

No.

HEALTHY LIVING AND SOCIAL CARE SCRUTINY COMMITTEE

Minutes of a Remote Meeting held on 8th October 2024.

The Committee agenda is available [here](#).

The recording of the meeting is available [here](#).

Present: Councillor N.C. Thomas (Vice-Chair in the Chair); Councillors C.A. Cave, A.M. Collins, C.M. Cowpe, R.E. Godfrey, S. Lloyd-Selby, J. Lynch-Wilson, J.M. Norman and C. Stallard.

Also present: G. John (Cabinet Member for Leisure, Sport and Wellbeing) and E. Williams (Cabinet Member for Social Care and Health).

457 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Democratic and Scrutiny Services Officer read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

458 APOLOGIES FOR ABSENCE –

These were received from Councillors J.E. Charles (Chair) and I.R. Buckley.

459 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 10th September 2024 be approved as a correct record.

460 DECLARATIONS OF INTEREST –

No declarations of interest were received.

461 UPDATE ON THE HEALTHY LIVING AND SOCIAL CARE SCRUTINY COMMITTEE LEISURE CENTRE WORKING GROUP – VERBAL UPDATE –

The Vice-Chair was pleased to report that members of the Leisure Centre Working Group were able to visit Penarth Leisure Centre on 17th September to observe progress that had been made in relation to completed roof repairs and solar panel installation.

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They added that it was pleasing to see that said roof works were coming in on time and within the forecasted budget as well as membership numbers and customer footfall steadily increasing at the Leisure Centre since the national pandemic.

In addition, the Operational Manager for Neighbourhood Services, Healthy Living and Performance thanked members of the Working Group for their attendance and also extended thanks to the property staff and staff from Legacy Leisure who had worked tirelessly to ensure that levels of customer disruption were kept to a minimum during the project.

RECOMMENDED – T H A T the update on the Healthy Living and Social Care Scrutiny Committee Leisure Centre Working Group site visit, as provided by the Vice-Chair of the Committee, be noted.

Reason for Recommendation

To inform both Members and the general public of the outcomes of the site visit arranged at Penarth Leisure Centre on 17th September, 2024.

462 DEPRIVATION OF LIBERTY SAFEGUARDS TEAM ANNUAL UPDATE (DSS) –

The Operational Manager for Safeguarding and Service Outcomes presented the report, the purpose of which was to provide members with an overview and summary of the activity within the Deprivation of Liberty Safeguards (DoLS) team and highlighted the resource and capacity issues that had resulted in this area of work being included on the corporate risk register.

The Officer advised that the Liberty Protection Safeguards (LPS) that were due to replace the DoLS legal framework in England and Wales, had been postponed indefinitely. Despite the postponement the suggested changes provided the service with an opportunity to consider the effectiveness of the current procedures and processes. A new team manager was appointed mid-2024 and the new manager had overseen changes in the Council's data and performance processes. Therefore, it was the Council's intention to use recent changes to inform a thematic analysis going forward, with support from its business intelligence team.

The Council continued to see a rise in the number of applications being received year on year. During the planning phases of the intended new framework (LPS), additional annual funding was received from Welsh Government to address the backlog of applications. This had a positive impact on being able to assess applications and backlogs had significantly decreased since. Welsh Government had agreed ongoing funding for 2023/24 and indicated that further funding would be available for 2024/25.

Following the Officer's presentation of the report, Councillor Stallard referred to the delays in the new LPS framework and asked after the impact of this for the Vale of Glamorgan Council. In response, the Officer reiterated that the intended new framework had been postponed indefinitely and that this was not deemed a priority

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for Welsh Government at the current time. However, there were some elements of the work already undertaken by the Vale of Glamorgan Council in preparation for implementing the new LPS that could be utilised and taken forward. A significant amount of planning had taken place to date and therefore this had not been a wasted effort.

Councillor Lloyd-Selby then noted that it was good to see that the backlog of applications had reduced but queried what potential implications were involved for individuals who were awaiting a response to an application. In response, the Operational Manager advised that the current status was that an individual would be deprived of their liberty and there was no legal framework in place to support these deprivations. However, the Council maintained very good communication with partners and acted in line with the ADS prioritisation matrix which was a national tool. Also, if circumstances for an individual's care were to change then the individual had the right to review and challenge.

As a supplementary question, Councillor Lloyd-Selby then queried after the implications for the Vale of Glamorgan Council where an individual's rights were illegally deprived and how that process was worked through. In reply, the Operational Manager advised that an individual could challenge the Council via Cardiff Council or the University Health Board, but the Vale of Glamorgan had not received legal challenge via either avenue to date. It had always been a challenge for the team to manage the number of applications being received as these far outstretched the resources available to respond. Individuals who were objecting were dealt with via the relevant legal processes.

Councillor Lloyd-Selby then questioned what independent advocacy was available to individuals where it was determined that they should be deprived of their liberty. As a supplementary point, Councillor Lloyd-Selby also suggested that more detail on the profile of individuals who the report directly related to be included in the next rendition of the report to further support Members with understanding the context for individuals who were directly impacted.

In response, the Operational Manager confirmed that the cohort of individuals that the report related to were those who lacked capacity both under the age of 18 and 18+ and was happy to agree to Councillor Lloyd-Selby's suggestion for changes to future renditions of the report. All individuals have the right to a Relevant Representative (formal term for this type of advocacy) provided for each individual who may be objecting to their care and support in a setting. This point would also be added into the next rendition of the report presented to Committee.

In conclusion, Councillor Godfrey thanked officers for making it clear that no claims had been made against the Vale of Glamorgan Council to date as well as clearly setting out the application process and statistics within the report presented.

With no further comments or questions, the Committee subsequently

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RECOMMENDED –

- (1) T H A T the continued implications of the Cheshire West judgement in respect of arrangements for Safeguarding adults who are unable to consent to their care and accommodation needs be noted.
- (2) T H A T the report be referred to the Governance and Audit Committee for its consideration.

Reasons for recommendations

- (1) Having regard to the contents of the report on the continued implications of the Cheshire West judgement in respect of arrangements for Safeguarding adults who are unable to consent to their accommodation and care and support arrangements and the risk to the Council of legal challenge where statutory timescales are not met.
- (2) To update Members of the Governance and Audit Committee on the progress made with the backlog of applications and the performance and activity of the DoLS Team during 2023/24.

463 1ST AND 2ND QUARTER SCRUTINY RECOMMENDATION TRACKING
2024/25 AND UPDATED COMMITTEE FORWARD WORK PROGRAMME
SCHEDULE 2024/25 (DCR) –

On behalf of the Vice-Chair, the Democratic and Scrutiny Services Officer presented the report to advise Members of progress in relation to the Scrutiny Committee's historical recommendations and the updated Forward Work Programme (FWP) Schedule for 2024/25.

The Democratic and Scrutiny Services Officer advised that it was deemed timely to combine the Quarter 1 and 2 tracking reports due to the short timescale between the Q4 and Q1 reports being scheduled in May and July 2024 respectively. Therefore, the actions under Appendices A and B of the report covered two quarters and all actions were marked with a “completed” status. There was also minimal report slippage on the Committee’s FWP from Quarter 1 to Quarter 2.

The Committee was requested to agree the recommendation actions listed in Appendices A and B to the report as well as approve the Committee’s proposed FWP for uploading to the public website, as included at Appendix C of the report.

Following the Officer’s presentation of the report, the Vice-Chair reminded Committee Members that the report presented was under the ownership of the Committee and therefore any suggested additions, deletions or amendments were welcomed and could be raised with the Chair of the Committee at any time.

Councillor Cave then raised a concern with regards to the various points of slippage marked throughout the FWP and, in response, the Democratic and Scrutiny Services Officer advised that report slippage for the Committee was minimal and usually

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rectified within the same quarter. Examples of these could be related to Officer absence or expected references from other committees being delayed. However, due to the dedicated efforts of officers supporting the Committee, there had not been any report slippage from the previous Municipal year into the current year and all expected reports were scheduled as appropriate. In addition, the Vice-Chair noted that both themselves and the Chair of the Committee regularly considered and monitored progress against the Committee's FWP at agenda conferences.

With no further comments or questions, the Committee subsequently

RECOMMENDED –

- (1) T H A T the status of the actions listed in Appendices A and B to the report be agreed.
- (2) T H A T the updated Forward Work Programme Schedule for 2024/25, attached at Appendix C of the report, be approved and uploaded to the Council's website.

Reasons for recommendations

- (1) Having regard to the contents of the report to maintain effective tracking of the Committee's recommendations.
- (2) For public information.