

## **SCRUTINY BOARD (ADULT SOCIAL SERVICES, PUBLIC HEALTH, NHS)**

**TUESDAY, 11TH OCTOBER, 2016**

**PRESENT:** Councillor P Gruen in the Chair

Councillors J Chapman, M Dobson,  
B Flynn, A Hussain, A Lamb, J Pryor,  
B Selby, A Smart, P Truswell and S Varley

**Co-opted Member:** Dr J Beal (Healthwatch Leeds)

### **56 Late Items**

The following supplementary information was submitted to the Board:

- Agenda item 7 – Analysis of independent sector providers within a 5-mile radius of care homes (July 2016)

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

### **57 Declaration of Disclosable Pecuniary Interests**

There were no disclosable pecuniary interests declared to the meeting, however the following matters were brought to the attention of the Scrutiny Board for information:

- Councillor M Dobson advised that he was manager of a Neighbourhood Network. He also advised that he was a member of GMB and Unite.
- Councillor P Truswell advised that he was a member of GMB and UNISON.
- Councillors P Gruen, A Hussain, J Pryor and B Selby advised that they were members of GMB.

All Councillors remained present for the duration of the meeting.

### **58 Apologies for Absence and Notification of Substitutes**

An apology for absence was submitted by Councillor C Anderson. Notification had been received that Councillor A Lamb was substituting for Councillor C Anderson.

### **59 Call In Briefing Paper**

The Head of Governance Services 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 this decision, the Scrutiny Board 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.

In the case of an Executive Board decision, the report of the Scrutiny Board will be prepared within three working days of the Scrutiny Board meeting and submitted to the Executive Board. Any report of the Scrutiny Board will be referred to the next Executive Board meeting for consideration.

In reconsidering the decision and associated Scrutiny Board report, the Executive Board may vary the decision or confirm its original decision. In either case, this will form the basis of the final decision and will not be subject to any further call-in.

### **Failure to agree one of the above options**

If the Scrutiny Board, for any reason, does not agree one of the above courses of action at this meeting, then Option 1 will be adopted by default, i.e. the decision will be released for implementation with no further recourse to Call In.

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

## **60 Better Lives Programme - Phase 3: Next steps and Progress Report**

The Head of Governance Services submitted a report together with relevant background papers in relation to an Executive Board decision dated 21 September 2016 – the Better Lives Programme – Phase 3: Next steps and progress report.

Following the decision of Executive Board, Call In requests were received by the Scrutiny Officer as follows:

- From the Morley Borough Independent Group
- From the Labour Group (Call-in subsequently withdrawn)
- From the Conservative Group
- From the Green and Liberal Democrat Groups.

The Scrutiny Board considered the following written information:

- Copy of the completed Call In request forms
- Report of the Director of Adult Social Services (and associated appendices), presented to Executive Board at its meeting on 21 September 2016
- Extract from the draft minutes of the Executive Board meeting held on 21 September 2016
- Scrutiny Inquiry report on The Green (April 2016)
- Copies of letters submitted for consideration by the Scrutiny Board
- Additional information in relation to the analysis of independent sector providers within a 5-mile radius of care homes.

The following were in attendance:

- Councillor Robert Finnigan, Signatory to Call-in
- Councillor Neil Buckley, Signatory to Call-in
- Councillor Dawn Collins, Signatory to Call-in
- Councillor Jonathan Bentley, Signatory to Call-in
- Councillor Ann Blackburn, Signatory to Call-in
- Councillor Catherine Dobson, Ward Member
- Councillor Rebecca Charwood, Executive Member for Health Wellbeing and Adults
- Cath Roff, Director of Adult Social Services
- Anna Clifford, Programme Manager (Better Lives), Adult Social Care
- Steve Hume, Chief Officer (Resources and Strategy), Adult Social Care
- Mark Phillott, Head of Commissioning (Contracts and Business Development), Adult Social Care
- Lucy Jackson, Consultant in Public Health, Leeds City Council
- Matt Ward, Chief Operating Officer, NHS Leeds South & East CCG
- Desiree Wilburn, Senior Organiser, GMB
- Dean Harper, Regional Organiser, UNISON
- Keith Spellman, Carer of resident at Middlecross Care Home
- Lindsay Cannon, Supporter of Save The Green, Leeds
- Tony Cannon, Supporter of Save The Green, Leeds
- Bill Askin, Supporter of Save The Green, Leeds
- Joyce Wright, Supporter of Save The Green, Leeds.

Signatories to the Call-in and other representatives in attendance made the following key points:

### **Councillor R Finnigan**

- Concern about the shortage of extra care provision in Morley.
- A reported £5m additional revenue had been generated through the social care levy, with the potential for additional revenue to be generated in future years.

- Confirmation that 1,500 people in Morley had objected to the proposals.
- Concern about the impact of the decision on elderly and vulnerable residents.
- The availability of alternative care provision – through extra care housing – prior to the proposed decommissioning of residential care facilities.

#### **Councillor N Buckley and Councillor D Collins**

- Concern about the lack of alternative good quality provision.
- Concern about how Adult Social Services had communicated with families and residents in relation to the decommissioning of services from Manorfield.
- The need for Executive Board to give greater consideration to the previous recommendations agreed by the Scrutiny Board.

#### **Councillor J Bentley**

- Concern that the Better Lives Strategy may no longer be fit for purpose, did not take account of changes to the market and required reviewing.
- Concern about the lack of independent providers seemingly interested in the development of extra care provision.
- The level of objection identified through the consultation process and concern that such opposition had been overlooked by the Executive Board.

#### **Councillor A Blackburn**

- The high quality of existing provision, particularly in terms of respite care.
- A suggestion that a group involving all political parties be setup to review the Better Lives Strategy.

#### **Keith Spellman**

- Concern about the impact of closures on day centre users and their carers.
- Confirmation that all existing Council provision had been rated 'good' by the Care Quality Commission (CQC).

#### **Councillor C Dobson**

- The lack of good quality independent provision, particularly specialist provision for Alzheimer's and dementia.
- Concern that the quality of independent residential care provision was variable.

## **Lindsay Cannon, Tony Cannon, Bill Askin and Joyce Wright**

- Quality of care was the most important consideration for residents and families.
- The focus on en-suite facilities was not an issue for most residents. Residents felt happy, safe and secure in Council care homes.

The Board then watched a short YouTube recording 'Save the Green Leeds'.

## **Dean Harper**

- The loyalty and commitment of staff despite ongoing uncertainty.
- Concern about the lack of suitable alternative provision and the impact of the closures on residents and families.
- Concern about the Council's recent decision to award a £4m grant to Yorkshire Cricket Club, instead of investment in Adult Social Care.

## **Desiree Wilburn**

- Concern that independent provision was variable and in some cases had been rated 'inadequate' by the CQC.
- Concern that vulnerable residents should not be reliant on privately run profit-making organisations to provide care.
- Further work was needed with stakeholders, residents, families, carers and the community.

In response to the concerns raised, the following points were made:

- The significant and unprecedented financial challenges facing the Council overall and the Adult Social Care Directorate: This was as a result of reduced levels of core funding, alongside increasing demand for services.
- The Council continued to prioritise spending on Adult Social Care and Children's Services, with spending in those areas accounting for 45% of the Council's total budget.
- Adult Social Care faced £18.9M financial pressures due to increased demand. Despite the £5.2M raised through the Social Care levy, cost pressures of £12.2M remained.
- The proposed closure of the facilities (including the 3 residential homes) formed part of the savings plan to deliver a balanced Adult Social Care budget for 2016/17. Retaining all 3 residential care homes would require £1.9M, which would then most likely affect preventative services, such as Neighbourhood Networks.
- It was acknowledged that progress in bringing forward extra care housing schemes across the City had been relatively slow and had been adversely affected by the global recession. Across the City there was an estimated undersupply of 700 units; projected to rise to 1100 units by 2028.

- Plans were being considered for the Council to develop up-to three extra care housing developments, should independent sector developments fail to materialise. Assurance was provided on the timescales for marketing and developing extra care housing on the site of the existing Siegen Manor residential care home.
- Confirmation there was reduced demand for residential care beds, which was set to continue. As such there was an oversupply of residential care in the order of 1400 bed spaces. The greatest need / demand was for specialist nursing care, rather than residential care.
- It was acknowledged that parts of the independent residential care sector across Leeds needed to improve the quality of services provided. Nonetheless, there was a belief that the current quality landscape was adversely affected by delays in the re-inspection of providers when improvements had been made.
- Confirmation from the Director of Adult Social Services of plans to 'refresh' the Better Lives Strategy and strengthen the reference to in-house provision, including the proposed Recovery Service.
- Proposals to retain The Green as an intermediate care / recovery facility were a positive response to the Scrutiny Board's previous comments and recommendations. However, it was confirmed that the proposals were subject to further discussions with Leeds Clinical Commissioning Groups (CCGs) as the commissioners of intermediate care; and therefore could not be confirmed at the current time.
- Assurances were provided regarding the retention of, and access to, dementia day care services.

In considering all the evidence presented at the meeting, members of the Scrutiny Board shared their views and discussed a number of points, including:

- The unprecedented financial position facing Adult Social Services and the extremely difficult decisions faced by the Council. The proposals reflected the reality of the current economic position.
- Significant concerns around the quality of alternative provision in the independent sector remained.
- Closure of the remaining residential day care homes was not sufficiently balanced with clear plans to rapidly improve quality across the independent sector.
- There was no easy decision, but the financial position could not be ignored: Not implementing the decision would most likely simply delay the need for a similar decision in the near future.
- Within the current decision, there was insufficient clarity on the future plans to develop extra care housing and for the development of a community asset to deliver intermediate care.
- Support for the general direction of travel set out in the Better Lives Strategy, along with the proposal to review and refresh the strategy to ensure it remained current and fit for purpose.
- Balancing the care needs of existing residents while planning to cater for the care needs of people in the future.

- The previous Scrutiny Board recommendations were a measured response to the position / evidence presented at that time: While some concerns remained, the proposals had changed.

In summarising the general position of the Scrutiny Board, the Chair made the following points:

- Since the Scrutiny Board's previous recommendations, it was clear the position and proposals had moved on, including:
  - The proposed development of extra care housing;
  - An ambition to invest in jobs and skills and the development of an in-house 'recovery service';
  - A willingness to deliver an intermediate care facility on the site of The Green.
- Nonetheless, the overall landscape of quality of care provided by the independent sector remained mixed with insufficient levels of good quality care.
- It seemed reasonable to seek a delay in the decision in order to:
  - Allow Adult Social Care to carry out work to stimulate improvements in the independent sector in order to provide good quality residential care homes.
  - Ensure a seamless transition from the current local authority provision to future arrangements, including a local authority run intermediate care facility on the site of The Green.

**RESOLVED** – That the Board notes the contents of the report and appendices.

## 61 Outcome of Call-In

The Scrutiny Board considered whether or not to release the decision for implementation. A vote was subsequently held and the Scrutiny Board agreed (by majority decision) to refer the decision back to the Executive Board for reconsideration. The following statement was agreed:

That the Scrutiny Board (Adult Social Services, Public Health, NHS) refers the decision back to the Executive Board for reconsideration.

The Board's view, having listened to all of the statements made and having considered all of the information, is that the primary consideration of any further decisions should be on the quality of care provided to residents.

In making the referral back Scrutiny Board acknowledges that the Executive Board has stated its intention that The Green be retained as a community asset for intermediate care/recovery beds and set out its ambition to invest in jobs and skills and to safeguard existing jobs for staff from all of the establishments subject of the decision.

The Scrutiny Board (Adult Social Services, Public Health, NHS) recommends:

- That the Green is retained until there can be a seamless transition to the new facility.
- That where residents in any of the three care homes concerned are moved to alternative accommodation, that accommodation should provide at least equal quality of care as currently provided.
- That the Director of Adult Social Service provides extra focus on working to ensure that the quality of alternative care in the independent sector is improved significantly.
- The Scrutiny Board is satisfied with assurances given by the Director of Adult Social Services around the commitment and timescales in relation to Siegen Manor, so long as they are adhered to.
- The Scrutiny Board has no further comment in relation to the decisions concerning Middlecross residential care home or any other establishment forming part of the Executive Board's decision.
- That the Scrutiny Board continues to be involved and monitors progress of any future decision in relation to the matters considered.

**RESOLVED** – That the Scrutiny Board (Adult Social Services, Public Health, NHS) refers the decision back to the Executive Board for reconsideration on the basis of the statement agreed at the meeting.

(Councillor B Selby requested that it be recorded that he voted against referring the decision back to the Executive Board for reconsideration)

(Councillor B Selby and Councillor P Truswell left the meeting at 4.10pm during the consideration of this item.)

## **62 Date and Time of Next Meeting**

Tuesday, 25 October, 2016 at 1.30 pm (pre-meeting for all Board Members at 1.00pm)

(The meeting concluded at 4.52pm)