

MINUTE of MEETING of the HEALTH AND CARE POLICY DEVELOPMENT AND SCRUTINY PANEL of WEST LoTHIAN COUNCIL held within COUNCIL CHAMBERS, WEST LoTHIAN CIVIC CENTRE, on 11 DECEMBER 2014.

Present – Councillors Anne McMillan (Chair), John McGinty, Diane Calder, George Paul and Frank Toner

Apologies – Councillor Janet Campbell

In Attendance – Ian Buchanan (WLACC Representative)

1. DECLARATIONS OF INTEREST

Councillor Toner declared a non-financial interest arising from his position as Chair of the CHCP and as a Lothian Health Board Member for which a dispensation from the Standards Commission applied.

2. MINUTE

The Panel confirmed the Minute of its meeting held on 16 October 2014 subject to the correction that Ian Buchanan (WLACC Representative) had submitted his apologies to the meeting. The Minute was thereafter signed by the Chair.

3. MINUTE OF MEETING OF NHS LoTHIAN BOARD

A report had been circulated by the Depute Chief Executive, Community Health and Care Partnership to which was attached the Minute of the NHS Lothian Health Board meeting held on 6 August 2014.

Decision

Noted the contents of the report

4. SEXUAL HEALTH PROMOTION UPDATE

The Panel considered a presentation and report by Kirsty Kurcik, Senior Health Promotion Specialist, NHS Lothian which concerned the work of the West Lothian Sexual Health & HIV Group.

The Panel were advised that the West Lothian Sexual Health & HIV Group was a multi-agency partnership made up of West Lothian Council, West Lothian CHCP, NHS Lothian and voluntary sector agencies. The group works together to address sexual health inequalities demonstrated via higher rates of sexually transmitted infections and teenage pregnancies amongst lower socio-economic group.

The Action Plan for 2014-2017 provided a number of outcomes which were summarised in the presentation. It was also noted that the Action Plan dovetailed with key documents such as the Scottish Government's

Sexual Health and Blood Borne Virus Framework (2011-2016) and the West Lothian Single Outcome Agreement. It aimed to contribute to the implementation of policies and strategies that underpinned sexual health services and health promotion in West Lothian.

There then followed a questions and answers session and in doing so it was agreed that a report would be brought back to a future meeting of the Panel with regards to how sex education was implemented throughout West Lothian schools.

#### Decision

1. Noted the contents of the presentation and report; and
2. Agreed that the council's Education Services provide an update to the next Health & Care PDSP meeting with regard to the delivery of sex education in West Lothian schools.

#### 5. CONSULTATION ON ELECTRONIC CIGARETTES AND STRENGTHENING TOBACCO CONTROL IN SCOTLAND

The Panel considered a report (copies of which had been circulated) providing a response to a consultation on electronic cigarettes and strengthening tobacco control in Scotland.

The Head of Health Services advised that the consultation was seeking views on three main areas. These being :-

- Electronic cigarettes;
- Tobacco control; and
- Tobacco control and e-cigarettes

The draft response, a copy of which was attached to the report, provided the view that the proposal was supported to designate e-cigarettes as an age-related product for purchase by adults aged 18 and over, restrict the advertising and promotion of e-cigarettes, introduce smoke free NHS grounds, smoke free and family areas and create a mandatory age verification policy for tobacco products and e-cigarettes.

The Panel were asked to consider the proposed draft response and recommend its submission to the Council Executive for approval.

#### Decision

1. Noted the contents of the report;
2. Agreed that the report be forwarded to the next appropriate meeting of the Council with the recommendation that it be approved; and
3. Prior to presentation to the Council Executive that the name of the

organisation submitting the response be updated to reflect “West Lothian Council”.

6. CONSULTATION ON PROPOSALS TO INTRODUCE A STATUTORY DUTY OF CANDOUR FOR HEALTH AND SOCIAL CARE SERVICES

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy providing a draft response to the consultation on the proposals to introduce a statutory duty of candour for health and social care services.

The Head of Social Policy advised that the Scottish Government was proposing to introduce legislation that would require organisations providing health and child and adult social care services to tell people if there had been an event involving them where the organisation had recognised that there had been physical or psychological harm caused as result of their care and treatment.

The draft response, a copy of which was attached to the report, provided the view that health and both child and adult services should work within a duty of candour but that the response for each adverse event should be responded to proportionately by services rather than in the proposed prescriptive way suggested.

Additionally the general tenor of the response was that implementing a duty of candour across all health and both child and adult services should be consistent and helpful. However there would be both administrative resource burdens with associated financial implications for organisations.

There then followed a questions and answers session in which it was noted that the response did not make clear who would be considered the responsible organisation in such matters i.e. the organisation commissioning the care or those delivering the care. Additionally concern was raised with regards to resource implications for the local authority if the proposal was introduced.

The Head of Social Policy then advised the Panel that further legal guidance on the issues raised from expected from the council’s legal service and that a further update would be provided to the Council Executive.

It was recommended that the Panel consider the draft response and recommend its submission to the Council Executive for approval.

Decision

1. Noted the contents of the report;
2. Agreed that the report be forwarded to the next appropriate meeting of the Council with the recommendation that it be approved; and
3. Prior to presentation to the Council Executive that the name of the

organisation submitting the response be updated to reflect “West Lothian Council”.

7. CONSULTATION ON PROPOSALS FOR AN OFFENCE OF WILFUL NEGLECT OR ILL-TREATMENT IN HEALTH AND SOCIAL CARE SETTINGS

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy providing a draft response to the consultation on the proposals for an offence of wilful neglect or ill-treatment in Health and Social care settings.

The Head of Social Policy advised that views were being sought on five areas. These being :-

- The type of care settings which the offence should cover;
- Whether the offence should be based on conduct or outcomes;
- How the offence should apply to organisations as well as individuals;
- Penalties;
- Equality issues.

The draft response, a copy of which was attached to the report, provided the view that the proposal should cover all formal health and social care settings, both in the private and public sectors. It was also agreed that the proposal should not include informal arrangements, particularly as there was already existing legislation covering harm in such settings.

Additional the general tenor of the response was that the proposal should be consistent with what was already in place for mental health patients and adults with incapacity, particularly in relation to penalties for offences.

There then followed a questions and answers session in which it was noted, particularly in relation to the answer at Q2, that wilful neglect was wilful neglect whether or not in a formal or informal setting. The Head of Social Policy then advised that further legal opinion was awaited in relation to the proposal contained within the consultation which could provide further guidance and clarity and would be reported to the Council Executive.

It was recommended that the Panel consider the draft response and recommend its submission to the Council Executive for approval.

Decision

1. Noted the contents of the report;
2. Agreed that the report be forwarded to the next appropriate meeting of the Council with the recommendation that it be

approved; and

3. Prior to presentation to the Council Executive that the name of the organisation submitting the response be updated to reflect “West Lothian Council”.

## 8. CHIEF SOCIAL WORK OFFICER ANNUAL REPORT 2013-14

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy providing a copy of the annual report by the Chief Social Work Officer which concerned the statutory work undertaken during the period 2013-2014.

The Head of Social Policy advised that this year for the first time a template and related guidance had been produced which were intended to assist Chief Social Work Officers in the development of their Annual Reports, so that reports covered key issues of interest to a range of relevant audiences.

The annual report, a copy of which was attached to the report at Appendix 1 covered the following sections :-

- Partnership structures/Governance arrangements;
- Social Services Delivery Landscape/Market;
- Finance;
- Performance;
- Statutory functions;
- Continuous improvement;
- Planning for Change;
- User and Carer Empowerment;
- Workforce Planning/Development; and
- Key challenges for the year ahead.

It was recommended that the Panel note the Chief Social Work Officer's report for 2013-2014 and note that it had been submitted to the Scottish Government's Chief Social Work Advisor.

### Decision

Noted the contents of the report.

## 9. SELF-DIRECTED SUPPORT - WEST LOTHIAN IMPLEMENTATION DATE

The Panel considered a report (copies of which had been circulated) by the Head of Social Policy proving an update on the implementation of Self-Directed Support (SDS) in West Lothian following the Social Care (Self-Directed Support) (Scotland) Act 2013 which came into effect on 1 April 2014.

The Head of Social Policy explained that SDS linked to the wider personalisation agenda in that it was a framework for supporting individuals and families to have a better informed choice about the way support was provided to them. The aim was to achieve a better quality care and support and an improvement to the outcomes people achieved by giving them greater choice and control over how their support needs were met and by whom.

SDS would therefore impact on local social care service delivery as the service would need to adapt to the greater range of choices that people would be able to make rather than the provision of services always resting with the council.

The 2013 Act imposed statutory duties on the council including giving people assessed as eligible for support the choice of SDS options enabling people to make informed choices by explaining the nature and effect of the SDS options and making information and advice available. It was also worth noting that the SDS referred to all mechanisms, or options, for social care services and support delivery and not just Direct Payments.

The four SDS Options were :-

- |          |   |
|----------|---|
| Option 1 | Direct Payment – a cash payment for the provision of support  |
| Option 2 | Individual Budget – the person would select their support and the council would make the arrangements |
| Option 3 | Council arranged support – the council selected and arranged the support                              |
| Option 4 | A combination of the above – the person selected different options for each type of support.          |

The report then provided a summary of the affects so far following the implementation of SDS since April 2014.

The report concluded that West Lothian had undertaken a range of planning developments and tasks in preparation for the implementation of SDS from April 2014 which were successfully put in place. Since the legislation had come into effect progress had been steady but at a pace which had enabled the service to monitor and review development and adapt accordingly.

It was recommended that the Panel :-

1. Note the progress of SDS implementation over the period April 2014 to September 2014;
2. Note the completed contents of the Audit Scotland SDS self-assessment checklist for council officers which outlined the current West Lothian position; and
3. Note the action plan for continuing development in SDS in West Lothian

Decision

Noted the contents of the report

10. HEALTH & CARE PDSP WORK PLAN

The Panel considered the contents of the Work Plan that had been prepared by the Depute Chief Executive, Community Health and Care Partnership and which would form the basis of the Panel's work over the coming months.

Decision

Noted the contents of the Workplan