dealing with people with disabilities. 2) Further training on understanding and differentiating the eligibility for the freedom pass and the London wide discretionary pass criterion. Also training into how to interpret and understand the application forms relating to both. 3) Better training on the Carefirst database to prevent human error in the future and to ensure the systems 'clean up' is accurate.**

- 3.26 Paragraph 47 says that when people tried to ring the Disabilities Services Team, they frequently received a voicemail message, without being able to leave a message as the voicemail mailbox was full. There was some belief that members of the team were switching to voicemail after identifying callers they were reluctant to speak with. All officers confirmed that this is not possible to do on the Southwark Council telephone systems. Mr Cain gave assurances that the Joint Team and Disability Services Manager sits with and oversees the team who were working very long hours during this period. Mr Cain explained that when problems arose there was not adequate time to get staff adequately trained to deal with any crisis but extra resources were brought in on 1st June at the Walworth OSS. **Recommendation: To increase resources and train more staff to deal with periods of high caller volume.**
- 3.27 The Head of Client Services said that there were plans to have staff trained on the eligibility and freedom pass renewal applications across both The One Stop Shop and the Cotton Centre. The Cotton Centre is where the Disabilities Services Team will do the 'back office' processing of the passes. The Chair voiced concern over splitting the service across two sites arguing that it makes the information more fragmented and the service less efficient. Councillor Noakes – Executive Member for Health and Adult Care, interjected that the OSS is necessary for those who have perhaps lost their pass or need help in an emergency by providing a customer facing service for freedom pass users. Although he maintained that most of the renewals will be processed via post to the Disabilities Services Team in the Cotton Centre. **This discussion sparked a recommendation in addition to Ms Seeley's recommendation (paragraph 126) to review the business continuity plans for the One Stop Shops, to include a review of improvements to the way the OSS responds to an emergency.**

Meeting closed at 10:30pm

CHAIR:

DATED: