

# **MINUTES OF OVERVIEW AND SCRUTINY COMMITTEE**

Wednesday, 6 October 2021  
(7:00 - 8:58 pm)

**Present:** Cllr Jane Jones (Chair), Cllr Dorothy Akwaboah (Deputy Chair), Cllr Toni Bankole, Cllr Donna Lumsden, Cllr Olawale Martins, Cllr Fatuma Nalule, Cllr Simon Perry, Cllr Ingrid Robinson and Cllr Phil Waker

**Also Present:** Cllr Saima Ashraf and Cllr Maureen Worby

**Apologies:** Cllr Paul Robinson

## **17. Declaration of Members' Interests**

Councillor Perry declared a non-pecuniary interest in item 9 (Changes to Reside), as he was a tenant of Reside.

## **18. Minutes- To confirm as correct the minutes of the meeting held on 31 March 2021**

The minutes of the meeting held on 31 March 2021 were confirmed as correct.

## **19. Minutes - To confirm as correct the minutes of the meeting held on 9 June 2021**

The minutes of the meeting held on 9 June 2021 were confirmed as correct.

## **20. Minutes - To confirm as correct the minutes of the meeting held on 7 July 2021**

The minutes of the meeting held on 7 July 2021 were confirmed as correct.

## **21. Minutes - To confirm as correct the minutes of the meeting held on 8 September 2021**

The minutes of the meeting held on 8 September 2021 were confirmed as correct.

## **22. Appointeeship and Deputyship**

The Council's Programme Manager for Revenues and Benefits (PM) delivered a presentation on the current arrangements for Appointeeship and Deputyship within the Council, as well as the plans to implement a Deputyship service from December 2021 to sit alongside the current Appointeeship Council service. Both services were in place to support residents without the capacity to manage their own finances, or who did not have a family member willing to conduct these matters on their behalf, but whilst the Appointeeship service was limited to small amounts of money and every day financial matters, the Deputyship service could encompass all aspects of financial matters (depending on Court of Protection (COP) directives).

In response to questions from Members, the PM stated that:

- The current annual charge for residents to use the Council's Appointeeship service was just over £400, which equated to £8 per week.
- Many residents using the Council's Appointeeship service did have family members, but for various reasons, and in the best interests of their relatives, they chose for an independent person to provide this financial support. This was also likely to occur with the new Deputyship service. In the case of deputyships, many family members often opted to spend valuable time with their relatives, rather than having to worry about their financial administration.
- In some cases, family members preferred to take on the responsibility of their relatives' financial affairs. However, some then struggled with the difficult nature of this role and opted for the Deputyship service at a later point.
- If a resident using the Deputyship service passed away, the Council would settle their estate and arrange their funeral. Whenever the Council took on a new appointeeship or deputyship, it would always try to ensure that a will was in place, so that the wishes of the individual could be fulfilled. The service would aim to liaise with family members and the Adult's Care and Support (ACS) team as soon as possible around this.
- If possible, the Council would liaise with the resident themselves around their will, as they may still have the capacity to express their wishes for their assets or estate, even if they lacked capacity to manage their financial affairs more generally. In many cases, residents also had advocates or family members who were able to help them make these decisions without any kind of coercion. However, if officers suspected coercion, they could refer to colleagues in the adult safeguarding team for advice or intervention.
- If a resident was not using the Council's Appointeeship or Deputyship service, their family member was withholding their finances, and if the resident was known to the ACS team, ACS would make an assessment. If ACS believed that the resident was unable to look after their financial affairs and that their family was not dealing with their affairs appropriately, then ACS would step in to try to resolve the situation. In some cases, ACS could also apply for an order from the Court of Protection, without the approval of the family members, if the team had evidence of neglect or abuse of the individual. The Operational Director (OD) for ACS also stated that ACS would look into safeguarding proceedings, to ensure that the resident was safe, their rent was paid and there was no risk of homelessness.
- Appointeeships were smaller and less complicated than deputyships, with two members of staff currently dealing with 95 appointeeships. Deputyships were more complicated, especially if there was a house, large amounts of capital or shares involved. From December 2021, the Council would be looking to deal with a blend of up to 150 appointeeships and deputyships. It would likely convert some of the current appointeeships to deputyships, allowing for the capacity to take on up to another 50 deputyships if needed. It could also offer the services of the team outside of the Council, for example, to other councils who may be struggling with the volume of their clients.
- Each resident had their own bank account and their own set of bills, which would be reconciled on a monthly basis, and the Council had to compile an annual report for deputyship for the Office of the Public Guardian. It also

ensured that the Internal Audit team got sight of performance early on, as part of their calendar of work.

The Chair praised the decision to establish a Deputyship service for residents who were no longer able to manage their own finances, noting that this could also prove beneficial for elderly parents who wanted to ensure that their vulnerable children were adequately supported, before their passing.

## **23. Adaptations**

The Council's Head of Housing and Asset Strategy (HH), and Project Manager, Adults' Care and Support (PMA) delivered a presentation on adaptations to council resident and private ownership properties, to help residents gain an increased level of independence. This included an overview of the assessment process, how funding was spent, issues through the system, the impact of Covid-19, projects underway to increase the supply of adapted homes in the Borough and the utilisation of existing housing stock. The Cabinet Member for Social Care and Health Integration (CM) also emphasised the importance of managing the expectations of residents, by having open conversations with them at the beginning of the adaptations process about their requirements, realistic objectives and the Council's adaptations budget.

In response to a suggestion from the Chair relating to the Council 'growing its own' occupational therapists (OTs) due to a national OT shortage, the CM stated that the Council was exploring the potential to establish its own OT course, along with Coventry University London (CUL). CUL would run the course and the Council would use the apprenticeship levy to enable it to offer a salary to those in training. The CM hoped that this course would be established from Autumn 2021. The Council was also exploring the option of working with North East London NHS Foundation Trust (NELFT) and neighbouring boroughs, to ensure that the course could gather the numbers required to run and more people could benefit from the offer.

In response to further questions from Members, the PMA and the Operational Director for ACS stated that:

- A social care assessment would be the first stage in helping to support someone who had an immediate need for an adaptation. The adaptation would be the next stage to help them to reach their independence.
- The adaptations waiting list, which was based on the level of need, was assessed on a regular basis. The team would try to prioritise those deemed to be in more need; however, this could sometimes prove difficult depending on the adaptation itself. There were various stages within the adaptations process where delays could occur, such as through the planning process, architects or neighbour disputes. The team would facilitate the process and try to ensure that the adaptation was completed as quickly as possible.
- The Dynamic Purchasing System (DPS) was a commissioning tool that sat within the Commissioning service. Details of a job for works could be uploaded to the system and contractors could bid for that job. The team would then review the bids that came through and select the most viable

option, and all bidding contractors would already be on the Council's approved framework. For a long time, the Council had been in a situation whereby it had had to wait for Barking and Dagenham Management Services (BDMS) to take on adaptations works, and this had caused quite a backlog of work. The DPS had helped significantly in reducing this backlog, especially considering the shortage of companies able to undertake such work, and the Council was expecting the backlog to reduce further over the coming months.

- A frequent obstacle to works being completed, was clients cancelling their adaptations. Whilst there was not a main reason for this, the team tried to collect information around the reasons for cancellation, such as the client's financial assessment requiring them to pay a higher contribution for their adaptation than they may wish to pay.
- The wait time for assessments differed over the year. During timeframes where there was a higher number of hospital discharges, such as the winter period, the service faced increased pressure, resulting in longer wait times. Nevertheless, the wait time always averaged between 4 to 8 weeks. Current pressures on the service were largely attributed to Covid-19, with more residents asking for adaptations. The team's OT manager was very good at assessing the Council's waiting list, actively working through it and ensuring that contact with the resident was made wherever a risk had been managed.
- Choice and control were key parts of the adaptations process and the team would talk to the individual about their adaptation preference. It was very often the case that the individual's preference would exceed the level of support deemed appropriate for their needs. The OT would give their professional view of what was required and explain that the individual could "top up" their adaptation to ensure that it was more to their preference and liking. Furthermore, very often, the provision requested might not be safe. In this situation, OTs ensured that safety was a top priority and would advise the resident accordingly.

In response to a question, the Chair stated that those present were unlikely to be able to account fully for the reasons behind the long delays in BDMS works completion times, and that the Committee may need to look into this. The CM stated that as she sat on the Shareholder Panel, she was aware that BDMS had a large backlog of ordinary repairs to undertake and that this was why the decision was taken to temporarily outsource current adaptations whilst the company dealt with its backlog, as the Council did not want further delays. The Chair requested further information around waiting times before the pandemic, as well as what could be done to improve these going forward.

In response to further questions from Members, it was stated that:

- When the team purchased an adaptation such as a stairlift, it was also purchasing the service that went with it. It usually aimed for the highest specification service, ensuring a faster callout response time if there was a malfunction, for example. It was essential that the team monitored such performance.
- There were regular meetings between Council commissioners, the

Adaptations team and BDMS to review the backlog of works. There would also be ongoing conversations around how the DPS service could be used to manage the workload going forward and currently. The team would also report back to the Committee on the numbers of cancellations experienced by the service. A new Chief Executive Officer had joined BDMS and if the Council felt that a better service could be offered by requesting that BDMS continue to outsource its adaptations work, then this could be looked into once the current backlog had been addressed.

- Expectations around the length of time required to complete adaptations works needed to be managed, as works on average could take around six months to complete.
- The 139-week example of the longest wait to start work through BDMS was due to a neighbour dispute.

In response to questions from Members, the HH stated that:

- The new-builds that the Council was receiving from Be First were going to Reside, and the planning policy for the London Plan ensured that ten percent of new schemes were wheelchair-accessible. The team was working closely with ASC to ensure that unit sizes could be better specified, as well as with other housebuilders in the Borough, to ensure greater accessibility.
- More complete data had been gathered as a result of reviewing the adaptations waiting list, which could better inform works going forward.

The CM stated that further conversations would also be had around specialist housing and bringing residents back in Borough, citing the redevelopment of Brocklebank Lodge and the desire to undertake similar developments.

The Chair emphasised the need to plan ahead for sufficient quantities of specialist accommodation and suggested that work be undertaken to look into the properties that the Council could build now, to ensure there would be enough specialist housing and greater cost-effectiveness for the Council. The OD noted that the number of residents waiting for accommodation was not as high as originally thought following a waiting list review, and also that the Council had to be smarter with properties that had been adapted when it came to moving new tenants into these.

## **24. Changes to Reside**

The HH delivered a presentation on Reside, including a breakdown of the current tenures, plans for future growth, the addition of market rent properties to the Reside portfolio and plans to manage this, and the Reside tenancy policy, which enabled residents to stay within their properties as long as they were paying their rent and abiding by the conditions of their tenancy.

In response to questions from Members, the HH stated that:

- The reason as to why the majority of new homes were being built at the intermediate tenure, at 80 per cent of market rent, was to enable the Council to receive more income to help pay for its new build programme, as

it was borrowing lots of money to build its new homes. This rent level could be reduced in future, but this would also reduce the annual income gained by Reside, could impact on its ability to run operationally and to repay its loans. These rents would need to be charged initially to meet the financial metrics set by the Council around its investments, and whilst the Council could change the rent policy for new homes in this category in future, it would need to work through any implications before doing so.

- In order to build more social rent and intermediate rent properties, the Council needed to build market rent properties. This income would also contribute towards borrowing and operational costs.
- In charging full market rent tenures, Reside was competing with the private sector and it was therefore conducting more research into where it sat within the market. The private rented sector in the Borough was currently made up of lots of individual landlords that owned one or two properties, and shared accommodation, as well as some private companies that were providing Build to Rent homes similar to the Council. The market rent homes built by the Council would be targeted more to the needs of local residents.
- He would need to send the Committee a more detailed breakdown of different tenures. Reside had built a number of social rent properties, and some at target rents, and others at different rent levels. The vast majority of what was being built was at London Affordable Rents (LAR), which was the GLA proxy for social rent. New GLA funding has now ended LAR and returned to social rents. In Reside, there was not a service charge on top of LAR, whereas the typical model for social rent was rent plus a service charge; however, the schemes were not too dissimilar in regards to overall charges.
- The Council used GLA grant to build social rent tenures, and right-to-buy receipts for intermediate rent tenures. Having market rent tenures, where the Council does not need to use its limited subsidy, is helpful in generating additional income, which can then be used across other Council services.
- There were no proposals at this stage to change schemes that had already gone through Planning.
- It was recognised that the performance of Reside needed to improve for all tenants, especially when considering that it would soon be offering market rent properties. The Interim Managing Director (MD) was very keen to put together a plan to drive improvement across Reside, to improve both growth and the current offer.
- He would consult with Legal as to whether the new properties added to the Reside portfolio past the 200 mark, would present problems in relation to the Housing Revenue Account (HRA).

In response to a question, the Cabinet Member for Community Leadership and Engagement stated that the Council's Community Solutions team and Homes and Money Hub in Barking Learning Centre, could be accessed for support by residents struggling to pay their rent. It was also hoped that such advice could be provided from the Council's Community Hubs going forward. Market rent properties would also enable residents to have more choice in where they lived, as not all residents who wanted properties were only able to afford submarket rents.

Some private companies had already built private rented sector housing in the Borough and many people were moving into this, highlighting the importance of a mixture of tenure and choice.

Due to unforeseeable reasons, the MD was unable to attend this meeting and therefore, the Chair requested that Reside representatives return to a future meeting of the Committee to help Members better understand the future plans of Reside and ensure that improvement was happening quickly enough when considering the vast number of new properties that Reside was soon to acquire.

*At this juncture, the Committee resolved to suspend Standing Order 7.1 at Part 2, Chapter 3 of the Council Constitution to allow the meeting to continue beyond the two-hour duration threshold.*

## **25. Work Programme**

The Chair informed the Committee of the following change that had been made to the Work Programme since the last meeting, which was noted by the Committee:

- The Disability Payment Disregards item, which was due to come to the 8 December 2021 Committee, would instead be deferred to a meeting in the first quarter of 2022. This was because the impact and potential implications of the 'Norfolk Judgement' for Barking and Dagenham were still unknown at this stage.