
CARE SCRUTINY COMMITTEE
13/06/24

Attendance:

Councillors:- Beth Lawton (Chair), Menna Baines, Jina Gwyrfai, R. Medwyn Hughes, Dewi Jones, Elwyn Jones, Eryl Jones-Williams, Linda Ann Jones, Linda Morgan, Gwynfor Owen, Gareth Coj Parry, Rheinallt Puw, Meryl Roberts, Angela Russell and Einir Wyn Williams.

Officers present: Llywela Haf Owain (Senior Language and Scrutiny Advisor) and Sioned Mai Jones (Democracy Services Officer).

Present for item 7:- Councillor Dilwyn Morgan (Cabinet Member for Adults, Health and Well-being) and Mannon Emyr Trappe (Assistant Manager for Safeguarding, Quality Assurance, Mental Health and Community Safety).

Present for item 8:- Councillor Menna Trenholme (Cabinet Member for Corporate Support) and Dylan Owen (Social Services Statutory Director).

Present for item 9:- Councillor Elin Walker Jones (Cabinet Member for Children and Families) and Aled Gibbard (Assistant Head of Resources - Children and Supporting Families).

1. ELECTION OF CHAIR

RESOLVED to elect Councillor Beth Lawton as Chair of the Care Scrutiny Committee for 2024/2025

2. ELECTION OF VICE-CHAIR

RESOLVED to elect Councillor Dewi Jones as Vice-chair of the Care Scrutiny Committee for 2024/2025.

Councillor Dewi Jones was congratulated for being elected mayor of Caernarfon.

3. APOLOGIES

Apologies were received from Councillor Anwen J Davies.

4. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received.

5. URGENT ITEMS

None to note.

6. MINUTES

The Chair signed the minutes of the previous meeting of this committee which took place on 11 April 2024, as a true record.

7. DEPRIVATION OF LIBERTY SAFEGUARDS (DOLS)

The report was submitted by the Cabinet Member for Adults, Health and Well-being as well as the Assistant Manager for Safeguarding, Quality Assurance, Mental Health and Community Safety.

It was explained that Deprivation of Liberty Safeguards (DoLS) arrangements was the procedure prescribed in the law when a resident or patient must be deprived of their freedom when they did not have the capacity to agree on their care or their treatment, in order to keep them safe from harm. It was explained that conditions such as dementia or brain injury could lead to this lack of capacity. Emphasis was placed on the fact that each case was considered on its merits.

Members of the Committee were guided through the report, noting that DoLS was a statutory duty and that it was a requirement for Local Authorities to lead on DoLS matters within their communities and care homes, with the Health Board leading the field within hospitals. It was reiterated that every application for DoLS Standard Authorisation was expected to be completed within 21 days, with emergency applications being completed within 7 days. It was acknowledged that there was currently a waiting list of 340 in Gwynedd. It was emphasised that this meant that 340 individuals were being deprived of their liberty without authorisation. It was reiterated that 20 of those individuals had been waiting for Standard Authorisation for over three years because of changes to the waiting list as a result of priority.

The fact that the Council did not comply with the relevant legislations and that there were clear corporate risks here was highlighted. Reassurance was given that this matter had been escalated within the Adults, Health and Well-being Department's performance challenging meetings. It was explained that the report was a way to share information with the members regarding the situation, whilst trying to obtain the Committee's feedback and support. It was emphasised that this situation was not unique to Gwynedd, confirming that Local Authorities across North Wales and nationally had a waiting list for DoLS provision.

It was stated that the Council received 67 applications, on average, for Standard Authorisation Assessments every month. It was noted that 16 of those applications could be authorised in a timely manner. It was reiterated that a Standard Assessment was valid for a year, explaining that the individuals who had received a DoLS assessment must receive an additional assessment at the end of that period. It was ensured that the Department had a process to prioritise the individuals who were on the waiting list in accordance with urgent needs and the need to renew the Standard Authorisation.

It was reported that 18 employees within the Adults, Health and Well-being Department had qualified as Best Interests Assessors. It was noted that the Department had attempted to encourage these individuals in the past to conduct assessments for DoLS, but this was not sustainable because each assessment took a minimum of 10 hours to complete.

Reference was made to the resources available to get to grips with this challenge, noting that the Department had one DoLS Coordinator employed four days a week and one Best Interests Assessor employed for two days a week. It was reiterated that the Council had managed to receive £114,000 worth of grant money from the Welsh Government over the last three years to address the requirements of the waiting list in Gwynedd. It was explained that the Council had experienced recruitment challenges when trying to appoint individuals to conduct the assessments, as it was a short-term post as a result of the fact that the funding was provided annually. It was reiterated that this funding had

been used to commission an agency and pay doctors to complete the assessments on behalf of the Council.

During the discussion, the following observations were noted:-

An enquiry was made about the difference between the lack of capacity ruling and DoLS standard authorisation assessment. It was explained that individuals must receive a lack of capacity ruling before applying for a DoLS assessment. In response to a question about who was allowed to apply for a DoLS assessment, it was confirmed that this was usually done through the professional workers.

In response to a question about whether the essential requirement to be able to communicate in Welsh had led to less people applying for posts, the Senior Language and Scrutiny Advisor confirmed that the Council's Language Policy made it a requirement that posts were always advertised noting Welsh language skills as essential. It was reiterated, when posts were advertised for a third time and there was a lack of applicants with the eligible language skills, then it could be considered to appoint an individual who did not fulfil the necessary language skills if they were committed to learn and improve their Welsh skills. The Council could provide suitable training for them. The Cabinet Member added that the Adults Department had been offering Welsh lessons and driving lessons to those who fulfilled the other requirements and tried to be flexible to attract workers.

An enquiry was made as to whether the Department had considered the possibility of advertising a permanent post jointly with a nearby County, as it was believed that a permanent post would attract more applications. In response, it was noted that this would be challenging to administrate because the numbers and requirements of DoLS provision varied between the region's Local Authorities. It was also noted that other counties in north Wales had had more success recruiting officers to complete the assessments than Cyngor Gwynedd. Other challenges were also highlighted, namely how the work would be prioritised if it would be administered by one officer working across two Counties.

In response to a question about the financial penalty, reference was made to the internal inspection to the arrangements completed in 2022. It was confirmed that a follow-up inspection had been completed in March this year, where it was noted that there was a high risk for the Council to be penalised for lack of compliance with DoLS statutory arrangements. Details were given on the fact that it was a financial penalty of approximately £3,000-£4,000 per individual, monthly for the period in which the individual had been deprived of their liberty without authorisation was the highest cost that could have been given. The Department acknowledged that it was not possible to mitigate the risk with the resources available to the department currently and therefore, they believed that they must continue to try and find processes to comply with the legislation. It was noted that a second option was to earmark additional resources to resolve the situation. A wish to employ a full-time officer was expressed to undertake these assessments, acknowledging that the total cost of employing them would approximately be £90,000 a year. Frustration was expressed that employing one full-time officer would not manage to achieve the same workload as the agencies currently used for the same amount of money. The fact that financial bids within this field had not been successful in the past was reported. It was acknowledged that there were no alternative options to consider at this point in time.

In response to an enquiry, it was reported that the Council had received a fine in the past and was likely to receive another fine soon for an individual who had been deprived of their liberty without authorisation for a six-month period.

Members of the Committee were reminded of training received by a legal specialist on a similar matter in the past. As a result of changes in the membership of this Committee, it was proposed to send an invite to receive a presentation from a specialist once again to ensure that Committee members made informed decisions considering the way forward to the provision in Gwynedd.

The Cabinet Member noted that he was not expecting a solution today, but instead to escalate the risk to the Council. He highlighted the fact that plans were underway but he was eager for the whole Council to understand the risk. They took the opportunity to praise the staff of the Department for their work and for prioritising the safeguarding field.

The members expressed their unwillingness to accept the risk and to accept the report in its current form and they noted their desire to receive more information. It was stated that the Care Scrutiny Committee would not commit to making a decision on this financial risk without receiving further specialist information. Instead, there was a consensus to express genuine concern for the situation and the Cabinet Member was asked to collaborate with the Department to develop an effective action plan, as well as provide more detail on the financial options of recruitment.

The Department was asked to provide a progress report in six months to present an update. The officers were thanked for a comprehensive and clear report.

RESOLVED

To accept the report and note the following observations:

- a) To express genuine concern about the situation and the Care Scrutiny Committee's unwillingness to accept the risk highlighted in the report.**
- b) To request the Cabinet Member for Adults to discuss further with the Adults, Health and Well-being Department and create an action plan.**
- c) To request that the Department provides a Progress report within six months.**
- d) To note a wish to receive further information from an expert.**

8. STRATEGIC SAFEGUARDING PANEL'S ANNUAL REPORT 2023/24

A report from the Cabinet Member for Corporate Support and the Social Services Statutory Director was submitted.

An update was provided on the work of the Strategic Safeguarding Panel during the last year. It was explained that the Panel's work was integral to the operation of all Council Departments, as it considered safeguarding processes corporately. It was noted that the Cabinet had accepted the report at their meeting on 11 June 2024.

Attention was drawn to the main changes introduced during the last year, including amendments to the Panel's Terms of Reference, the Safeguarding Operational Group's Terms of Reference and publishing a new Safeguarding Policy. They were proud that the Safeguarding Policy was now clearer, especially regarding the definitions of protection and safeguarding. It was reiterated that training on this Policy would be developed in the near future.

It was confirmed that the Children and Supporting Families Department had received 7,230 referrals to children's services during the year. This statistic was compared with the average figure before the pandemic, where referrals to children's services were approximately 5,000 per year. It was noted that this was a substantial increase in

referrals but it was confirmed that the annual figures had levelled by now, hoping that the number of referrals would decrease in years to come.

It was reported that there was an increase of 248% seen in the work relating to safeguarding concerns about practitioners and those in positions of trust, compared to 2022/23. It was confirmed that procedures were in place to respond to safeguarding concerns about those who, as part of their work, come into contact with children or adults at risk.

It was explained that there were 281 looked-after children at the end of March 2024. It was confirmed that the number of looked-after children had reduced during the last year but, because of the Council's responsibilities to protect asylum seekers and refugees, the number of children under the care of the authority had remained at 281, similar to the numbers at the end of March 2023. Likewise, it was confirmed that the number of Adults reports during the 2023/24 year was very similar to the numbers reported at the end of March 2023.

Pride was expressed that the Council had earned a 'White Ribbon' accreditation as it had adopted a strategic method to end domestic violence and to emphasise that it was not tolerated within the County. Furthermore, it was noted that 55% of Council staff, who worked in the public safety field, had attended an 'Ask and Act' training to give them confidence to support individuals experiencing violence, domestic abuse or sexual violence. It was emphasised that it was a priority for those staff members to attend the training over the next year.

Reference was made to an increase in a number of matters during the last year, such as retail crime (thefts from shops). It was confirmed that the Council had collaborated with the Police to ensure that information about support to cope with the cost-of-living crisis was available to them, in the hope that this would reduce the numbers of retail crimes in the future. Attention was drawn to a number of other safeguarding aspects that received the Panel's support, namely Serious Violence Duty, Modern Day Slavery and Counter-terrorism.

It was confirmed that the Panel was monitoring the Disclosure and Barring Service (DBS). Emphasis was given on the fact that the vast majority of individuals employed by the Council had a current and clear DBS with some exceptions, such as those on sickness absence and maternity leave.

During the discussion, the following observations were noted:-

An enquiry was made as to whether it was possible to track the number of staff that had completed the Prevent training. In response, it was noted that there were two ways to gain access to the training. It was reported that the Home Office had developed new training for Prevent and that it was also available in the form of an e-module on Cyngor Gwynedd's website. Assurance was given that this e-module was mandatory to the whole workforce by now and that staff was encouraged to use the e-learning portal to gain access to it. It was acknowledged that it would be challenging to collect specific data on the number of staff who had completed this module because individuals were able to complete it directly through the Home Office's website. It was explained that these individuals would not be included in the data collected by the e-learning portal of people who had attended the training. The Corporate Director reported that he would try to collate the information and share it when it would be available.

Gratitude was expressed for the report and the work and a desire to see an increase in the statistics was expressed, such as 92% of the "Main Safeguarding Persons" in School

had received specific safeguarding training in the last two years. It was believed that this figure should be 100%. In response, it was explained that it was unlikely that the statistics would reach 100% due to reasons outside of the Council's control, such as long-term illness periods or staff on maternity leave, but it was agreed that we should aim for 100%.

In response to an observation regarding the responsibilities of the Department's Senior Officers, it was noted that there were two Senior Safeguarding and Quality Managers with one located in the Children's Department and the other in the Adults Department. It was noted that they were designated officers who had a specific role and were accountable in terms of safeguarding responsibility. It was explained that adults with learning disabilities came under the Adults Department's remit whilst children with disabilities came under the Children's Department.

Attention was drawn to the fact that a Police officer used to attend this Committee annually in the past and it was suggested that it would be beneficial to revisit these arrangements. In response, it was noted that there was currently an arrangement for the Police to attend the Area Forums and it would be possible to share information through those Forums.

In response to an observation regarding part 4.1.7 of the report and the number of looked-after children and placed with their parents, it was noted that this was part of the strategy and that the Department tried to keep children with their parents as much as possible. It was reported, although the children lived with their parents, a lot of support was provided, it was believed that it was better to try and keep children with their families and in the community when possible.

In response to a question about why the number of referrals continued to be 2,000 more than the pre-pandemic figures, it was explained that the impacts of the pandemic were long-term, especially on children and it was difficult to know why and when there would be a reduction in the figures. It was suggested that people may now be more willing to refer because they were more aware of the challenges. It was noted that this was positive but it put a lot of pressure on the workforce.

A question was asked on the methods used to promote the new Policy to staff and Councillors. It was reported that there was an intention to host training for staff and Councillors and the Senior Safeguarding and Quality Managers were part of that training and tried to raise awareness amongst staff and Members.

In response to a question about clarity regarding the definition of safeguarding and protection, it was explained that safeguarding was part of everyone's role in the community and the Council, namely, to ensure that vulnerable people were safe. It was noted that safeguarding was the responsibility of the Councillors and Council staff. It was explained that protection was a specific responsibility of the Police and the Social Services e.g. to intervene if someone was harmed or faced a substantial risk. It was noted that there were laws and an intense policy about protection.

To conclude, it was confirmed that the report, including the observations of the Care Scrutiny Committee, would be presented to the Full Council at its meeting in July. The Committee was thanked for their observations.

RESOLVED

To accept the report and note the observations.

9. DEVELOPING A RESIDENTIAL PROVISION IN A SMALL GROUP FOR LOOKED-AFTER CHILDREN

The report was submitted by the Cabinet Member for Children and Families and the Assistant Head of Resources - Children and Supporting Families, noting that the development of a residential home for looked-after children was a priority within the Council Plan.

The background of the plan was shared, noting that there were currently approximately 280 children in the Council's care. Everyone who was a part of the fostering plan was thanked, because the majority of looked-after children had been placed with foster families. It was explained that others lived at home with their families but were receiving consistent support from the Council. It was acknowledged that approximately 20 looked-after children were currently in the Council's care who needed a residential placement and there were insufficient placements to currently offer that service without externalising. Members were reminded that many children were currently placed in areas beyond Wales, such as Bristol and Northumbria.

It was confirmed that the aim of the plan was to replace the need to externalise with the provision provided by the Council, managing to provide residential care for looked-after children for a substantially lower cost than the current average costs.

It was explained that the plan placed two looked-after children in a house in the community to ensure that they had a stable home when fostering was not an appropriate solution for them. Details were provided on a number of the plan's advantages, including receiving care in Welsh, remaining in their local school and continuing to foster a relationship with friends and family when possible. It was confirmed that the main purpose of the Plan was to provide specialist care in Welsh for children locally, removing the need for them to leave the county, or leave Wales to receive this. It was emphasised that the plan complied with the Council's Equality Plan, as well as The Well-being of Future Generations (Wales) Act 2015.

It was explained that a suitable house had been bought in Morfa Bychan to offer residential care to children between 10 and 18 years old. It was highlighted that the current emphasis was to secure staff for the houses to enable the plan to develop in a timely manner before considering such options for the future. It was reiterated that they hoped to buy two other houses in different communities in the County soon. It was acknowledged that purchasing and completing alterations to the first house was a slow process because necessary procedures and policies were being developed concurrently with the development of the house. It was emphasised that purchasing homes in the future would be a faster process, because these procedures and policies would already be operational.

It was reported that the plan needed to be completed by the end of 2027, emphasising that three registered residential homes would be required by then. It was acknowledged that many risks had derived from this timetable, namely; difficulty to find a second or third suitable building or difficulty to get the first child in the first house by September 2024. It was also noted that recruitment challenges were also being considered by the Department.

Attention was drawn to the financial situation, confirming that the plan was funded through the RIF/HCF grant, and also confirming that two million pounds had been earmarked to achieve the plan. It was explained that this funding had been used to buy suitable houses and make alterations to them to ensure that they complied with the Care Inspectorate Wales, which was necessary for registration.

It was confirmed that the first year of the plan had been very successful, with many of the plan's targets being achieved in a timely manner. It was reiterated that the main targets that had already been achieved included: Appointing a Project Manager, buying and altering the first house (in Morfa Bychan) and developing a Statement of Purpose and possibilities for the development.

They went on to note the main targets for the plan's second year, including: Appointing a Manager for the first house (in Morfa Bychan), completing alterations to the first house for the Care Inspectorate Wales registration, identifying and purchasing the second home and identifying a third home to buy or submit a planning application on a piece of land in Arfon which was already in the Council's ownership. It was confirmed that the Department had collaborated with the Housing and Property Department.

The members were encouraged to assist the Department to advertise posts related to the plan within their wards. It was noted that posts for the manager of the first house, six residential officers and contingency posts were currently seen on the Council's website, as well as the Council's social media and on posters. It was noted that they hoped that the house Manager could be responsible for a second house in the future to ensure consistency within the plan, whilst also acknowledging that not many individuals qualified for the role were available.

During the discussion, the following observations were noted:-

The plan was welcomed, whilst expressing that the plan should have been implemented years ago. However, the Department was congratulated for their recent progress, and they expressed pride for the plan.

There were concerns about the number of children who would remain in out of county placements, but it was acknowledged that they had to start somewhere and that it was a process that would take time. It was believed that these plans would give the children an element of normalcy compared to the old large care homes. Pride was expressed that the Department had consulted locally.

It was explained that it was not a requirement to conduct a public consultation on this matter. However, it was confirmed that the Department had conducted a public meeting in the area to ensure that members of the community would receive an opportunity to ask questions and express any concerns. It was confirmed that the majority of the individuals were supportive of the plan but the Department had been in contact with one individual who had expressed concerns.

In response to an observation regarding recruitment challenges, it was explained that pamphlets had been distributed yesterday referring to an event in Porthmadog and a session to try and encourage applications for workers.

They enquired how the provision would work in relation to girls and boys. It was explained that an important aspect of this role would be to assess the individuals' background to ensure that their residential placement was suitable and also followed arrangements and processes where appropriate. It was noted that there would be no discrimination on the grounds of girls and boys and that the manager would decide on the suitability of individuals based on assessments on their background and their needs.

In response to a question about what would happen when the individuals in the houses turned eighteen years old, it was confirmed that the registration allowed residential placements until this age but those individuals would not have to leave the house if no

suitable alternative provision was in place for them. It was explained that the usual arrangement in many cases was that the individuals would move to an alternative provision where supervisory support was available. Furthermore, it was ensured that the Department had been in discussions with GISDA to use two flats in Caernarfon for the third stage of the provision where the individuals did not need supervision and consistent support but was happy for staff's input now and again. It was emphasised that exchanging such provision was considered by the appropriate services as they turned 15 years old, for the best plan to be put in place when they turn eighteen years old.

In response to a question regarding what factors were being considered when choosing a location for a house, it was explained that distance from public transport was an important factor, as well as distance from the local School and leisure facilities. It was noted that there were also other considerations such as sufficient parking locations for staff and visitors and that the location did not stand out and suited the needs of the individuals e.g. privacy.

In response to an enquiry regarding costs of keeping children in out of county placements, it was noted that it cost approximately £6,000 per week for each child. This was compared to the weekly cost of running one unit, which was £440 per week. It was reported that this would be a saving of £200,000-£250,000 a year for every two children being placed internally.

Pride was expressed that other counties in north Wales were very eager to develop similar plans and discussions were in place to share ideas, policies and training opportunities.

The officers were thanked for their work to develop the plan and they wished every success to the plan. They looked forward to receiving a further update when the children had settled.

RESOLVED

- a) **To accept the report and wish the development every success.**
- b) **To note the Committee's desire to receive an update once the residential home has opened and there has been a settling-in period.**

10. MID WALES HEALTH AND CARE JOINT COMMITTEE SCRUTINY GROUP

RESOLVED To elect Councillor Linda Morgan to represent the Scrutiny Committee on the Mid Wales Health and Care Joint Committee Scrutiny Group

11. CARE SCRUTINY COMMITTEE FORWARD PROGRAMME 2024/25

The report was submitted by the Senior Language and Scrutiny Advisor.

Members were reminded that the Committee's Forward Programme was based on the matters discussed in the Committee's Annual Workshop held on 30 April 2024.

It was confirmed that three items had been scheduled for each meeting during the year, except for one specific meeting in November to only scrutinise the Social Housing field and a meeting in January to discuss Health matters such as concern about GPs, mental health and collaborative relationships with the ambulance service.

An update was given that the Senior Language and Scrutiny Advisor had received a request from the Adults, Health and Well-being Department for the Committee to consider adding a 'Charging for Care Policy' item for the 26 September 2024 meeting. It was explained that the Department was eager to receive observations and the Committee's considerations before submitting the report to the Cabinet. It was noted that this meant that four items would be scrutinised at the Committee meeting on 26 September 2024.

Members were encouraged to consider the matters they wished for the Departments to include in the reports to the Committee. It was reiterated that it would be possible for Members to discuss those matters in a series of preparatory meetings. It was emphasised that the aim of the preparatory meetings was to identify the main matters which required scrutiny within the fields, leading to supplementary questions in the formal meetings. It was confirmed that the Senior Language and Scrutiny Advisor would consult with the Democracy Services Officer to find suitable dates for the preparatory meetings, attempting to ensure that they would be hosted on Thursdays due to the availability of Members. It was acknowledged that this would not be possible on every occasion, but it was ensured that the time that the meetings would start would be 4pm because this time was convenient for the majority of the Members.

RESOLVED

- a) **To adopt the Committee's work programme for 2024/25.**
- b) **To agree to add the additional Charging for Care Policy item (Adults, Health and Well-being Department) to the meeting on 26 September 2024.**

12. ADULTS, HEALTH AND WELL-BEING DEPARTMENT AND CHILDREN AND SUPPORTING FAMILIES DEPARTMENT PERFORMANCE CHALLENGING MEETINGS

RESOLVED To elect Councillor Einir Wyn Williams as representative to attend the performance challenging meetings of the Adults, Health and Well-being Department and the Children and Supporting Families Department.

The meeting commenced at 10.30am and concluded at 2.00pm.

Chair