

Health and Social Care Scrutiny Commission

Thursday 16 July 2020
7.00 pm

Online/Virtual. Members of the public are welcome to attend the meeting.
Please contact FitzroyAntonio.williams@southwark.gov.uk or
Julie.timbrell@southwark.gov.uk for a link.

Membership

Councillor Victoria Olisa (Chair)
Councillor David Noakes (Vice-Chair)
Councillor Helen Dennis
Councillor Paul Fleming
Councillor Maria Linforth-Hall
Councillor Darren Merrill
Councillor Charlie Smith

Reserves

Councillor Jack Buck
Councillor Dora Dixon-Fyle MBE
Councillor Jon Hartley
Councillor Jane Salmon
Councillor Bill Williams
Councillor Leanne Werner

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

Babysitting/Carers allowances If you are a resident of the borough and have paid someone to look after your children, an elderly dependant or a dependant with disabilities so that you could attend this meeting, you may claim an allowance from the council. Please collect a claim form at the meeting.

Access The council is committed to making its meetings accessible. Further details on building access, translation, provision of signers etc for this meeting are on the council's web site: www.southwark.gov.uk or please contact the person below.

Contact: Julie Timbrell on 020 7525 0514 or email: julie.timbrell@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly
Chief Executive
Date: 8 July 2020



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Order of Business

Item No.	Title	Page No.
	PART A - OPEN BUSINESS	
1.	APOLOGIES	
1.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear working days of the meeting.	
3.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensations in respect of any item of business to be considered at this meeting.	
4.	MINUTES	
	To approve as a correct record the Minutes of the open section of the meeting on 22 June 2020, to follow.	
5.	IMPACT OF COVID 19 ON RESIDENTS AND NHS	

Officers and the NHS have been tasked with providing the below information, where possible.

Current numbers of confirmed Covid 19 cases and death rate for:

- a) Southwark resident population
- b) Southwark care home residents, placed in and out of borough

Below equalities data for mortality and severe morbidity (e.g very ill)

- a) Ethnicity (including Jewish)
- b) Age
- c) Occupation
- d) Tenure
- e) Size of household
- f) Sickle cell anaemia and other underlying health conditions

Impact of lockdown on people, particularly considering equalities : e.g people in poor housing, with childcare responsibilities, different occupations etc.

Impact on health service of Covid 19 and particularly:

- a) To what extent are people returning to use services eg stroke and cancer
- b) how will GP services accommodate different delivery now and in future provision

6. CORONAVIRUS ACT CARE ACT EASEMENTS

1 - 3

Legal briefing on the Coronavirus Act 2020 Care Act easements is enclosed.

7. SOUTH EAST LONDON CLINICAL COMMISSIONING GROUP (SEL CCG) MERGER

A paper on the merger is to follow.

8. SCRUTINY REVIEW: CARE HOME AND EXTRA CARE QUALITY ASSURANCE

Officer and NHS/ CCG briefings are to follow.

9. SCRUTINY REVIEW: CARE HOME AND EXTRA CARE QUALITY ASSURANCE - DRAFT REPORT

The draft report is to follow.

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10.	WORK PROGRAMME	
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The draft workplan is enclosed.

DISCUSSION OF ANY OTHER OPEN ITEMS AS NOTIFIED AT THE START OF THE MEETING.

PART B - CLOSED BUSINESS

DISCUSSION OF ANY CLOSED ITEMS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

DISTRIBUTION LIST 2019/20

Date: Date Not Specified

Coronavirus Act 2020

Care Act easements

Provisions in the Act

Schedule 12 of the Coronavirus Act 2020 detailed the powers and duties concerned.

The changes fall into four key categories, each applicable for the period the powers are in force:

- Local Authorities will not have to carry out detailed assessments of people's care and support needs in compliance with pre-amendment Care Act requirements. However, they will still be expected to respond as soon as possible (within a timeframe that would not jeopardise an individual's human rights) to requests for care and support, consider the needs and wishes of people needing care and their family and carers, and make an assessment of what care needs to be provided. Annex B of the guidance provides more information;
- Local Authorities will not have to carry out financial assessments in compliance with pre-amendment Care Act requirements. They will, however, have powers to charge people retrospectively for the care and support they receive during this period, subject to giving reasonable information in advance about this, and a later financial assessment. This will ensure fairness between people already receiving care and support before this period, and people entering the care and support system during this period. Annex B of the guidance provides more information;
- Local Authorities will not have to prepare or review care and support plans in line with the pre-amendment Care Act provisions. They will however still be expected to carry out proportionate, person-centred care planning which provides sufficient information to all concerned, particularly those providing care and support, often at short notice. Where they choose to revise plans, they must also continue to involve users and carers in any such revision. Annex B of the guidance provides more information;
- The duties on Local Authorities to meet eligible care and support needs, or the support needs of a carer, are replaced with a power to meet needs. Local Authorities will still be expected to take all reasonable steps to continue to meet needs as now. In the event that they are unable to do so, the powers will enable them to prioritise the most pressing needs, for example enhanced support for people who are ill or self-isolating, and to temporarily delay or reduce other care provision. Annex C provides further guidance about the principles and approaches which should underpin this.

Limitations

These powers are there only to be used if absolutely essential. Local Authorities should do everything possible to continue meeting their existing duties, for as long as possible. Any use of the powers should be as narrow as possible and should be reported to DHSC.

All assessments and reviews that are delayed or not completed need to be followed up and completed in full once the easements are terminated.

HRA Implications

The council remain under a duty to meet needs where failure to do so would breach an individual's human rights under the European Convention on Human Rights (ECHR). These include, for example, the right to life under Article 2 of the ECHR, the right to freedom from inhuman and degrading treatment under Article 3 and the right to private and family life under Article 8. [see Part 4 of the Guidance]

Local Authorities will be expected to observe the Ethical Framework for Adult Social Care. This provides a structure for Local Authorities to measure their decisions against and reinforces that the needs and wellbeing of individuals should be central to decision-making.

In particular it should underpin challenging decisions about the prioritisation of resources where they are most needed.

Decision-making

Local Authority should only take a decision to begin exercising the Care Act easements when the workforce is significantly depleted, or demand on social care increased, to an extent that it is no longer **reasonably practicable for it to comply with its Care Act duties (as they stand prior to amendment by the Coronavirus Act) and where to continue to try to do so is likely to result in urgent or acute needs not being met, potentially risking life**. Any change resulting from such a decision should be proportionate to the circumstances in a particular Local Authority.

The guidance states it should be agreed by the Director of Adult Social Services in conjunction with or on the recommendation of the Principal Social Worker. This is in accordance with Part 30 of the constitution. This decision would be a key decision if taken as a chief officer's decision or in the current situation via gold/silver arrangements.

Lead Member Briefing and Health and Wellbeing Board/CCG

The Director of Adult Social Services and the Principal Social Worker must ensure that their lead member has been involved and briefed as part of this decision-making process. The Health and Wellbeing Board should be kept informed. The decision should also be fully informed by discussion with the Local NHS and CCG leadership. These should all be recorded [see below]

Transparency and Auditing

Local Authorities should have a record of the decision with evidence that was taken into account. Where possible the record should include the following:

- The nature of the changes to demand or the workforce;
- The steps that have been taken to mitigate against the need for this to happen;
- The expected impact of the measures taken;
- How the changes will help to avoid breaches of people's human rights at a population level;
- The individuals involved in the decision-making process;
- The points at which this decision will be reviewed again.

This decision should be communicated to all providers, service users and carers. The accessibility of communication to service users and carers should be considered.

The decision should also be reported to the Department of Health and Social Care when the council decide to start prioritising services under these easements, explaining why the decision has been taken and briefly providing any relevant detail. An email address for this communication will follow

The CQC will continue to provide oversight of providers under existing legislation. Throughout this period the CQC will take a pragmatic approach to inspection and proportionate action as necessary while maintaining its overriding purpose of keeping people safe.

USEFUL LINKS

Guidance <https://www.gov.uk/government/publications/coronavirus-covid-19-changes-to-the-care-act-2014/care-act-easements-guidance-for-local-authorities#what-the-powers-actually-change>

Who to contact for further information:

[Cathryn Grimshaw](#), Senior Lawyer – Safeguarding & Community Services, Legal Services

[Sarah Feasey](#), Head of Safeguarding & Community Services Team, Legal Services

Health & Social Care Scrutiny Commission workplan

Date	Item
14 October 2019	<p>UPDATE ON SOUTHWARK'S JOINT MENTAL HEALTH STRATEGY Officers provide an update on the joint all age (cradle to grave) Mental Health strategy, with specific reference to children and young people up to age 25 .</p> <p>PARTNERSHIP SOUTHWARK Officers provided an overview of Partnership Southwark's work</p> <p>6. WORK PROGRAMME Scopes for the two proposed reviews <input checked="" type="checkbox"/> Quality assurance of care homes <input checked="" type="checkbox"/> Mental health of children and young people up to 25yrs</p>
2 December 2019	<p>Care Homes quality assurance – officer overview Healthwatch</p> <ul style="list-style-type: none"> i) Care Homes ii) MH CYP
21 January 2020	<ul style="list-style-type: none"> • Officer update Mental Health of children and young people • Cllr Jasmine Ali -cabinet member interview • Care Homes quality assurance – community evidence
JHOSC Lambeth Hospital	Lambeth Hospital redevelopment
27 February 2020	<p>Care Homes quality assurance – follow up briefing :</p> <ul style="list-style-type: none"> - Last 6 months care home monitoring reports from officers (closed tbc) - Provide a brief summary of the tender / agreement with Country Court Care Homes 2 Ltd outlining type of provision they will be offering in Southwark eg number and type of beds eg

	<p>Extra Care , Dementia , Nursing</p> <ul style="list-style-type: none"> - Outline commissioning arrangements with other Southwark Care Homes (eg type of care provided and spot purchase/ commissioned) <p>Lay Inspectors</p> <ul style="list-style-type: none"> - Age UK Lewisham and Southwark to provide a summary of Lay Inspector work 19/20 and plans for 20/21 - Commissioners to outline grant commissioning arrangements with Age UK L & S and future <p>Mental Health of children and young people GLA report on ACE</p> <p>Community Pharmacies in Southwark who provide Substance Misuse and Needle Exchange changes to NHS payments</p>
22 June 2020	<p>Covid 19 Impact o NHS and equalities</p> <p>Review : Mental Health of CYP officer follow up</p> <ul style="list-style-type: none"> - recent suicide statistics and by ethnicity - Suicide Strategy <p>Impact of COVID 19 on Care Homes / Home Care</p> <ul style="list-style-type: none"> • provision of PPE in Care Homes • visitation by families and friends to residents in care homes and i) is this happening in Southwark care homes and if so are risk assessments in place to consider the infection risk to staff and residents; ii) where homes have lockdown are there arrangements in place to enable residents to stay in touch with friends, family, advocates etc. by phone, video calls etc. ?

	<ul style="list-style-type: none"> • how is the council monitoring the wellbeing and health of Southwark residents places in care homes, both in an out of Southwark ? • Are Care Home staff in Southwark accessing testing ? Is mobile testing, or any other arrangements being put in place , for staff who are unable to easily access testing centers located out of the borough • Lessons learnt <p>Union evidence on Covid 19 and care homes/ home care</p> <p>Review headline report Care Home and Extra care reports (Part One , focusing on Older People)</p>
16 July 2020	<p>Covid 19: Impact on residents and NHS</p> <p>Officers and the NHS have been tasked with providing the below information, where possible.</p> <p>Current numbers of confirmed Covid 19 cases and death rate for :</p> <ul style="list-style-type: none"> a) Southwark resident population b) Southwark care home residents, placed in and out of borough <p>Below equalities data for mortality and severe morbidity (e.g very ill)</p> <ul style="list-style-type: none"> a) Ethnicity (including Jewish) b) Age c) Occupation d) Tenure e) Size of household

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Coronavirus Act Care Act easements

Legal briefing on the Coronavirus Act 2020 Care Act easements South East London

Clinical Commissioning Group (SEL CCG) merger

A paper and presentation on the merger

Care Homes and Extra Care quality assurance (part 1 older people)

Outstanding and supplementary officer briefings and presentations to support the Care Assurance report :

- Update on the work of the Providers Forum role and remit and how this works to improve quality
- Clarity on the council and NHS CCG policy on complaints investigation; where one is raised by a service user, family, friend or advocate. In particular at what stage would these be addressed by the council / CCG?
- A summary of complaints, including an overview of themes and benchmarking with a few comparative boroughs
- A breakdown of placements of older people out of borough, details of home name, location and CQC rating

	<ul style="list-style-type: none"> • A description of how the quality of provision and the wellbeing of older residents located out of Southwark is monitored <p>A presentation on GP services to care homes</p> <p>Review report: Care Home and Extra care reports (Part One , focusing on Older People)</p>
9 September 2020 (TBC)	<p>Review : Mental Health of Children and Young people:</p> <p>Officer briefings expected:</p> <ul style="list-style-type: none"> a) Lewisham project BME sectioning b) Impact of Covid 19 on health and wellbeing of CYP including Domestic Abuse c) Update on mental health provision for CYP <p>Black Thrive visit</p> <p>Draft Overview report: Mental health of children and young people up to 25yrs</p> <p>Quality Assurance Care Homes & Extra Care (part 2 – working age adults)</p> <p>Officer briefings on</p> <ul style="list-style-type: none"> • Provision of adult care homes in Southwark • Placements outside of borough • Young Inspectors • Arrangements in place to monitor the quality of out of borough placements and the well being of residents

Health & Social Care SCRUTINY COMMISSION**MUNICIPAL YEAR 2019-20****AGENDA DISTRIBUTION LIST (OPEN)****NOTE:** Original held by Scrutiny Team; all amendments/queries to Fitzroy Williams Tel: 020 7525 7102

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		Total: 10	
		Dated: June 2019	