

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 7 July 2006.

PRESENT: Councillor Carr (Chair), Councillors Harris, McTigue, Mawston, Rooney and T Ward.

OFFICIALS: J Bennington, P Clark, L Clarke, P Dyson, T Parkinson and E Williamson.

**** PRESENT BY INVITATION:** Councillor Mrs B Thompson (Executive Member for Social Care and Health) and Councillor Elder (originator of the request to Call-In the decision).

**** PRESENT AS OBSERVERS:** Councillors Budd, Lowes and N J Walker.
Members of the public.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Booth, Cole and Wilson and Councillors Dryden and Robson having personal and prejudicial interests in the subject matter.

**** DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

OLDER PERSONS CHANGE PROGRAMME

A report of the Scrutiny Support Officer had previously been circulated regarding the meeting which had been arranged in accordance with the Authority's Call-In procedure in respect of decisions made at a meeting of the Executive held on 20 June 2006 relating to Older Persons Change Programme.

The main components of the report of the Scrutiny Support Officer were as follows: -

- a) a copy of the report entitled Older Persons Change Programme considered at a meeting of the Executive held on 20 June 2006 which set out the following:-
 - i) the outcome of consultation regarding Albert Cocks and Levick House residential care establishments;
 - ii) a number of options regarding the date for the closure of Albert Cocks and Levick House;
- b) the decisions taken at the above meeting as follows:-
 - i) that Option 1 – the transfer of residents to a new care home, operated by the Independent Sector, in July 2006 be approved;
 - ii) that the submission of a capital bid for the Council to create extra care housing on the Levick site in partnership with a registered social landlord, subject to the agreement of Levick Trustees, be approved in principle;
 - iii) that appropriate actions be taken, which ensured that the sites would be properly secured and protected;
- c) details of the Call-In procedure;

- d) the reason given to the Authority's Proper Officer, which initiated the Call-In procedure, summarised in the report as follows: -

'The precipitousness of the date of closure, which does not permit for due and considered reflection on the futures of the parties thereby affected.'

As part of his introduction, the Chair outlined the order of proceedings for the meeting and in particular referred to the extent of the powers available to the Board in determining whether or not to refer the decision back to the decision-making body for re-consideration in the light of the evidence submitted.

The main points of the submission by the Executive Member for Social Care and Health focussed on the basis upon which the Executive had made its decision which included the following;

- a) reference was made to the legislation governing the physical facilities of residential care homes which required that all residential care providers had until April 2007 to meet the necessary standards;
- b) in view of a lack of resources the Council would not be in a position to comply with the Commission for Social Care Inspection (CSCI) standards beyond March 2007 and so a change programme, ultimately leading to the closure of all Council Elderly People's Homes had been approved by the Executive;
- c) a Robert Huggins Transition Group, which involved relatives of the residents of both homes, met on a regular basis and had approached the new owners of a purpose built home in Marton Road;
- d) an indication had been given at the meeting of the Executive on 20 June that another new purpose built home was due to open in Stainton Way further details of which had been pursued;
- e) from the outset it was acknowledged that in accordance with current legislation, 'directive of choice' individuals could move at any time and were free to choose their preferred home;
- f) reference was made to the extensive consultation, which had taken place, which clearly demonstrated that the majority of residents wished to remain together as a group;
- g) it was confirmed that although a bid for capital funding to the Housing Corporation had not been successful to provide Extra Care Housing facilities on the Levick site by April 2007 there was an opportunity for a further bid to be submitted for which the Executive had given approval in principle.

The Head of Modernisation and Planning addressed the Board and emphasised the following points: -

- further details were provided of the extent of the consultation undertaken and advice given during collective and 1:1 briefings for staff and residents;
- relatives and the Robert Huggins Transition Group had also been informed of the situation;

- the indicative closure date for the homes had been driven by the residents' wishes as to their preferred choice of residence;
- although a Notice of Deregistration for Albert Cocks and Levick House had been issued to CSCI indicating potential closure in August 2006 it was confirmed that the CSCI had been advised of the situation and the likelihood of such a notice being amended;
- although at the time of submitting the report to the Executive 26 residents had expressed a wish to move as a group the current number had reduced owing to changed circumstances including a number of residents securing alternative accommodation;
- the new home in Stainton Way was expected to be open in 8-10 weeks;
- it was confirmed that all residential care homes both the Council and in the independent sector had to meet the same national standards and be registered with the CSCI.

The Head of Older People and Physical Disabilities confirmed that a meeting of the Robert Huggins Transition Group had been held on 8 May when reference had been made to the residents moving as one group. All residents and relatives had been made aware of such proposal to move as a group. It was confirmed that under normal circumstances and without the opening of 2 new homes it would have been impossible to achieve a move of 26 residents as a group.

Councillor Elder was afforded the opportunity of asking questions during which the following points had been confirmed: -

- whilst there was an opportunity for Albert Cocks and Levick House to close earlier the main target date was 31 March 2007 when the new CSCI standards for residential care establishments would come into force;
- the date of closure was flexible dependent upon the wishes of residents;
- it was reiterated that at the time of submitting the report to the Executive the majority of residents (26) had expressed a wish to move as a group;
- the Notice of Deregistration to the CSCI could be amended or withdrawn;
- subsequent to the 1:1 briefings a number of residents had secured appropriate alternative accommodation.

Councillor Elder outlined the reasons for invoking the Call-In procedure emphasising the following key issues: -

- i) certain information provided at the meeting of the Executive held on 20 June had not reflected the changed circumstances relating to the number of residents wishing to move to a new purpose built home in Marton Road which was not yet completed and the residents hadn't visited;
- ii) given the vulnerability of the people concerned and the need for stability, clarification was sought regarding the timing of the 1:1 briefings and circulated correspondence as concerns had been expressed regarding the Council moving quickly towards the closure of the homes;

- iii) it was felt that more time should have been made available in order to assist residents and relatives to make a balanced decision;
- iv) a request was made for the Notice of Deregistration to be withdrawn and closure postponed to November/December in order to allow sufficient time for residents and family to discuss the options available to make an informed choice of identifying alternative accommodation;
- v) reference was made to a petition, which contained over 100 signatories from residents, relatives and staff which stated that they were very concerned at the suddenness of the closures.

The Executive Member for Social Care and Health was afforded the opportunity of asking questions of Councillor Elder. The following points had been raised during the subsequent exchange: -

- details were given of the consultation process in particular with the residents and relatives;
- it was acknowledged that as a result of changed circumstances the number of remaining residents to be moved had significantly reduced.

Members of the Overview and Scrutiny Board posed questions of all parties the responses from which focussed on the following: -

- the consultation process was considered to be thorough and in accordance with best practice;
- in terms of the ongoing process for the redeployment of staff; appointments had been made to approximately 17-18 posts so far; 10-15 interviews had been arranged over the next 2 weeks; approximately 17 staff had expressed a desire to pursue voluntary redundancies or early retirement as their preferred option; and staff had been made aware of appropriate vacancies;
- it was noted that the cost of providing residential care services in-house (£551-£608 per week) did not compare with the purchase of the service from the independent sector (338 per resident per week);
- the 2001 new regulations governing the facilities of residential care homes included the provision of en suite bathrooms for all bedrooms and minimum space requirements for bedrooms;
- although there was no requirement the Planning Department had been requested to advise Social Care if applications for residential care homes had been submitted.

Following closing submissions of the Executive Member for Social Care and Health and Councillor Elder the Board discussed the evidence received and considered its decision.

The main observations of the Board Members on the evidence presented were as follows: -

- i) it was acknowledged that dates identified in the report to the Executive were target dates the implementation of which was subject to the availability of appropriate alternative accommodation and residents' preferences;
- ii) it was noted that the new purpose built homes were unlikely to be available by the indicative closure date of 1 August 2006 and that residents would be given the opportunity to visit such premises to assist in making their decision on their preferred choice of accommodation;
- iii) extensive consultation and advice had been provided to those affected by the proposals the implementation of which would be sympathetic to the needs of the affected residents;
- iv) the information that had been presented to the Executive had been based on the best information available at that time.

ORDERED that the decisions taken at the meeting of the Executive held on 20 June 2006 be not referred back on the basis of the evidence presented but that the Executive be asked to consider the following comments of the Board: -

- i) the implementation date of by 1 August 2006 for the closure of both Albert Cocks and Levick House as stated in the report considered by the Executive on 20 June 2006 as part of the approved proposals of Option 1 no longer applied;
- ii) no specific date should be applied for the implementation of closure as such action was dependent upon the availability of suitable alternative accommodation and the wishes of residents concerned;
- iii) that an extension to the potential closure date in the Notice of Deregistration be pursued with the Commission for Social Care Inspection.