



OVERVIEW AND SCRUTINY COMMITTEE

MINUTES of the Overview & Scrutiny Committee held jointly with Health & Adult Care Scrutiny Sub-Committee on Wednesday February 4 2009 at 6.00pm at the Town Hall, Peckham Road, London SE5 8UB

PRESENT: Councillor Fiona Colley (Chair)
Councillor Jane Salmon
Councillor Toby Eckersley
Councillor John Friary
Councillor Barrie Hargrove
Councillor David Hubber
Councillor Adedokun Lasaki
Councillor Veronica Ward
Councillor Lorraine Zuleta

EDUCATION REPRESENTATIVE: Ms Jane Hole, Parent Governor

HEALTH & ADULT CARE SCRUTINY SUB-COMMITTEE MEMBERS: Councillor Adedokun Lasaki
Councillor Susan Elan Jones
Councillor Michelle Holford
Councillor Jonathan Mitchell
Councillor Caroline Pidgeon
Councillor Martin Seaton

OFFICER SUPPORT: Shelley Burke, Head of Overview & Scrutiny
Doreen Forrester-Brown, Legal Services
Cheryl Powell, Scrutiny Project Manager
Annie Shepperd, Chief Executive
Fitzroy Williams, Scrutiny Project Manager

ALSO PRESENT: Professor Derek Gardiner, Independent Assessor

APPOINTMENT OF CHAIR FOR THE JOINT MEETING

RESOLVED: That Councillor Fiona Colley be appointed chair for the joint meeting.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors John Friary and Ola Oyewunmi and Revd Nicholas Elder (Church of England Diocese) and Mr Colin Elliott (Parent Governor representative).

Apologies for absence were received from Councillor Martin Seaton.

NOTIFICATION OF ANY OTHER ITEMS WHICH THE CHAIR DEEMS AS URGENT

None.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

None.

1. ASSESSMENT OF THE CIRCUMSTANCES SURROUNDING THE DEATH OF MRS E. LAMBERT

- 1.1 The joint meeting of the Overview & Scrutiny Committee and the Health & Adult Care Scrutiny Sub Committee was convened to discuss the report of the assessment into the circumstances surrounding the death of Mrs E Lambert.
- 1.2 Councillor Colley welcomed Annie Shepherd, Chief Executive and the report author, Professor Derek Gardiner. Professor Gardiner expressed his gratitude to the meeting for allowing him to present the findings of the report in full. Professor Gardiner hoped his report and narrative would assist the meeting to a satisfactory conclusion.
- 1.3 Councillor Colley recommended the meeting might consider examining the report in two sections as laid out in the papers and asked the chief executive for any initial comments she may wish to add as an opening address the meeting. The chief executive explained the process of the production of the report and informed Members that in this instance she would be accountable to the Coroner. The Chair opened the report to questions.
- 1.4 Councillor Mitchell referred officers to Page 3, Paragraph 7 of the report and enquired if Mrs Lambert's medication had been followed up. Professor Gardiner elaborated this point by stating that Mrs Lambert had not visited her GP in the last nine months of her life and the likelihood of medication being collected was unlikely.
- 1.5 Councillor Zuleta asked why Mrs. Lambert was referred to social services and not a

medical practitioner. She also enquired about Mrs. Lambert's history of hypothyroidism and were any checks made about this. In relation to the first question Professor Gardiner suggested Councillor Zuleta would need to ask the ambulance service as his brief was not to carry out an investigation into the ambulance service. The chief executive also concurred that the information provided to Professor Gardiner was collated to enable a cohesive chronology from all service areas involved.

- 1.6 Councillor Pidgeon enquired if Professor Gardiner had any more information to add about Mrs. Lambert's time of death. Professor Gardiner informed members that the paramedics felt unable to guess the exact time of death once on the scene. Professor Gardiner added that any pre existing conditions may be ruled out as a cause of death, despite Mrs. Lambert being 84 years of age and a life long smoker. The post - mortem and subsequent report described the difficulty in attributing a cause and exact time of death in this instance.
- 1.7 Councillor Pidgeon asked if Mrs. Lambert's death may have been prevented sooner if she had visited her GP. The chief executive reminded members that Mrs Lambert was an intensely private person and did not engage with outside agencies such as the council. Until her death, Mrs. Lambert successfully managed her own life and was able to make decisions for herself, as was the case when Mrs. Lambert contacted the council to report a faulty boiler at her property. From the notes captured by the call centre it was evident that Mrs. Lambert was capable of taking command of her own life. Professor Gardiner added that there were three noted incidences before her death where Mrs. Lambert was able to contact outside agencies when required. It was his summation, therefore, that Mrs. Lambert was able to request and refuse help where necessary.
- 1.8 As part of the investigation Councillor Wingfield enquired if it was normal practice to bring all departmental files together. Professor Gardiner stated that by pulling all departmental information together from housing and adults services departments, he was able to gauge a more comprehensive picture of Mrs. Lambert's condition. Professor Gardiner suggested the meeting might want to consider an additional recommendation of this nature.
- 1.9 Councillor Hargrove asked if it was usual practice for staff not to attend a formal hearing of this nature. He also enquired about the court's perception of the Council's ethical conduct when this member of staff did not attend the coroner's court hearing. Professor Gardiner stated that the manager in question submitted a comprehensive report which had been presented as evidence and received by the court. Although the member of staff was absent on the day of the court hearing, all records had been kept chronologically and in compliance with Social Services standards.
- 1.10 Councillor Mitchell asked if full medical records had been provided along with supplementary notes. Professor Gardiner informed members that a full summary had been provided by the GP's surgery. Professor Gardiner stressed the significance of the summary being provided as he did not have the opportunity to discuss Mrs Lambert's medical history with her GP. Councillor Mitchell also enquired if blood sugar levels were obtained during the post mortem. Professor Gardiner referred members to sections of the report, in particular Paragraph 16 which stated that the cause and time and death could not be established because

of deterioration of the body.

- 1.11 Councillor Colley directed members to Section 1 of report to discuss recommendations raised by the Coroner.
- 1.12 Councillor Eckersley asked if there was any other issue reported that might highlight any concerns as to how the department was being run. Professor Gardiner urged members to understand that the conclusion of his report was taken from the knowledge that these were officers working within a hard pressed duty team. Record keeping was carried out at the end of the day and appeared to be completed in haste. Although better reporting throughout the working day may alleviate this problem, Professor Gardiner expressed his confidence in all the issues covered by the records used as evidence to formulate the report's recommendations.
- 1.13 Councillor Elan Jones enquired if staff should reach certain standard of knowledge before delivering any advice or information. The chief executive informed the meeting that a policy decision was made to employ a mixture of qualified and non qualified staff to field certain telephone calls. Further consideration into this issue suggests that a move to qualified staff would be the preferred option, with all non qualified staff receiving comprehensive training and development. Temporary staff will not be excluded from any training or development activities. This will take at least seven years to reach fruition. The chief executive reiterated the national picture of recruiting and retaining staff in the Adult Services Directorate. Where the cost of living is high and the work area is challenging, recruiting staff in this kind of field is often problematic.
- 1.14 Councillor Colley enquired about the timeframe for the Action Plan in light of the recommendations proposed by Professor Gardiner. The chief executive assured the meeting that the action plan would be submitted to the overview and scrutiny committee and the executive. Mrs. Lambert's circumstances were extremely unfortunate as they were rare. The chief executive highlighted other service areas undertaking risk management / review of their services as a result of this incident.
- 1.15 Councillor Ward enquired about members of staff raising any issues concern they may have had as there seemed to be no record of discussing any such issues with management. Professor Gardiner explained to members the first telephone contact goes to the executive officer, who then passes on details to the social worker. It is at this stage that the social worker decides if an assessment or home visits is necessary. Professor Gardiner recommended that the executive officer should forward the client over to the social worker who would personally record details. Any concern about cases not being highlighted should be the responsibility of the qualified social worker as an extra line of security. In this instance the temporary executive officer volunteered herself to give evidence throughout this investigation. Professor Gardiner discussed the quality of temporary staff he interviewed throughout the investigation and stressed that many local authorities employ temporary staff to filter calls through to qualified staff.
- 1.16 Councillor Hargrove referred members and officers to recommendation 4 and discussed the assumption that if Mrs Lambert was neither substantial nor critical her assessment would not have included a recommendation for a referral to the

Southwark monitoring and alarm response team (SMART) service. The chief executive informed members that the SMART service is a preventative service for all residents of Southwark to access according to their needs. Use of the SMART service is not linked to the eligibility criteria.

- 1.17 Councillor Elan Jones referred members and officers to paragraph 46 and asked if the levels of expertise would mean that there is generally a difficulty in recruiting staff able to identify and distinguish between “substantial” and “critical” as acquiring knowledge of this nature would take time and dedication to any role. Professor Gardiner explained that the more experienced staff acquire and retain knowledge as they become more experienced in their roles. This is a problem throughout the country and a recent article in a national newspaper highlighted the problem faced by numerous local authority human resources departments when recruiting staff to social work positions. The chief executive expressed her concern that all roles in social care are being impacted on. There is a general recruitment shortage in some social care disciplines, as this is not an obvious career choice. Some posts are now filled permanently and Southwark is better resourced than some other London Boroughs. There is a general move towards recruiting qualified staff and retaining those already in post.
- 1.18 Councillor Colley referred members and officers to paragraph 44 and asked that Professor Gardiner and the chief executive elaborate on the responsibilities of the duty team. Professor Gardiner explained the varied duties of the duty team, in particular the volume of calls from existing and potential clients, queries from Homecare services as well as acting upon changes to the existing care packages. A review prioritising workload and time allocated to each task could be seen as an acceptable way forward as the review could also incorporate the best use of resource allocation.
- 1.19 Councillor Eckersley enquired if the duty team are confident with their systems for logging referrals in terms of recording information electronically. He asked if there was a particular focus on the continuity of information and data capture through IT systems. Professor Gardiner discussed the current system in place to record client information electronically and by writing, both of which were used as a means to log information recurrently on the same day any dialogue may have taken place with a client. Although a consensus was agreed for improved record keeping as well as continual complementary training, Professor Gardiner suggested that an information sharing protocol ought to be in place between Southwark Council, with the intention of rolling out to partner organisations in order to reduce any disparity in client care and provision.
- 1.20 The chief executive informed members and officers involved with the Mrs. Lambert case that condolences had been offered to Mrs. Lambert’s family. The council is also currently discussing any issues of concern with Mrs. Lambert’s neighbours.
- 1.21 On behalf of all members of both committees, Councillor Colley thanked Professor Gardiner and the chief executive for their full and frank discourse.

RESOLVED:

That the action plan and review of operational arrangements is submitted to the

September meeting of the Health and Adult Care Scrutiny Sub-Committee for evaluation and discussion.

The meeting ended at 7.11pm.