



SCRUTINY SUB-COMMITTEE C

MINUTES of the meeting of SCRUTINY SUB-COMMITTEE C held on TUESDAY OCTOBER 28th 2008 at 7.30 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 Livingston
Cllr Jane Salmon
Cllr Dora Dixon-Fyle

EXTERNAL ADVISORS

Patrick Horan – Disabilities forum
Tom White – Pensioners forum

OTHER MEMBERS PRESENT

Cllr David Noakes, Executive Member for Health and Adult Care

OFFICER SUPPORT:

Nikki Fashola – legal services
Jennifer Seeley – FMS
Dominic Cain – Head of client services
Stephen Lloyd – Commercial manager
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

That the Minutes of the Freedom Pass meeting held on October 13th 2008. be agreed as a correct record, with amendments to paragraphs 2.20; 3.20; 3.25.

1 INTERNAL REVIEW – OFFICER REPORT.

- 1.1 The sub-committee continued their work on the internal review report. (Paragraph 59).
- 1.2 Members discussed how complicated the process of renewal had been with a great deal of duplication in processes and systems. This meant that individuals were wasting time producing the same documentation over again for the various stages of renewal.
- 1.3 Members debated whether it was sensible to expect applicants to provide a new photograph every 2 years. It was mentioned that passports, which were widely accepted as the most credible form of identification, only required new photos every 10 years. Was it then sensible to expect that a freedom pass required a higher frequency of renewal?
- 1.4 The discussion also focused on the fact that not only were individuals inconvenienced time wise but they were often out of pocket whilst waiting for paperwork and validation to be completed. It was acknowledged that the current process had possible data protection and cost implications and the whole process would benefit from some significant streamlining.
- 1.5 Cllr Livingstone described how a constituent, whose daughter had been receiving disability living allowance, had her application turned down on the grounds that she could not prove her address for the Post Office part of the process. It was thought that where people have learning disabilities for instance, they do not have utility bills which make up the required documents asked for. Also where residents had moved home recently; providing proof of address could be difficult. Members felt that rather than proving an address, proving one's identity would be more sensible. The sub-committee heard that it was possible for the Council to intervene if the Post Office were being unduly insistent in this regard. Apparently it was the case in some boroughs that Council's could issue passes themselves.
- 1.6 Cllr Noakes remarked that the green letters applicants take to the Post Office needed redesigning as this was causing significant problems. It was thought that the processes could be streamlined somewhat if the letter was not issued at all, cutting out some of the paperwork associated with procedure and cost.
- 1.7 The meeting moved on to the appeals section of the report. The sub-committee wanted to know who was on the appeals panel and who made the decisions on the outcome of each case. Officers explained that this was carried out by the disabilities service in Health and Social Care.
- 1.8 If the appeal is found to be favourable to the applicant, their old pass (if they have one) is deactivated and the new one is made ready. It was also stated that there was only one cost associated to providing a pass.
- 1.9 Dominic Cain said that it would be helpful if his department were able to track progress on cases that are going through the appeals process. (Case management and the tracking of appeals are featured in the recommendations).

- 1.10 Dominic Cain in response to Members enquiries regarding the number of complaints, said that he hoped to be able to provide a progress report on the situation to OSC.
- 1.11 Members were surprised to learn that there is no adequate system to provide an overview on the renewal process. They hoped that a workable system would be in place and operational before the next renewal date in 2010, making the tracking and monitoring of applications and appeals is more effective. (See recommendations)
- 1.12 It was acknowledged that a representative at an appropriate level of seniority should be attending relevant cross borough steering groups and meetings. (See recommendations)
- 1.13 With regard to paragraph 93; there had been a note to say that there was a 'grace period,' for those people who had been affected by the delays and passes had run out. However, this was not really an extension as such and people should have been encouraged to get on with their renewals as much as they were able.
- 1.14 The sub-committee agreed that applicants need to be treated with more care. That attention should be given to ensuring that individuals have access to information in appropriate formats, such as braille and audio description wherever possible. (See recommendations)
- 1.15 Cllr Noakes, the Executive Member for Health and Adult Care addressed the sub-committee. He praised Jennifer Seeley's report for fairly identifying the problems that had occurred in both the Client Services and Health and Social Care departments of the Council.
- 1.16 Cllr Noakes wanted to add the following points which he hoped the sub-committee would keep in mind when making their final recommendations.
- 1.17 Cllr Noakes took over the port folio for Adult Social Care in September 2007. In November 2007, the disabilities office closed. He said that there had been a lack of clarity regarding the transfer of the service from one department to another. There was/had been no guidance, as far as he was aware that gave any indication of how to manage responsibility during such a move. In particular, at what point did the responsibility for the service leave one Executive member to become the responsibility of the other. There needed to be some guidance on how to make these types of changes more effective both strategically and operationally. There also needed to be some work on devising proper contingency arrangements for when things don't run to plan.

- 1.18 Cllr Noakes said that with hindsight it appeared the process was in effect set up to fail and was never going to hit targets despite the best efforts of the teams who did their best to process as many applications as possible. The Council needed to understand its data better and this should be reflected in the scrutiny recommendations.
- 1.19 There had been significant disability awareness issues with regard to staff. Officers at a fairly low grade were expected to process forms which should have required a higher level of training in disability and customer awareness.
- 1.20 With regard to recommendation 117 in the original report, Cllr Noakes said that he could not support any efforts to reduce the discretionary pass but he did agree that, along with the redesigning of the form, Southwark should not be advocating the use of GPs for assessment as this compromised the doctor – patient relationship; that Southwark should look to use Occupational Therapists instead, as this had been proven to be successful in other boroughs.
- 1.21 With regard to renewing passes every 2 years, Cllr Noakes mentioned that there had been problems with fraud. Hypothetically for instance, where an individual passes away, a family member or friend could make use of it. However, where an individual has a permanent disability, an automatic renewal would be a more streamlined and cost effective exercise.
- 1.22 Cllr Noakes suggested two areas of improvement: (i) we need to improve the arrangements for a successful transfer of service from one department to another and (ii) That there should be a longer period than two years for pass validity.
- 1.23 The sub-committee then moved on to discuss the criteria for discretionary passes. The criteria seemed to replicate/duplicate those of the National Pass criteria.
- 1.24 There needed to be guidance notes for applicants with long term mental health issues and other medical conditions such as heart and mobility problems. There needed to be a review on what the criteria are and clarification of the criteria in the guidance.
- 1.25 Officers then informed the sub-committee that from 2010 the renewal process would take place every 5 years.
- 1.26 Cllr Noakes raise the point that those with a permanent disability may still need to renew at the same frequency but might go through a fast track system; perhaps the re-issuing of new passes could be initiated by simply producing their old pass.
- 1.27 It was then debated as to whether bulk renewals every 2 years could also prove to be problematic. If bulk renewals were to take place every 5 years it might be best to make it a rolling renewal process to avoid all renewals coming at once and putting a strain on the system. Members felt that this recommendation would have greater force if the validation of passes was lengthened beyond 2 years.

- 1.28 Tom White commented that Occupational Therapists were not necessarily the best people to undertake assessments as the applicant may feel more comfortable with his or her GP. Cllr Noakes responded by saying that he was happy to take advice on this issue and reiterated his concern that using GPs could damage doctor/patient relationships. It may be helpful to set up a working group to examine the implications of both options, possibly drawing up an action plan incorporating the recommendations from this scrutiny review.
- 1.29 Cllr Barber said that using local GPs could be better in terms of locality for applicants who might otherwise have to travel quite long distances.
- 1.30 Dominic Cain said that they are considering Occupational Therapists and GPs and the use of assessment by telephone. The point was raised that it could be left to the applicant to decide and consideration needs to be given to the convenience of the applicant. (See recommendations)
- 1.31 Members then discussed what the sub-committee may wish to say by way of an introduction to the recommendations. There was also a discussion on the possibility of the Executive reviewing the situation in around a year's time, reporting its findings to OSC; this enabling scrutiny to follow up on this issue.
- 1.32 The Chair thanked all of the Officers involved for assisting with the review, in particular to Jennifer Seeley who undertook the internal review and resulting report.
- 1.33 Members discussed that ideally, senior managers should be able to spot potential problems before this type of situation gets out of hand and that there should be stronger contingency planning with a robust corporate response in case of any future problems. Dominic Cain remarked that there had already been some learning from this incident.
- 1.34 Patrick Horan wanted it noted that he felt the pre-amble to the recommendations had not gone far enough.
- 1.35 Members also suggested that the Executive should consider whether there should be a broader contingency plan to respond to acute stresses in capacity.
- 1.36 Cllr Noakes wanted to formally acknowledge the work of the Scrutiny Sub-Committee, Jennifer Seeley, Patrick Horan, Tom White, Janet Yatak and Norma Lawrence.

2 WORK PROGRAMME

- 2.1 The sub-committee decided to look at Purdah – (Southwark's guidance before and during a by-election period) as the next item on their work plan. It was decided to invite the Strategic Director of Legal and Democratic Services to provide original and relevant background information and to attend the next meeting.
- 2.2 Members will also scope the Planning Enforcement review at the meeting in November.

Meeting closed at 10:15pm

CHAIR:

DATED: