

SCRUTINY BOARD (HEALTH AND WELL-BEING AND ADULT SOCIAL CARE) – CALL IN MEETING

WEDNESDAY, 25TH SEPTEMBER, 2013

PRESENT: Councillor J Illingworth in the Chair

Councillors G Hussain, J Walker, C Fox,
K Bruce, J Lewis, E Taylor, C Towler and
S Lay

37 Chair's Opening Remarks

The Chair opened the meeting and welcomed everyone in attendance. The Chair advised:

- The purpose of the meeting was to consider the called-in Executive Board decision regarding the future of Residential Care for Older People in Leeds.
- In addition to those members who had 'called-in' the decision, a number of other concerns had been raised by some groups representing specific care homes.
- As part of the Scrutiny Board's deliberations, it was intended to consider all the concerns raised and brought to the attention of the Scrutiny Board.

The Chair outlined the proposed order in which the Scrutiny Board would consider the information, at the appropriate time during the meeting.

38 Late Items

In accordance with his powers under Section 100B(4)(b) of the Local Government Act 1972, the Chair agreed to accept the following supplementary information in relation to agenda item 7 (Minute No. 42 refers):

- Adult Social Care Briefing Paper: Request for Scrutiny – Better Lives for People in Leeds – residential and day care for older people
- Appeal against decision to close Primrose Hill Care Home
- Response to Primrose Hill Care Home Campaign Appeal
- E-mail correspondence received in relation to the future of residential and day care for older people
- Adult Social Care Briefing Paper: Manorfield House submission – Better Lives for People in Leeds – residential and day care for older people
- Adult Social Care Briefing Paper: Pre-Scrutiny e-mail from Helen Ryder

The above documents were not available at the time of agenda despatch, but were subsequently made available on the Council's website.

39 Declaration of Disclosable Pecuniary Interests

There were no disclosable pecuniary interests declared to the meeting.

40 Apologies for Absence and Notification of Substitutes

An apology for absence was submitted by Councillor S Varley.

41 Call In Briefing Paper

The Head of Scrutiny and Member Development submitted a report in relation to the procedural aspects of the call in process.

Members were advised that the options available to the Scrutiny Board in respect of this particular called in decision were:

Option 1 – Release the decision for implementation – Having reviewed the decision, the Scrutiny Board (Health and Well-being and Adult Social Care) may decide to release it for implementation. If the Scrutiny Board chooses this option, the decision will be immediately released for implementation and the decision may not be called in again.

Option 2 – Recommend that the decision be reconsidered – The Scrutiny Board may decide to recommend to the decision maker that the decision be reconsidered. If the Scrutiny Board chooses this option a report will be submitted to the decision maker.

RESOLVED – That the report outlining the call in procedures be noted.

42 Better Lives for People in Leeds: report on the future of Residential Care for Older People and responses to Deputations to Leeds City Council by supporters of residents of Manorfield House and Primrose Hill care homes

The Head of Scrutiny and Member Development submitted a report, together with relevant background papers, in relation to an Executive Board decision dated 4 September 2013 in relation to 'Better Lives for People in Leeds: report on the future of Residential Care for Older People and responses to Deputations to Leeds City Council by supporters of residents of Manorfield House and Primrose Hill care homes'.

The decision had been called in for review by Councillors G Latty, A Lamb, B Anderson, P Wadsworth, D Cohen and D Collins on the following grounds:

'We have concerns about the implications for residents of Leeds who require dementia services. The closure of Musgrave Court could create a significant lack of places for older people requiring specialist dementia care and we are concerned that this eventuality has not been properly considered. Mixing individuals requiring dementia care in a standard residential home setting is

not appropriate and we have concerns that this could become a reality. What has not been made clear are what plans are in place to deal with this.

Furthermore, closing homes in areas where there is no alternative provision could leave people living in those communities with no local provision of residential care. This will mean that old and vulnerable people could end up located away from their friends and families, isolated from the networks that they rely on.

In addition, what will happen to residents of Primrose Hill and Manorfield House care homes as the number of residents begins to reduce over time? Will there be a situation where 1 or 2 individuals are left occupying a home that was intended for far more residents? What will the running costs amount to? What staffing arrangements can cope with this situation and will the answer be to close the home? Has any thought been given for alternative use for the space in the homes?'

The Scrutiny Board considered the following written evidence:

- Copy of the completed Call In request form and supporting information
- Report of the Director of Adult Social Care presented to Executive Board at its meeting on 4 September 2013 (including background documents)
- Relevant extract from the draft minutes of the Executive Board meeting held on 4 September 2013
- A Request for Scrutiny submitted by GMB.

The following Members and officers attended the meeting:

- Councillor G Latty, Signatory to the call in
- Councillor A Lamb, Signatory to the call in
- Councillor D Collins, Signatory to the call in
- Councillor A Ogilvie, Executive Member, Adult Social Care
- Sandie Keene, Director of Adult Social Services
- Dennis Holmes, Deputy Director of Adult Social Services.

The following representatives attended the request for scrutiny aspect of the meeting:

- David Morton, Save Primrose Hill Care Home Campaign
- Angela Morton, Save Primrose Hill Care Home Campaign
- Parish Councillor Tim Baker, Boston Spa Parish Council
- Councillor Ryk Downes, Ward Member for Otley and Yeadon
- Julia Chapman, Friends of Manorfield House
- Jon Smith, Regional Officer, GMB.

Councillor G Latty presented the reasons for calling in the decision, stating there were too many unanswered questions for the future. The specific reasons included:

- Concerns that the consultation had not gone far enough
- Clarification whether care homes were being run down and the associated staffing costs
- Concerns about the health and well-being of existing residents
- Concerns about the lack of alternative provision
- Concerns about the viability of the budget proposals.

Councillor D Collins raised the following concerns, specifically related to Manorfield House:

- Concern that there had been no guarantees from the private sector about the types of alternative provision
- Clarification sought about work being undertaken to address future provision needs
- Clarification sought regarding the availability / provision of respite services across the City.

Councillor A Lamb added the following concerns, specifically related to Primrose Hill:

- Claims that the inaccurate information had been considered by the Executive Board, while other information had not been presented
- Concern that the nearest alternative provision to Primrose Hill had not passed Care Quality Commission (CQC) examination for some time. The next nearest provision was 15 miles away
- Primrose Hill was only 30 years old and had lower maintenance costs when compared to other care homes.

In response to the concerns raised, Councillor Ogilvie, made the following key points:

- The significant challenges facing the Council. Members were advised that savings of £47m were required over the next few years and this needed to be balanced against other demands and pressures
- He had personally visited all Council-run Residential Care Homes since assuming responsibility for Adult Social Care
- Confirmation that the proposals had been altered due to feedback received during the consultation exercise. Provision for existing residents at Manorfield House and Primrose Hill had been maintained
- Confirmation that a mapping exercise had been undertaken on a ward basis which identified the over provision of residential care but highlighted the need for specialist dementia care and sheltered accommodation.
- All individuals affected by the proposals would be allocated a social worker to support them through the process
- Recognition of the difficult and emotive nature of the decision.

Reference was also made to:

- The previous Scrutiny Inquiry into Residential Care that had recognised that no-change was not an option
- The continued work of the cross-party Adult Social Care working group, first established by Councillor Yeadon (former Executive Board member for Adult Social Care).

Sandie Keene, Director of Adult Social Services and Dennis Holmes, Deputy Director of Adult Social Services, made the following comments:

- Emphasis of the financial pressures facing the Council (overall) and specifically Adult Social Services. It was reported that further savings would need to be identified and delivered in the future
- Recognition of the uncertainty associated with consulting on proposed service changes and subsequent implementation of the decision
- Reference to the lessons learned during the previous phase of closures – including the phased nature of implementation
- The range of alternative provision and acknowledgement of the differences in room size, layout and facilities. Discussions were on-going about the potential expansion of other types of private provision across the city
- Significant programme of upgrading and refurbishment works required at residential care homes and issues associated with longer term sustainability
- Confirmation that a focus on / review of the provision of respite care would be included as part of the implementation process.

Questions and comments were invited and the key areas of discussion were:

- Concern regarding the suspension of admissions (in some care homes).
- Concern about higher than average levels of staff absence within Adult Social Care. It was acknowledged that figures for staff absence remained a concern and that work was being undertaken with colleagues in Human Resources to address this.
- Clarification whether projected savings / efficiencies would be achieved. Members were advised that the procurement for 98% of contracts was coming to a conclusion, which would secure payment rates for the next 5 years
- Other important aspects associated with private sector provision, including the living wage, zero-hour contracts and supplementary / top-up charges.

The following concerns were raised by representatives of the 'Appeal to Save Primrose Hill Care Home':

- Concern that no known savings had been identified in the report to Executive Board. Members were advised that a breakdown of the savings had been forwarded to Friends of Primrose Hill. An overall breakdown was provided in the report to Executive Board

- Concern about the lack of alternative provision. It was stated that the nearest alternative provision, Ashfield House, had failed Care Quality Commission (CQC) examination. Other alternative provision, Wetherby Manor, was full
- Concern that potential residents had been advised against Primrose Hill. Members were advised that the department had been open and honest about specific care homes that were subject to specific proposals as part of the consultation process
- Primrose Hill was only 30 years old and had passed the most recent CQC examination.

Councillor Downes made the following comments in relation to Suffolk Court:

- The possibility of the future use of Suffolk Court as a NHS Intermediate Care facility and the potential timing of related decisions (as no detailed discussions have yet taken place)
- Members were advised that, if to be used as a NHS Intermediate Care facility, significant works would be needed – with an associated investment plan
- The potential impact on existing residents should Suffolk Court be used as a NHS Intermediate Care facility sometime in the future
- An alternative option was for Suffolk Court to be utilised as transitional care facility – that would not require an immediate joint investment plan with the NHS.

Julia Chapman, Friends of Manorfield House, made the following comments:

- Concern that there was insufficient provision in Horsforth for elderly residents who required 24/7 care, even if Manorfield remained open
- Concern that there were no plans for this gap to be filled by the private sector, in the short, medium or long term
- Manorfield House was fit for purpose and in significantly better condition than much of the private residential care home stock in the nearby area.

Jon Smith, GMB, made the following comments:

- Concern about how the consultation process had been undertaken, particularly that the level of objections to the proposals had not been reflected in the report to the Executive Board.
- Concern about the lack of alternative provision and the impact of no new admissions in some areas.

The Executive Board Member, Director of Adult Social Services and Deputy Director of Adult Social Services provided the department's response to the issues and concerns raised. Members of the Scrutiny Board were reminded of the significant financial pressures facing Adult Social Services which had directly resulted in some of the current work / proposals being brought forward.

Members were also reminded of the modifications made to the recommendations, which reflected the outcomes from the consultation, presented to the Executive Board and were ultimately reflected in the Executive Board's decision.

Both the Chair of the Scrutiny Board and the Executive Board Member made reference to the potential for the Scrutiny Board to undertake pre-decision inquiries around future proposals / decisions relating to Adult Social Services.

Councillors Latty, Lamb and Collins were invited to sum-up and provide any final comments for the Scrutiny Board to consider. In summary, the following comments were made:

- Additional information as a result of the call-in was, in itself, sufficient to warrant a referral back to the Executive Board.
- Concern that some of the information presented to the Executive Board contained flaws and that the financial benefits presented were not sufficient enough to out-weigh the potential distress of the vulnerable people affected.
- The decision was about people – the care provided to the most frail, vulnerable and elderly residents of Leeds.
- There was an over-reliance on the planning system to ensure the delivery of the physical structure to meet future needs and on the public sector to meet the day-to-day residential care needs of older people.
- It was requested that the Scrutiny Board referred the decision back to the Executive Board.

RESOLVED – That the report and information provided be noted.

(Councillor C Towler left the meeting at 1.20pm during the consideration of this item.)

(Councillor K Bruce left the meeting at 3.00pm during the consideration of this item.)

43 Outcome of Call In

Following on from the conclusion of the previous item, members considered each specific element of the Executive Board's decision relating to the future of residential care for older people in Leeds.

The Chair proposed that the decision should be released for implementation (i.e. Option 1).

Members of the Scrutiny Board voted on that proposal and the outcome of the vote was as follows:

Option 1 – 4 in favour, 2 against and 1 abstention. Therefore the proposal to release the decision for implementation was carried and no other voting was necessary.

Following the vote to release the decision for implementation, reassurance was sought that further consideration would be given to the issues around respite care and intermediate care discussed at the meeting, which would not prejudice the Executive Board decision now released. The Director of Adult Social Services committed to undertake further work in this regard.

RESOLVED – To release the decision for implementation.

(Under the provisions of Council Procedure Rule 16.5, Councillor S Lay required it to be recorded that he voted against releasing the decision for implementation)

44 Date and Time of the Next Meeting

Wednesday 30 October 2013 at 10.00am in the Civic Hall, Leeds
(Pre meeting for Board Members at 9.30am)

The Chair thanked all those in attendance for their contribution to the meeting and declared the meeting closed.

(The meeting concluded at 3.55pm)