



CITY OF WESTMINSTER

# MINUTES

## Vulnerable Adults, Health and Communities Policy and Scrutiny Committee

### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Vulnerable Adults, Health and Communities Policy and Scrutiny Committee** held on **Monday 4th December, 2023**, Rooms 18.06-08, 18th Floor, Westminster City Hall, 64 Victoria Street, SW1E 6QP.

**Members Present:** Councillors Gillian Arrindell, Robert Eagleton, Lorraine Dean, Selina Short, Hamza Taouzzale, Iman Less and Rachael Robathan

**Also Present:** Councillor Nafsika Butler-Thalassis (Cabinet Member for Adult Social Care, Public Health and Voluntary Sector)(online), Councillor David Boothroyd (Cabinet Member for Finance and Council Reform), Linda Hunting (Policy and Scrutiny Advisor), Clare O'Keefe (Lead Policy and Scrutiny Advisor), Gareth Wall (Bi-Borough Director of Integrated Commissioning), Visva Sathasivam (Bi-Borough Director of Social Care), Bernie Flaherty (Bi-Borough Executive Director of Adult Social Care and Health), Jake Bacchus (Director of Finance)(online), Gerald Almeroth (Executive Director of Finance Resources), Bridget Larsen (Senior Major Projects Lawyer)(online).

#### 1 ELECTION OF CHAIR

1.1 Nominations for the post of temporary Chair were invited as apologies were received from Councillor Albert due to illness.

1.2 One nomination was received by Councillor Taouzzale.

1.3 This nomination was seconded by Councillor Arrindell.

1.4 There were no further nominations.

#### 1.5 **RESOLVED:**

That Councillor Eagleton be appointed as Chair of the Vulnerable Adults, Health and Communities Policy and Scrutiny Committee.

1.6 The Committee noted that this meeting had been summoned at short notice in accordance with the Standing Orders for committees, which enables the Chair to allow consideration of urgent items of business in special circumstance provided this is recorded in the minutes. The special circumstances in this case were to meet the payroll deadline for carers to be paid before Christmas and it was

deemed legitimate to do so to ensure that Council processes do not cause a financial detriment to third parties.

## **2 MEMBERSHIP**

2.1 The Committee noted that Councillor Less was attending as substitute for Councillor Albert.

2.2 The Committee noted that Councillor Robathan was attending as a substitute for Councillor Shearer.

## **3 DECLARATIONS OF INTEREST**

3.1 The Committee noted there were no declarations of interest.

## **4 MINUTES**

4.1 It was confirmed that the minutes of the Climate Action, Housing and Regeneration Policy and Scrutiny Committee meeting on 12 September 2023 will be reviewed at the Vulnerable Adults, Health and Communities Policy and Scrutiny Committee's next meeting on 18 January 2024.

## **5 CALL-IN OF CABINET MEMBER DECISION ENTITLED: INCREASING HOMECARE WORKERS' PAY FOR A FAIRER WESTMINSTER**

5.1 The Committee noted that it had convened to review a call-in brought by three of the Committee's Members - Councillors, Dean, Short, and Shearer regarding the Cabinet Member Decision entitled Increasing Homecare Workers' Pay for a Fairer Westminster.

5.2 A report responding to the reasons for the decision was introduced by the Cabinet Member for Adult Social Care, Public Health and Voluntary Sector, Councillor Butler-Thalassis. Officers and Councillor Boothroyd (Cabinet Member for Finance and Council Reform) addressed the following Members' questions:

- The use of the Market Sustainability and Improvement Fund (MSIF) that is to provide subsidy grants for paying homecare workers an increase in pay for the purpose of that grant, and how the Council is spending the grant.
- The longevity of the MSIF, the reasons for funding the increase through a grant, and what the Council's plans are if the grant is not continued after 2 years to fund the cost from the base budget and include in the budget process in 2025/26 as a potential risk, if required.
- The lack of certainty with a one-off grant that may not be extended and stability that would be offered to both the Council and the workforce if funding was provided by the base budget.
- Why the funding required to uplift homecare workers pay wasn't included as a possible risk to Adult Social Care in the Budget Scrutiny reports.
- How many other Councils are using the MSIF fund to fund the homecare workers pay increase, and if they are not, what the fund is being used for -such as local area recruitment and sponsorship for bringing workforce from abroad.

- The purpose of the grant, which is to improve and maintain sustainability of the homecare workers workforce and to enable local authorities to make tangible improvements to adult social care capacity.
- Whether the Government intends for the grant to be used for increasing homecare workers pay, as well as the Council's priorities for the grant such as encouraging the local care workforce, enabling a greater consistency of care for service users, lower staff turnover, and to help tackle low pay in the care workforce.
- The timetable for the pay increase to homecare workers by Christmas and the ambitious plans and initiative of the Council to bring these changes into effect so quickly.
- Whether the pay increase will go directly to the homecare workers within Westminster, what guarantees the Council has from the external agencies, and how this is being addressed by the Council.
- Whether it is legal that external homecare providers may pay homecare workers doing the same job on different rates of pay, what the Council has done in terms of setting out its expectations regarding pay with the homecare agencies, the measures in place to ensure this was a robust process, and the legal advice taken for the process of transferring a grant for this purpose.
- Whether there is a difference between those being cared for in Westminster and work being commissioned by Westminster City Council and where agencies have contracts with other boroughs. This would mean that a worker may work across another borough other than Westminster.
- Disclosure of agencies payroll as to what workers will directly benefit from the increase in pay and the checks being carried out by the Council going forward to inform about the ratio of work carried out for Westminster residents by home care workers.
- How important the role of home care workers is to residents and how they should be remunerated for the challenging roles they carry out.
- The procurement of the contracts, ensuring workers are paid the London Living Wage and whether the Council could specify (under procurement law) how external companies paid their workers who received the grant.
- What procurement processes and mechanisms will be used by the Council in the future when further services or new procurement is required.
- The significant additional funding that was provided by the Government in the Autumn budget for Adult Social Care and the expectation that this will be spent for things like the homecare workers.

### 5.3 **EXCLUSION OF THE PRESS AND PUBLIC**

The Chair moved and it was

#### **RESOLVED:**

That under Section 100 (a) (4) and Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for discussions relating to Appendix A because it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in

disclosing the information.

5.4 Members asked questions on the following topics:

- Publication of the decision by the provider of the grant within 90 days.
- Why the Council chose to use the vehicle of a grant instead of a contract variation to fund the homecare workers pay increase.
- Non-commercial considerations in the procurement process.
- The legal advice obtained in relation to the Council's decision to facilitate the increase using a grant and around other possible options.
- The Council's Medium Term Financial Planning (MTFP) and the assumption that the Market Sustainability funding will continue on a recurring annual basis.

5.5 The Chair moved and it was

**RESOLVED:**

That the public and press be included in the meeting as the discussions relating to appendix A had been concluded.

5.6 The Committee noted that the meeting had to be arranged in a timely manner as per the detail noted by the Committee in paragraph 1.6 of the minutes. The difficulties faced by some Members to read and digest the papers was recognised and senior officers acknowledged the importance of enabling an effective Policy and Scrutiny process.

5.7 **VOTE**

4 – to note the report and take no further action.  
3 – abstained.

**RESOLVED:**

That no further action be taken and allow the Cabinet Member Decision to be implemented.

5.9 The Committee noted that there was no other business to be discussed and the next meeting for the Committee is 18 January 2024.

The meeting ended at 6.49pm.

**CHAIR:** \_\_\_\_\_

**DATE** \_\_\_\_\_