

SCRUTINY BOARD (ADULTS,HEALTH & ACTIVE LIFESTYLES)

THURSDAY, 8TH AUGUST, 2024

PRESENT: Councillor J Gibson in the Chair

Councillors B Anderson, L Buckley,
D Chapman, M France-Mir, W Kidger,
M Millar, K Ritchie, A Rontree, E Taylor and
E Thomson

23 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

24 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

25 Late Items

There were no formal late items. However, there was supplementary information in relation to Agenda Item 7. This was in reference to Appendix A (i) and presented an additional Call In Request Form which was receipted following the publication of the agenda, but before the end of the relevant Call In period.

26 Declaration of Interests

No declaration of interests were made at the meeting.

27 Apologies for Absence and Notification of Substitutes

Apologies were received from:

- Cllr A Scopes (Cllr M Millar attended as substitute Member)
- Cllr C Anderson (Cllr B Anderson attended as substitute Member)
- Cllr E Bromley (Cllr E Thomson attended as substitute Member)
- Cllr C Hart-Brooke (Cllr D Chapman attended as substitute Member)

Co-opted Members Jane Mischenko and Jonathan Phillips from Healthwatch Leeds also gave their apologies.

28 Call In Briefing Paper

The Head of Democratic Services submitted a report advising the Scrutiny Board on the procedural aspects of Calling In the decision.

Members were advised that the Call In was specific to the key decision in question, and issues outside of the decision, including other related decisions, were not to be considered as part of the Board's decision regarding the outcome of the Call In.

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

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.

It was noted that the decision of the Executive Board was subject to two valid Call In requests. The first from Cllr Finnigan as the lead signatory.

The second Call In request was from Cllr Golton as lead signatory.

Both requests would therefore be considered under Agenda Item 7, with the outcome being voted on after all representations had been made.

RESOLVED – That the report outlining the Call-In procedures be noted.

29 Adults & Health – In House Care Homes Service Review: Knowle Manor and Dolphin Manor, post consultation recommendations report

The Head of Democratic Services submitted a report that presented background papers to a key decision made by Executive Board in relation to Adults & Health – In House Care Homes Service Review: Knowle Manor and Dolphin Manor, post consultation recommendations report, which had been Called In in accordance with the Council's Constitution.

The Scrutiny Board considered the following written information:

- Copies of both completed Call In request forms from Councillors R Finnigan (Appendix A) and S Golton (Supplementary Information – Appendix A (i)).
- The relevant report of the Director of Adults and Health to the Executive Board on 24th July 2024 (Appendix B).
- The relevant extract from the draft minutes of Executive Board held on 24th July 2024 (Appendix C).

The following were in attendance:

- Councillor R Finnigan – Lead Signatory for First Call In Request
- Town Councillor Carol Edwards – Morley Town Council – Witness accompanying Councillor Finnigan in relation to the First Call In Request
- Councillor S Golton – Lead Signatory for Second Call In Request
- Councillor S Arif – Executive Member for Adult Social Care, Active Lifestyles and Culture
- Caroline Baria – Director of Adults and Health
- Shona McFarlane – Deputy Director Social Work and Social Care Services
- Karla Gallon – Head of Service – Care Delivery
- Nikki Deol – Head of Service – Legal Services
- Kevin Shillito – Section Head - Legal Officer

The Chair firstly invited Cllr Finnigan to set out the grounds for his Call In request, which were focused on the specific element of the decision relating to Knowle Manor care home (referenced as resolution 21(a) within the Executive Board Minutes).

Cllr Finnigan opened his address to the Scrutiny Board by thanking the Board Members for the chance to present his case for Call In. He also thanked the Director of Adults and Health, Cllr Arif, as the Executive Member and also those who had supported his Call In Request.

Cllr Finnigan then raised the following key points:

- The Kings Fund, a national organisation presented information in relation to discharge from hospitals. In 2022/23 they analysed that £1.9m is lost through delayed transfer from hospitals to appropriate care. As of February 2024, 13,662 people were subject to delayed release from hospital due to the lack of appropriate care being found. It was the view of the Kings Fund that this was a consequence of limited capacity in rehabilitation and other community-based facilities.
- The Morley Borough Independents had led a campaign to keep Knowle Manor open. It was the view that there were alternatives that the building could be used for and over 2,000 people had signed a petition to keep Knowle Manor. The current residents at Knowle Manor were in their 80's and 90's and it was the suggestion that they remain there for the rest of their lives. The suggestion for this was linked back to an earlier review 10 years ago when Knowle Manor had been reviewed for closure. At that stage it had been said that the

residents living there would not be moved out until there was a better alternative. Currently there is no extra care accommodation in Morley.

- Cllr Finnigan referenced the new Labour Government's Manifesto which referred to better health care and health care provision in local communities, using local services for delivery of health. Therefore, Cllr Finnigan was of the view that Knowle Manor should be saved and used for the purpose of rehabilitation and supporting people back into their own homes after hospital discharge. It was recognised that the services at Knowle Manor were excellent, and the building was in good condition and was sustainable, having solar panels and a heat pump.

The Chair then invited Cllr Golton to set out the grounds for his Call In request.

Cllr Golton reiterated Cllr Finnigan's thanks to the Scrutiny Board for hearing this Call In and in his address to the Board provided the following points:

- There had in his view been a deficiency in the quality of decision-making, as the Executive Board had not had the right information for the decision. There had not been the due consultation and advice from officers in putting together the decision, a respect for human rights had not been displayed, there had not been a presumption of openness and there was no clarity of aims and desired outcomes. It was also his view that there had been no explanation of the options considered and details of the reasons for the decision.
- A review of the in-house service should have taken into consideration all the residential care homes currently provided by the Council. It was noted that the review had not included the Spring Gardens Care Home in Otley, and by omitting it the Council had not clarified the future status of the home as the last remaining in-house residential care home. The review had not included what the Council's view was for commitment to in-house provision within the residential care market in the city for the future.
- Cllr Golton referred to officer's comments in relation to a saturation of private provision, however, recent data had suggested there was a reduction in care homes nationally and instability within the private care market due to staffing pressures and profitability. It was his view that consideration had not been given to the value of retaining a sufficient level of in-house provision and the costs associated with care in the private sector. Cllr Golton referenced the children's care budget in the city and due to the reliance on private care provision the overspend on that budget.
- He was surprised that no risk assessment on costs had been undertaken as part of the review as this proposal had been put forward for decision as a budget saving proposal. It was his view that this proposal could lead to higher costs for the Council's care packages in the future, through reliance on a smaller number of private providers.
- No alternative options had been offered for each of the affected homes in the Council's in-house provision. It was his view that consideration had not been given to how the service could be delivered using a

different approach to how currently delivered. It was his view that the only reason for the review was the ability to bid for an Integrated Care Board contract for the sole provision of intermediate care facilities in the city. It was noted that the contract award had not yet been won and no other options had been put forward for Dolphin Manor should the bid be unsuccessful.

- Consultation had not been applied consistently within the review. Knowle Manor had undertaken a full stakeholder consultation, which included Ward Members and the community on the principle of closing the home. Consultation on Dolphin Manor had only been in relation to repurposing the facility.
- It was the view of Cllr Golton that this decision had been made without consideration of the best value and quality of care for the current residents within the facilities or the communities in which they are based.

Cllr Arif addressed the Board and provided the following information:

- The decision made on the 24th July followed the decision taken at the Executive Board's December meeting to consult on the proposals as part of the Council's budget setting process for 2024/25.
- Consultation had taken place involving residents and their families, staff at Knowle Manor and Dolphin Manor and Ward Members.
- The review suggested that use of the residential care homes has declined with people choosing to remain at home for longer or accessing alternative services including extra care which is available.
- The Council provided extra care across the city at Gascoigne House in Middleton and in the Rothwell Ward, the newly opened Sycamores in Woodlesford which consists of 62 units, all of which the Council has nomination rights for local residents. The success of the extra care schemes accounts for some of the reduction in demand for residential care homes.
- It was recognised how difficult these changes are, particularly when they are provided directly to residents and are a valued service. The proposal to close Knowle Manor and re-purpose Dolphin Manor as a short-term intermediate care service had not been made easily. However, it is a duty for the Council to achieve a balanced budget, and this proposal would contribute to the budget setting process. It was acknowledged that it did impact on individuals, but mitigations were in place such as the Council's Care Guarantee. It was noted that the Care Guarantee had supported previous care home closures, and it states that people would not be worse off financially in their new home and be supported by the Council.
- A dedicated social worker would work with the person and their families to support their wishes and aspirations in choosing a new home. Staff will be available to support the person in their new home in the first week to enable them to settle in.
- The future investment services in Morley which were addressed by the Leader of Council verbally at Executive Board, the Council has committed to working with Ward Members and the Member of Parliament to look at wider funding opportunities. It included looking at

Knowle Manor to be used for future health and care services in Morley if possible. This would be referred to a future Executive Board and discussed with Ward Members.

- Cllr Arif acknowledged the reference to the new Labour Government's Manifesto and said that she would continue to lobby the Minister for Health and Social Care for additional funding in Leeds.

The Director of Adults and Health provided the following information to the Scrutiny Board:

- Any proposals in relation to Knowle Manor would be made by Executive Board. It was noted that new uses for Knowle Manor had already been considered and these were detailed in the report at Paragraph 62 (a, b, and c). However, this would incur additional, significant financial pressure of approximately £600k, but building costs and materials continue to increase and this would only be for internal refurbishment, which was why it had not been proposed for re-provisioning.
- The service had been undertaking work for the Home First programme looking at rehabilitation capacity and intermediate care bed capacity for residents of Leeds. It was noted that the city has good provision but would need more and this could be put in place using the independent sector for short-term 'step-down' beds and having a full complement of intermediate care provision in-house. Using Dolphin Manor along with the 3 recovery hubs that the Council already has would provide sufficient support now and in the future upon discharge from hospital. At present the recovery hubs support 1,500 people each year.
- The term service review had not been used in relation to a wholesale review of all the in-house bed capacity but in the context of service reviews for the budget proposals only. In this context the service had only considered 2 of the 3 long-term residential care homes.
- Members were informed that Spring Gardens care home had received significant investment including fire safety work, a new roof, decarbonisation work and internal refurbishment. This work had taken place after the pandemic using capital funding along with planned work at Dolphin Manor. There had not been enough funding for similar work to place at Knowle Manor.
- It was acknowledged that several reports had been considered by the Executive Board and Scrutiny Board documenting the 'Better Lives Strategy'. It was noted that over the past decade the needs of the population of Leeds had changed, with more people choosing to remain in their own homes with care provision provided.
- The Council has a duty under the Care Act 2014 to promote a diverse choice of provision and quality of provision. In Leeds there are 51 older people's residential and nursing care homes rated good or outstanding by the Care Quality Commission in the independent sector, which provides a bed capacity of 2,500 beds. It was noted that there are more care homes, but they had been rated 'requires improvement' and not considered as part of this review.
- Dolphin Manor had been looked at to be repurposed as an in-house recovery hub, as it was the view that this would complement the

provision of intermediate beds commissioned by the Integrated Care Board.

- The decision in relation to Dolphin Manor and Knowle Manor would not impact in what the Council pay for residential care provision as the Council's in-house provision has always been modest compared to external provision.
- The Home Care First programme supports the design of more effective approaches of supporting people out of hospital and achieving a more balanced budget and make significant savings.
- The motivation behind the review was to secure savings in response to the financial challenges facing the Council and ensure that Adult Social Care is sustainable.
- In relation to the current procurement activity being led by the Integrated Care Board, it was noted that the Service were unsure at the time of preparing the report for Executive Board decision what the timescales for the procurement would be. Should the Council be unsuccessful in winning the contract then any decisions in relation to Dolphin Manor would need to be considered by Executive Board.
- The Executive Board had considered the wider consultation process in their decision making. It was noted and confirmed that the same stakeholder consultation process was used for closure proposal for Knowle Manor and the repurposing proposal for Dolphin Manor. These had been detailed in Appendices 3A and 3B of the report. In addition, for Dolphin Manor the service had liaised with colleagues in the National Health Service about the rehabilitation intermediate care capacity requirements. The consultations had been held at the same time when the proposals were still at a formative stage and included detailed reasons, with adequate time given for responses.
- It was clarified that care homes did not fall under tenancy agreements but under a licence agreement, so a different set of rules apply. The duty on the authority is set out in the Care Act 2014 and relates to services that people receive and do not apply to decisions taken to close or repurpose in-house provision. It was noted that the legal responsibilities to meet the needs of those who require care had been properly considered in the review, and these would continue to be met for all residents, while still meeting the Council's legal responsibilities to achieve a balanced budget.

Responding to questions from the Scrutiny Board, Members were provided with the following information:

- It was recognised that the quality of staff at both facilities had been highlighted in the report from resident's feedback. Members were pleased that the expertise and commitment of those staff would be retained.
- The reduction in occupancy was partly through choice, as alternative independent sector provision in the area is more modern build with ensuite facilities. People often choose a home because of its environmental factor, how they feel when they go into the home and how received by the staff. It was acknowledged that Knowle Manor had been in the programme for planned works to be refurbished to offer

better facilities, but the work had been planned to start after the pandemic and the costs in building materials had risen. It was only realised when the refurbishment work started how much would be required. Part of Dolphin Manor had been specified as a specialist dementia care facility, recognising there was a gap in the market, and this was a service that the Council could provide in-house. However, with the rising costs of building materials it had not been possible to refurbish Knowle Manor, as the Council was not able to bid for more funding due to the financial position the Council is currently in.

- As a result of previous closures, the Council had offered the Care Guarantee when people have had to move from our care homes previously, whether that was in-house or in the independent sector based on people's preferences and ensure there are no adverse financial implications for that person.
- Members were informed that cost of provision from the independent sector is based on fair cost of care. An example was provided where the Council has no long-term nursing provision and had purchased this and could evidence that this had not had an adverse impact financially. It was noted there is a clear process of fee negotiation for the independent sector. It was also noted that many local authority areas do not have in-house residential care provision.
- Within the Morley area there are 2 care homes providing residential care at locations in Middleton and Gildersome. In relation to Rothwell, there is only 1 care home, and 1 close by in Oulton. It was noted that at this point, no inquiries had been made as to capacity at any of the care homes mentioned.
- In relation to occupancy numbers, officers highlighted the chart at Paragraph 21 of the submitted report, which demonstrated the occupancy levels for permanent customers over the past five years. It was noted that admissions into Dolphin Manor had been paused with the last permanent admission in mid-September 2023, due to the need to maintain a safe environment whilst building works were undertaken. It was noted that the industry standard for residential and nursing care provision is a minimum of 85% occupancy both in-house and independent sector.
- It was recognised that the facility at Oulton Manor was further away for residents of Rothwell, and support would be provided for family members to visit. It was also noted that the Council would be able to secure bed provision at Oulton Manor if the decision was to close Dolphin Manor.
- Members were advised that the refurbishment work on Dolphin Manor had already started, therefore consideration had been given to utilise the facility as a community hub.
- The Joint Strategic Assessment had been refreshed and would be used in considering the future needs of Morley residents.
- All Staff would be given the option to continue in a range of roles in the Leeds City Council Services. There were 24 staff, and the service would want to retain the expertise and good quality care that the staff provided and there were vacancies in-house, into which they could transition.

- If the Service had realised that the date for starting refurbishment work was to be delayed, they would have re-opened admissions to add to the Council's finances.
- Social workers would work with people on an individual basis. Should they want to move they would be supported in their own choices. There would be no restrictions on where people go, and the provision given.

At this point the meeting adjourned for a comfort break - 11:55-12:10

- In relation to occupancy, the service provided statistical evidence which they gather monthly to show that the occupancy levels were not reaching the care standard levels required for both longer-term and shorter-term care.
- If Dolphin Manor was closed there would be financial benefit, which would assist in the delivering of intermediate care services if the contract is won, as funding would come from the National Health Service.
- It was acknowledged that the independent sector care homes do not always accept local authority funded residents at the fee rate set by the Council's framework fee rate. However, the Care Guarantee set in place by the Council for previous care home closures will apply for the residents at both Dolphin Manor and Knowle Manor. The Council will meet any additional care related costs above the framework rate.
- The Service have successfully moved people to new residential care homes and had considered the wishes of those moving including friendship groups and location to be close to family support.
- Members were informed that the Intermediate Care Board in their documentation had stipulated that they would like one lead provider to provide all intermediate care bed capacity. However, the lead provider would be able to enter a contractual arrangement with other providers to ensure the adequate level of beds are available. It was noted that the Intermediate Care Board had not said how many beds it would want to commission but do say that the bidder for the contract need to work out for themselves how many beds they want to deliver based on trajectory of through put. Members were advised that there is one ward at Wharfedale Hospital which is part of the intermediate care capacity provided entirely by Leeds Community Health. It was noted that the Council is in a joint bid with Leeds Community Health, therefore, the capacity in the ward would be included in the joint tender from Leeds Community Health and Leeds City Council. It was noted that if the contract was not successful, the service would have to look at alternatives for provision.
- Members noted that the Council has demonstrated that it works well in dementia provision through the work at The Willows. There is a gap in the market for provision and there is scope to create a high calibre in-house provision. However, the decision cannot be pre-empted and there would be a need to discuss this with the Integrated Care Board.

Cllr Arif in her summing up highlighted the following:

- Reiterated that this had not been an easy decision and a commitment had been given to work with Ward Members.
- The Council understands the impact that these decisions have on the residents and their families, but assurance was given that they would not be detrimental to those concerned or their families.
- There was a need to balance sufficient choice and value for money whether the service was provided in-house or by another care provider.

The Director of Adults and Health in her summing up highlighted the following:

- The Role of Director of Adults and Health is to ensure that people have sufficient choice about their care service and that the Council have a viable market of independent sector provision and if desired, some in-house provision. This is balanced with ensuring that the Council has achieved value for money.
- Financial pressures in the directorate are considerable due to demand pressures, and there was a need to ensure that public funds are used in the most cost-effective way possible.
- Careful consideration had been taken when looking at the demand for care services now and into the future. The service had looked at the wider market to ensure people have sufficient choice, the implications for the residents, their families, and the care staff, balanced against the costs of running the services.

Cllr Finnigan in his summing up highlighted the following:

- Cllr Finnigan addressed some of the points raised during discussions in relation to care provision in Morley. There are 2 care homes in Morley which have failed the CQC Report; 3 care homes which are old and in need of refurbishment; Owlett Hall is a specialised facility for dementia care; There is 1 care home in Drighlington. It was noted that the care provision alternatives in Morley were not new.
- What was being suggested by Cllr Finnigan was that no new admissions be accepted to Knowle Manor but to keep the current residents there to give them a lifetime home, while looking at alternatives to re-provision this particular property to deal with issues of 'bed blocking' so people can leave hospital. This would address the £1.9m spent on 13,000 plus patients to enable them to leave hospital but still receive care provision, until they can go back to their own homes.
- It was his view that there was a demand in Morley for extra care provision.
- He said that everyone was in agreement about the direction of travel, and he wished to see Knowle Manor become an adult social care hub or similar alternative in the future. He was grateful for the Executive Board Member looking at alternatives in a positive way.

Cllr Golton in his summing up highlighted the following:

- The administration in their decision making needs to ensure that due process had been done as he was not convinced it had been.

- He said that only the short-term had been considered and there was a need to consider the long-term view.
- He acknowledged that the Council has financial challenges and the need for a balanced budget. However, in relation to care there was a need to value the care services delivered by the Council and look at the direct consequences of implementing this decision.

30 Outcome of Call In

The Scrutiny Board considered whether or not to release the decision for implementation.

The Chair suggested that the Board vote separately on the two distinct elements of the Executive Board decision:

1. With regard to Knowle Manor care home set out in Minute 21(a) of the draft minutes of Executive Board held on 24th July 2024 – That the closure of Knowle Manor be approved, and that once closed, the building be declared surplus to service requirements.
2. With regard to Dolphin Manor care home set out in Minute 21(b) of the draft minutes of Executive Board held on 24th July 2024 – That the repurposing of Dolphin Manor into a community care bed base (Recovery Hub), be approved.

Votes were subsequently held on both elements and the Scrutiny Board agreed (by majority decision) that both elements of the decision be released.

The Principal Scrutiny Adviser confirmed that the other corresponding elements of the Executive Board decision, as set out in Minute 21(c) and (d), would also be released for implementation.

RESOLVED – That the Executive Board decision, as set out in Minute 21(a), (b), (c) and (d), be released for implementation.

31 Date and Time of Next Meeting

RESOLVED – To note the next meeting of the Adults, Health and Active Lifestyles Scrutiny Board is scheduled for Tuesday, 10th September 2024 at 1:30pm (pre-meeting for all Board Members at 1.00 pm)

The meeting concluded at 12:55