

**Minutes of the West Berkshire Council's
Disability External Scrutiny Board
Meeting 11 November 2013**

Item	Notes
Board Members in attendance	Jan Rothwell (Chair), Mick Hutchins, John Carr, Sue Hinks and Alan Fleming.
Others	<p>Councillor Gwen Mason, Councillor Graham Pask, David Lowe (Scrutiny and Partnerships Manager), Jan Evans (Head of Adult Social Care), Jo England (Client Financial Services Manager) and Elaine Walker (Principal Policy Officer).</p> <p>Terry Athawes and Sharon Smith – Service Users.</p>
1. Introduction and apologies.	<p>The Chairman welcomed everyone to the meeting.</p> <p>Apologies: Apologies were received from Norma Weaver, Kate Green, Keith Hester and Elizabeth O’Keefe (Newbury Town Council).</p>
2. Outcomes from the consultation on Adult Social Care	<p>David Lowe provided information in relation to the consultation that had taken place this year regarding the setting of the Adult Social Care Eligibility Threshold. He informed the board that the council were entitled to set their own threshold at which care services would be provided. In West Berkshire this had been set at ‘critical’. Following a legal challenge of this level, the council had undertaken to review the process by which this level was set and consider whether it should be amended.</p> <p>A Task Group made up of Councillors had reviewed whether setting the level at ‘critical’ had put anyone at a particular disadvantage because of any of the protected characteristics (including disability). An extensive consultation had taken place including a questionnaire which could be answered on our website or by telephone, focus groups, attending relevant meetings (such as the DES board), workshops and the consideration of any further written responses.</p>

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	<p>David Lowe provided a summary of the responses received from the consultation. These are attached with the minutes.</p> <p>Action 1: EW to circulate the summary of responses.</p> <p>The review also considered the processes in place, resources available and any legal requirements.</p> <p>A report of the work of the group is currently being drafted, from which the Task Group will formulate their recommendations. The final report will then go through a formal process for consideration of each recommendation.</p> <p>The board discussed the consultation process raising the following points:</p> <ul style="list-style-type: none"> • Issues arising from neurological conditions were a consideration in the consultation and had been addressed through workshops with the West Berkshire Neurological Association via the West Berkshire Independent Living Network (WBILN). • Anyone in receipt of social care would have received a letter inviting them to take part in the consultation. There was also a press release to let others know. The council had been made aware that some people appeared not to have received the invitation letter and this had been raised as an issue to be addressed for future consultations. Jan Evans asked that if there were communication channels that people used, then to inform the council of them in order that they can be considered for use in the future. This might help reach more people in the future. <p>David Lowe informed the board that the Government are looking to introduce a national eligibility level which is likely to be equivalent to the current 'substantial' level. This is likely to be implemented from April 2015. Jan Evans added that the Government had indicated that the extra costs associated with this change would be covered, however if this funding was not forthcoming, the council would be obliged to provide care to the national level, and find the funding by making savings elsewhere.</p>
<p>3. Minutes and Matters Arising.</p>	<p>The draft minutes of the meeting held on 18 July 2013 were approved as a true and correct record.</p> <p>The responses to actions arising from the previous meeting were circulated to the Board. Responses to Actions 3, 4 and 5 have been received since the meeting:</p>

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	<p>Action 3: Mark Edwards to check whether any guidelines stated how the advertising should or could be placed on pavements. No guidelines are apparent, but Mark Edwards is checking further.</p> <p>Action 4: Mark Edwards to raise the issue of market stalls within Highways. Mark Edwards has raised this with Council Officers.</p> <p>Action 5: Mark Edwards agreed to review Hilden's Drive. Those sections of the footway in Hilden's Drive that would benefit from repair, are being considered for inclusion in next years capital programme.</p> <p>Action 6: Robert O'Reilly to report back the decision relating to aiming apprenticeships to disabled people. A further update was provided that the recommendations to reserve on apprentice place for a disabled young person had been favourably received, but that further information had been requested and a final decision would not be made until February 2014.</p>
<p>Consultation on Voluntary Sector Commissioning</p>	<p>Jan Evans introduced a consultation that is currently underway into how services are commissioned from the voluntary sector.</p> <p>The current system of commissioning has evolved over time and requires reviewing to ensure that it provides the services that are required. The review has a number of aims including to be more transparent about where and how council money is being spent, encouraging innovation and encouraging productive competition.</p> <p>The review will also provide many opportunities including bringing in new service providers from outside the area.</p> <p>A presentation has been attached with greater detail about the consultation.</p> <p>Action 2: EW to circulate the voluntary sector commissioning consultation presentation.</p> <p>The consultation will take place between October and December 2013 and can be found by clicking on the following link or pasting it into your web browser:</p> <p>https://www.engagespace.co.uk/westberks/consultation_Dtl.aspx?consult_Id=686&status=2&criteria=l</p> <p>Once a prospectus of services has been developed from this consultation process, providers will be invited to apply to be included for the services outlined. There would therefore be 3 months in which to decide which services are</p>

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	<p>required in West Berkshire, and the following 3 months would be used to develop and source these services.</p> <p>Six objectives have been identified that this review is aimed to address:</p> <ul style="list-style-type: none"> • Outcome 1: Helping people to continue caring • Outcome 2: Supporting vulnerable adults to remain living independently in the community • Outcome 3: Supporting vulnerable adults to continue to manage their long term conditions • Outcome 4: Helping vulnerable adults to have a voice in the community • Outcome 5: Supporting vulnerable adults to access employment • Outcome 6: Preventing social isolation <p>Action 3: Jan Evans asked for all members of the board to circulate information about this consultation to any of their networks and contacts who might be interested, in order to increase the number of people aware of the review.</p> <p>Jan Evans advised that the consultation had been targeted to voluntary organisations that were included on the council's central list. This list was constantly evolving as new organisations came to light. Jan Evans requested that if a voluntary organisation had not been invited to take part, then to make themselves known to herself or Tandra Forster in order to be added to the central list.</p> <p>With regard to increasing the availability of advocacy services, Jan Evans noted that there were a number of organisations based outside of West Berkshire who would be expected to have an interest in increasing their geographical area and would respond to the availability of funding.</p> <p>Jan Evans explained that the council are working with the NHS to explore what work can be undertaken jointly, however the council are bound by a timeframe which the NHS are not. In addition the NHS work within different geographic boundaries, which means that working together is not always straight forward. An example of joint working can be seen in the Berkshire Carers Service which was jointly commissioned with other authorities.</p> <p>The Care Bill gives a strong drive to enhance carers' services, and there may be a possibility for charging for carers</p>

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	<p>services at the council's discretion. Currently West Berkshire Council does not charge for any preventative care.</p> <p>Jan Evans advised that a decision on what services will be provided and by whom, will be made in April next year, with provision beginning in July. Any changes to our statutory responsibilities can be incorporated as they arise by adding to the established prospectus any new services that may be required.</p>
<p>4. Update on Welfare Reform</p>	<p>Jo England provided an update on Welfare Reform stating that there had been a lot of recent changes. The position at the time of this meeting was as follows:</p> <p><u>Independent Living Fund</u></p> <p>This had been due to fully close following a period of being closed to new applicants, and was due to be transferred to local authorities. Following a legal challenge, the fund is no longer due for closure and reviews are continuing to be undertaken.</p> <p><u>Spare Room Reduction (Bedroom Tax)</u></p> <p>There has been an increase in applications for discretionary housing benefit as a result of this initiative. MH asked how many people had applied to downsize their home and how many of these had a disability. Jo England agreed to find this information.</p> <p>Councillor Mason asked what preparations Sovereign Housing Association were putting in place to manage people whose debt might increase as a result of this.</p> <p>Action 4: Jo England to enquire as to how many people had applied to downsize their home and how many of these had a disability.</p> <p><u>Benefit Cap</u></p> <p>Fifty households would be affected by the benefit cap in West Berkshire. The cap is being introduced in July on a rolling basis with households being notified individually of when it would come into force for them. Jo England noted that if a person was in receipt of Disability Living Allowance (DLA) or Personal Independent Payments (PIP) then the cap would not apply.</p>

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	<p><u>Council Tax Reduction</u></p> <p>This is a local scheme which has seen an increase in the number of individuals paying the tax, however West Berkshire Council have decided not to make changes that will affect vulnerable people. There has been no increase in debt as a result of this.</p> <p><u>Universal Credit</u></p> <p>The national rollout of universal credit only took place across 6 areas (not including West Berkshire). Only simple claims are being addressed in these areas for single working people with no housing costs. It is unclear at this point whether the scheme will continue.</p> <p><u>Personal Independent Payments</u></p> <p>People were due to be transferred from DLA to PIP from the end of October 2013. At the last minute this was restricted to a small area, not including West Berkshire.</p> <p>Action 5: EW to circulate summary information with minutes.</p> <p>Action 6: A further update on Welfare Reform to be provided for the next meeting.</p> <p>Jo England informed the board that there had been consideration given to re-evaluating ATOS and possibly bringing in further resource to assist in undertaking medical reviews. This was not confirmed.</p>
<p>5. Disability Related Expenditure (DRE)</p>	<p>Terry Athawes and Sharon Smith, residents, were invited to share their experiences of Disability Related Expenditure (DRE).</p> <p>The Chair reminded the group that the board could not address issues of an individual nature, but where there were common areas of concern, the group should discuss these.</p> <p>Mr Athawes gave a summary of his experiences over the past year in relation to his daughter who has DRE and whose benefits had been negatively affected. Mr Athawes believed that the council's policy was flawed as there was no external moderator to ensure that the policy, application of the policy, or appeals process were fair.</p>

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	<p>Ms Smith stated that it was not clear what could be claimed within DRE as there was no list to help.</p> <p>In response to the issues raised the following was discussed:</p> <ul style="list-style-type: none"> • If people were experiencing issues that did not appear to be being resolved by the council, Ward Members should be asked to assist; • MH noted that the DES board had not been involved in setting or reviewing the relevant processes. Jo England commented that the government's Fairer Charging policy had been in place since 2003 when a great deal of consultation had taken place about what should be considered as a Disability Related Expense; • Jo England advised the group that a list of possible disability related expenditure had been compiled in the past, however it became very long. Jan Evans added that a list potentially led people to believe that they were entitled to all the items on it, when in fact DRE is calculated on the needs that are specific to the individual; • There is no allowance in the Department of Health's guidance for people to save for the possibility of items breaking and needed repair; • Councillor Pask stated that the current policy had been agreed through a formal structure that had aimed to ensure the policy was sympathetic and fair. However it was apparent from the discussion that it was not clear enough and assured the group that when the time came to review the policy, it would be done fairly and with this issue in mind; • MH raised a wider concern that the disabled community appeared to be disproportionately worse off during the current economic climate than others; • The group were reminded that any benefits for any group of people needed to balance the specific needs of the individual with the resources available, and therefore not everyone could be justified in claiming all available benefits; • Councillor Mason agreed to suggest that the DRE policy be reviewed by the Overview and Scrutiny Management Commission.

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	<p>Action 7: Councillor Mason to suggest that the DRE policy be reviewed by the Overview and Scrutiny Management Commission.</p> <ul style="list-style-type: none"> • AF raised several issues with care companies and the carers they employ including training and language barriers, also noting that not everyone wanted to complain as they believed their care would suffer if they did. Jan Evans asked that those who were aware, should promote that there would be no fall out from making a complaint. Jan Evans went on to suggest that a specific meeting with care providers would be beneficial to talk openly. Jan Evans agreed to speak with Tandra Forster to arrange this for the New Year. <p>Action 8: Jan Evans to speak with Tandra Forster to arrange this for the new year.</p> <ul style="list-style-type: none"> • MH raised an issue that it was difficult to engage with the Health and Wellbeing Board (HWB) and suggested that a mechanism should be in place to feed in issues. It was agreed that the Board would be invited to the next meeting. <p>Action 9: EW to invite the HWB to the next meeting of the DES board.</p>
<p>6. AOB</p>	<p>Rachael Wardell, Corporate Director – Communities, introduced herself as the lead Officer for Equalities within the council.</p> <p>Transport Forum: The forum had met and had discussed whether the group should continue as it had achieved a lot to date. It was agreed that the group would continue although meetings might be less frequent. MH stated that the group provided a direct link to First Great Western, and transport issues were numerous and would not be able to be dealt with sufficiently in other forums (such as the DES board) where other issues were also discussed.</p> <p>JC commented that disabled residents in Berkshire are at an advantage over other areas as they can speak directly to Officers in any department in order to raise issues.</p> <p>Personal Budget User Group: There is currently no representative for the Personal Budget User Group. MH suggested that someone from the Independent Living Network should be invited to provide this update and would ask who would be willing to do this.</p> <p>Action 10: MH to enquire whether anyone from the ILN would wish to join the board as a user / carer, and who</p>

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	<p>could provide an update regarding the Personal Budget User Group.</p> <p>Access Panel: A meeting was being held this afternoon to discuss 6 applications.</p>
<p>8. Next meeting</p>	<p>The next meeting is scheduled for Thursday 30 January 2014 in Committee Room 2. (There will be a buffet lunch provided at 12:30)</p> <p>Main Agenda Items:</p> <ul style="list-style-type: none"> - Discretionary Housing Payments - Health and Wellbeing Board - DES board policies
<p>Meeting dates for 2013/14</p>	<p>Thursday 30 January 2014 in Committee Room 2 Market St, 10:30 am – 1:00 pm</p> <p>Thursday 24 April 2014 in Committee Room 1 Market St, 10:30 am – 1:00 pm</p> <p>Thursday 17 July 2014, 10:30am – 1pm - Committee Room 2</p> <p>Thursday 16 October 2014, 10:30am – 1pm - Committee Room 2</p> <p>Thursday 22 January 2015, 10:30am – 1pm - Committee Room 2</p>