

**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member for Adult Services held at 9.30 am on**  
**Wednesday, 4 July 2018**

Present:

Members: Councillor F Abbott (Cabinet Member)

Employees (by Directorate):

People P Fahy, J Reading, M Shakespeare  
Place M Rose, J White

Apologies: Councillor Mayer

## **Public Business**

### **30. Declarations of Interest**

There were no Disclosable Pecuniary Interests.

### **31. Minutes**

The minutes of the meeting held on 29th March, 2018 were agreed and signed as a true record.

### **32. Managing Care Market Failure**

The Cabinet Member considered a report of the Deputy Chief Executive (People) regarding managing care market failure. The report noted that the Council was committed to ensuring that it commissions or delivers the best quality services possible within the available resources.

A key requirement of the Care Act (2014) was a duty on local authorities to ensure safe and sustainable care and support provision through effective market shaping. In addition local authorities were required to have plans in place to be used should there be failure of either a single provider organisation or a number of organisations.

The Council's approach addresses market/provider failure in relation to social care provision. This included services that may also cater for people supported solely through the NHS through, for example, using Continuing Health Care funding. Services covered include provision regulated by the Care Quality Commission for example, nursing and residential homes, housing with care and home support agencies and non-regulated services such as day opportunities and community meals suppliers. The approach was not intended to cover provision which was commissioned by the NHS such as hospitals and community health services.

In order to meet its legal duties in respect of Market Failure the Council developed a process for responding to situations ranging from large scale disruption, including failure of a major care provider affecting many service users, to smaller

scale difficulties, such as the temporary unavailability of a particular service, for example, a small care home affected by flood or fire. This process was endorsed by the Cabinet Member for Health and Adult Services on 14th December 2015 (minute 16/15 refers).

The Care Quality Commission (CQC) had a parallel responsibility for maintaining a Market Oversight regime designed to respond to significant care market failures likely to affect large numbers of vulnerable people in multiple authorities or smaller numbers supported in services that were very specialist and therefore difficult to replace. The Council worked closely with CQC to ensure appropriate sharing of intelligence and alerts around the potential for market failure.

There had been three exits from the local market over the last 3 years (two care homes and 1 home support provider) from a total of around 120 registered services, however, these had all been small scale and well managed in cooperation with the agencies involved along with CQC and Coventry and Rugby Clinical Commissioning Group (CRCCG) colleagues.

However, the Local Government Association (LGA), Association of Directors of Social Services (ADASS), CQC, Local Authorities and care market organisations recognise an ongoing risk around the potential for major market failure given well documented concerns about financial sustainability of the market in the context of ongoing austerity.

In September 2017, The Association of Directors of Adult Social Services (ADASS) produced a guide for local authorities in respect of regional responses to provider failure outlining key principles, and a checklist of prompts and questions for Regions to use in the event of market failure. This was followed in May 2018 by a briefing designed by ADASS in conjunction with the Local Government Association (LGA) and included a series of top tips for responding to market failure in the context of 3 priorities:

- Ensuring continuity of care and support for people using the services
- Supporting the failing provider to retain its workforce
- Communicating with service users and their relatives to provide reassurance that continuity of care was the priority

The Council's proposed contingency planning approach had been updated to reflect this additional guidance and ensure that the approach remained robust in the context of a changing landscape.

The Cabinet Member discussed with officers present the following:

- Procedure
- Mapping capacity and provision in the city
- Early warnings
- The 3 exits from the local market over the last 3 years
- Service user support
- Resource implications
- Reviewing the plan annually

**RESOLVED that the Cabinet Member**

- 1) **approve the updated contingency plan to be used in cases of market failure.**
- 2) **approve the Plan be reviewed annually as part of the Business Plan at the Adult Commissioning Board and any significant policy changes to be considered by the Cabinet Member**

**33. Review of the City Councils Direct Payment Policy 2018**

The Cabinet Member considered a report of the Deputy Chief Executive (People) regarding reviewing the City Council's Direct Payment Policy 2018.

The underlying principle of self-directed support was to enable adults, carers, young carers and parents of disabled children to take greater control of their lives and the support they receive so that they can make decisions, manage their own care and support arrangements and risks. This puts people at the centre of assessing their own needs and tailoring their own support.

Direct Payments enabled adults, carers, young carers and parents of disabled children to have control over spending their social care funding and facilitate a greater degree of choice than would otherwise be available in how their support is delivered. This can be achieved for example through employing one or more personal assistants or through spending all or part of a personal budget with an agency who supply support workers to assist with meeting social care eligible needs.

A review of the existing Direct Payments Policy 2013 had been undertaken to ensure the policy enabled Coventry City Council to embed personalisation in practice giving adults, carers, young carers and parents of disabled children more choice, control and flexibility over their care and support improving life chances, and leading to independent and fulfilling lives. A key mechanism for delivering choice and control was by offering and arranging direct payments for adults, carers, young carers and parents of disabled children. It was recognised that the 2013 Policy needed to be reviewed to ensure it was more user friendly for the public, service users and staff. This had taken some time to complete due to the amount of work involved in amending the policy. Any changes made to the policy had been made in line with the Care Act (2014) and the Children and Families Act (2014). This report outlined the changes to the policy.

The Cabinet Member discussed with officers the following:

- Direct payment popularity
- Monitoring
- Progress
- Reviewing the policy

**RESOLVED that the Cabinet Member**

- 1) **approve the revised Direct Payment policy updated in line with legislation.**

- 2) **request that the Policy be reviewed annually as part of the Business Plan at the Independent Living Steering Group and any significant policy changes to be considered by the Cabinet Member.**

34. **Outstanding Issues**

The Cabinet Member considered a report of the Deputy Chief Executive (Place) that contained a list of outstanding issue items that would be submitted to future meetings and summarised the current position in respect of each item.

**RESOLVED that the Cabinet Member for Policing and Equalities approves the future consideration of matters relating to the outstanding issue items listed in the report.**

35. **Any other public business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.**

There were no other items of business.

(Meeting closed at 10.20 am)