



To:
Councillor Louise Gibbard
Cabinet Member for Care Services

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Date 27 November 2023
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BY EMAIL

cc Cabinet Members

Summary: This is a letter from the Adult Services Scrutiny Performance Panel to the Cabinet Member for Care Services following the meeting of the Panel on 31 October 2023. It covers Director's Annual Report and Deprivation of Liberty Safeguards.

Dear Cllr Gibbard

The Panel met on 31 October 2023 to discuss the Director of Social Services Annual Report 2022-23 and to receive an update on the Deprivation of Liberty Safeguards (DoLS).

We would like to thank you, David Howes, Amy Hawkins and other relevant officers for attending to present the items and answer the Panel's questions. We appreciate your engagement and input.

We are writing to you to reflect on what we learned from the discussion, share the views of the Panel, and, where necessary, raise any issues or recommendations for your consideration and response.

Director of Social Services Annual Report 2022-23

David Howes stated that 2022-23 very much focussed on recovery following Covid. We heard that services adapted to try and recover and respond to changes in how people are presenting and that extraordinary efforts have been made by staff to adapt and be as resilient as possible.

OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU

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We commended the excellent performance by staff but noted the high levels of sickness. We queried if it is due to the conditions they are working under and asked how wellbeing of the workforce can be improved going forward. We were informed that it is due to a combination of working conditions, demographics of the workforce and staff in many areas of the Service being unable to work with certain illnesses. We were pleased to hear strategies are in place to try and keep staff well and in work and that the Service is compliant with sickness procedures but will always have above average levels of sickness in social services. We requested a briefing on the strategies being used for wellbeing of staff and the Director agreed to bring an update on this to a future panel meeting.

We queried if micro and macro social enterprises will be considered as a way of taking pressure off services. We heard there is a need to start remodelling all services to try and get upstream of critical care demand and that the Council wants more of a generic open access wellbeing offer for its population. You added that the model for the future depends on everyone working together – carers, Third Sector, community resources, Council's early help offer and statutory services.

We noted concern in the report that prevention and early help is dependent on grant funding and if it failed these areas would suffer. We queried if there is any contingency plan to overcome this and heard it is a concern the way national funding works and that there is always a potential risk with grant funding, but it is no more of a concern than the overall restriction on public service funding. We also heard there is nothing to suggest in the short term that grant funding will disappear but that you anticipate it will be cash flat and the Service is working up a contingency for this.

The report mentions 'regional big systems' and we asked what this entails and if Care Inspectorate Wales has a role to play. We also asked if consideration has been given to several local authorities sharing legal expert capacity. We heard the Council is not just concentrating on its own responsibilities in terms of finding solutions to make social services and the social care system work, but it needs to be outward looking and look at the health system locally and regionally, nationally and in the wider UK. We were informed there are a number of services with finite resources across the region which would be better off sharing capacity including legal services. We heard the Council had wanted more control over legal services in the past, but it may be time to revisit this.

Update on Deprivation of Liberty Safeguards

We were informed that the volume and capacity of casework has increased and there is currently a backlog of applications, but you are looking at the introduction of revised application forms to screen and prioritise cases more effectively. We also heard that the introduction of new legislation 'Liberty Protection Safeguards' has been delayed by a number of years.

We queried if there is any pattern to the variations in numbers of referrals across timespans and were informed there is an increase in winter months as more people are admitted to care homes at that time. We heard the challenge going forward is to identify trends and be more proactive.

We asked if the regular flow of referrals is likely to be stable over the next three to four years, or if outside pressures might affect numbers. We heard that in terms of care homes, there is no particular reason in terms of overall demand why numbers should increase over this time.

We queried if changes in demographics of the population is likely to increase demand and heard that the type of person going into care homes now compared to a number of years ago is already a very different demographic. We noted that in addition to care homes, Community Declaration of Liberty Orders is seeing an increase.

In terms of referrals, we wanted to know if the numbers we deal with in Swansea are broadly in line with the rest of Wales. We heard that on a regional footprint the Council is involved in meetings and discussions with colleagues, and you share experiences to try and improve processes and that nationally the Service sees some performance information. You agreed to provide more information on this.

We asked about the situation before the Cheshire West legal case in 2014. We were informed that if people objected to being in a care home, they would be taken forward for Deprivation of Liberty Safeguards (DoLS), but people who were not objecting were not taken forward. Following the case in 2014, everyone in a care home who lacked capacity, even if they were happy, had to have DoLS authorisation which led to a massive influx of applications.

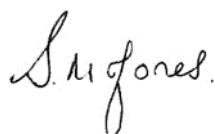
We queried who else the new legislation Liberty Protection Safeguards (LPS) will cover if/when it comes in. We heard it will also cover 16/17 year-olds, people living in supported living and people living in the community in their own home. However, it will be a very different process to the DoLS process, it will introduce care management and standardise the process. We also heard that for under 16s currently, the application is made straight to the High Court and the introduction of LPS would not change this.

Your Response

We hope you find this letter useful and informative. We would welcome your comments on any of the issues raised, however in this instance, a formal written response is required by 18 December 2023 to the following:

- Further information to be provided on how Swansea compares on a regional and national footprint in terms of numbers of referrals for DoLS.

Yours sincerely



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