1. **SUMMARY**

1.1 This report sets out the findings and recommendations of the Adult Social Care Scrutiny Committee report on the state of the registered care market in Waltham Forest.

1.2 Cabinet is asked to note the findings of the Adult Social Care Scrutiny Committee report, which can be found in full in Appendix 1, and the response of officers to the recommendations, which can be found in Appendix 2.

2. **RECOMMENDATIONS**

2.1 That Cabinet note the content of this report.

2.2 That Cabinet Members note the suggested response from officers, that Cabinet adopt recommendations 2, 4 and 7, and amend recommendations 1, 3, 5, 6, and 8.
3. PROPOSAL

3.1 In July 2016, the Adult Social Care Scrutiny Committee agreed to carry out a themed review into the state of the registered care market in Waltham Forest. The primary concern of the review was to investigate if the local registered care market was sufficiently robust to deal with the demands for residential and home care in the borough now and in the future. Also, to ensure that the quality of care provided by the Council and other providers was of a good quality and that there were mechanisms in place to guarantee existing service standards are maintained.

3.2 The Committee looked at the registered care market at three of its meetings:

- at the 12th October meeting the Committee heard from officers from the Council’s Families and Homes Directorate on the role of the Contract Monitoring Team, in monitoring the performance of registered care providers through the contract monitoring framework.

- at the 8th November meeting the Committee heard from officers on the pay and conditions of staff, retention and training policies and the budgetary impact on the Council of rising staff costs.

- at the 8th March meeting the Committee was told by officers about the state of the home care market and what the Council was doing to shape the future market for care services in the borough.

3.3 The report (Appendix1) was drawn up after the final meeting on 27th April for the consideration of the Committee, detailing the key issues arising from the evidence gathering sessions and incorporating additional information gathered before and after the meeting.

3.4 The report puts forward recommendations to support and develop the registered care market in the borough. It is not anticipated that the recommendations will not result in any direct additional expenditure.

3.5 The recommendations made by the Report were:

1. The Council should explore the possibility of a benchmarking forum between local authorities.

2. The Council should proactively promote its complaints and whistleblowing procedures for care services, ensuring residents, relatives or those exercising caring responsibilities, are aware of their right to complain directly to the Council about the treatment they or a relative receive.
3 The Council should adopt a more structured approach to monitoring out-of-borough provision, and explore the potential to dedicate more resources to this activity.

4 The Council should consider whether it is possible to streamline and simplify payment systems, which would reduce the administrative cost of paying providers and make it easier for them to deal with the Council.

5 The Council investigates Islington’s approach to the London living wage and zero hours contracts, with the expectation that good practice is identified which can be adopted by Waltham Forest. In this spirit, the Council should consider if it is possible to find the budget to bring the hourly pay rate for community, support and outreach workers up to the London average of £11.88.

6 The Council undertakes detailed mapping of the total cost of implementing a London Living Wage policy and phasing out the use of zero hours contracts, across all of its contracts and direct employments for social care staff.

7 The Council should play an important role in raising the profile of caring careers amongst school leavers and promoting social care as a career, engaging with schools and Waltham Forest College.

8 The Council considers how it engages with partners to highlight that the existing funding available to pay for homecare, is insufficient to provide the basic level and quality of service residents are entitled to expect; and uses its best endeavours to ensure that the availability of appropriate care can be maintained in future, should provision significantly diminish.

3.6 Officers have commented on the recommendations, which can be found in appendix 2. They are recommending that the Cabinet endorse recommendations 2, 4 and 7. They have also suggested that recommendations 1, 3, 5 and 6 and 8 be amended to the following:

1. The Council should continue the work with other Local Authorities through established fora such as the ADASS Commissioners Leads Network to undertake benchmarking with a particular focus on the registered care market and to make full use of other benchmarking information within the sector e.g. CIPFA.

3. The Council should seek to strengthen reciprocal arrangements for out of borough provision with host local authorities and continue its current structured process for quality checking out of borough provision e.g. CQC ratings, liaison with host borough brokerage services/monitoring teams.
5. That the Council investigates bringing about payment of the London Living Wage to employees of contractors in line with the requirements of its accreditation as a Living Wage Employer by the Living Wage Foundation.

6. That the Council investigates bringing about payment of the London Living Wage to employees of contractors in line with the requirements of its accreditation as a Living Wage Employer by the Living Wage Foundation.

8. Whilst continuing to meet the care needs of vulnerable adults who are assessed as requiring home care, the Council should consider how it highlights the significant budget pressures faced by the Council so it can ensure it is able to continue to provide the level of care that service residents are entitled to expect.

4. OPTIONS & ALTERNATIVES CONSIDERED

4.1 It is established practice for the Cabinet to consider each individual scrutiny committee themed review and to make comments on issues contained within the report.

4.2 Officers have been given the opportunity to respond to the recommendations, suggesting that recommendations 2, 4 and 7 be accepted and recommendations 1, 3, 5 and 6 be amended as set out in paragraph 3.6.

5. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)

5.1 The recommendations contained in this themed review report take into account the Council’s priorities and aims to implement those where relevant to the themed review’s topic.

6. CONSULTATION

6.1 The recommendations in this report draw heavily on the evidence provided by relevant officers, much of which is based on the feedback of care providers, residents who are using social care services (both in a residential or domestic setting) and their families and carers. No new consultation was undertaken, as a result of this review, given there was sufficient evidence already available to inform both the substance of the review and the relevance of the conclusions reached.

7. IMPLICATIONS

7.1 Finance, Value for Money and Risk

The recommendations have been developed so that they can be implemented within the existing budgets available to relevant services.
However, for the amended recommendation 5 and 6 which seeks agreement that the council investigates bringing about payment of the London Living Wage in line with the requirements of its accreditation as a Living Wage Employer financial modelling will need to be carried out across the current Social Care provider market to ascertain the full potential cost implications and whether the recommendation is affordable within existing resources.

If in preparing to implement the recommendations contained within the themed review report, they are not sustainable within existing resources and officers find that additional expenditure is required, a report should be brought back to Cabinet to explain either: a) why the recommendations cannot be implemented; or b) proposals to finance their implementation.

7.2 Legal
Part of the Council’s constitution sets out the Overview and Scrutiny procedure rules including, in paragraph 6, the procedure for policy review and development. This report has been prepared as part of the annual scrutiny work programme agreed by Council following consultation with the relevant directors and portfolio lead member (part 6 para.5.1). The procedure rules provide that in carrying out any such policy review or development, Overview and Scrutiny must have regard to available budgets and resources (para.6.2) and make recommendations to Cabinet (6.1.1).

7.3 Equalities and Diversity
The Council must further take into account its wider Public Sector Equality Duty (PSED) under s.149 of the Equality Act 2010 when making a decision. The Council will consider the impact of changes that might arise as a result of implementing the recommendations on those with protected equality characteristics, in particular where there is likely to be an impact on residents or service users from any changes to, or decommissioning of existing services.

7.4 Sustainability (including climate change, health, crime and disorder)
As outlined above, the report and its recommendations are expected to have a positive impact on all residents. Sustainability issues will be carefully monitored to identify any adverse effects from the implementation of any of the recommendations. Where a negative impact arises, mitigating action will be taken.

7.5 Council Infrastructure
The recommendations that Cabinet is asked to agree are intended to be cost neutral, with a process for referral back to Cabinet if this is not
the case. As such the recommendations in the themed review report do not impact on the Council’s transformation programme.

These recommendations will be implemented within existing staffing requirements. If any of the recommendations lead to a need for additional HR resource, further Cabinet approval will be sought.

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)

None.