

**MINUTES OF THE OVERVIEW AND SCRUTINY COMMITTEE
MONDAY, 15 AUGUST 2011**

Councillors Councillors Bull (Chair), Browne, Alexander, Christophides, Diakides, Engert and Winskill (Vice-Chair)

Apologies Councillor Ejiofor and Yvonne Denny

Also Present: **Co-optees:** Helena Kania (Local Involvement Network (LINK))
Councillors: Cllr Dogus, Cllr Wilson
Officers: Kevin Bartle (Lead Finance Officer), Mun Thong Phung (Director of Adult & Housing Services), Lisa Redfern (Deputy Director Adult & Community Services), Len Weir (Head of Provider Service (Older People/Mental Health), Beverley Tarka (Head of Learning Disabilities – Adults), Dorothy Simon (Council’s Deputy Monitoring Officer), Christina Piscina (Strategy Support Manager), Natalie Cole (Clerk)
Also attending: Approximately 45 members of the public

**MINUTE
NO.**

SUBJECT/DECISION

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| OSCO28. | WEBCASTING NOTED that the meeting was recorded for broadcasting on the Council’s website. |
| OSCO29. | APOLOGIES FOR ABSENCE Apologies for absence were received from Yvonne Denny (Church Representative) and Councillor Ejiofor, who was substituted for by Councillor Waters. |
| OSCO30. | URGENT BUSINESS It being a special meeting; no urgent items were permitted. |
| OSCO31. | DECLARATIONS OF INTEREST NOTED that, as the Cabinet Member for Health and Adult Services, Councillor Dogus had a prejudicial interest. |
| OSCO32. | DEPUTATIONS/PETITIONS/PRESENTATIONS/QUESTIONS The presentations by interested groups were recorded under minute number 33. |
| OSCO33. | CALL IN - CAB 20 - PROPOSED CLOSURE OF THREE OLDER PEOPLE’S RESIDENTIAL CARE HOMES AND LEARNING DISABILITIES RESIDENTIAL AND RESPITE CARE HOMES The Committee received the agenda pack relating to the call-in of Cabinet decision CAB20 – proposed closure of three older people’s residential care |

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homes and learning disabilities residential and respite care homes.

The Committee also received written representations opposing the proposals from: Yvonne Heath (carer of a service user), Martin Hewitt (Haringey resident), Mary Jarvis (cousin of a service user), Sue Hessel (Haringey Federation of Residents' Associations (vulnerable groups), Sandra Hayward (cousin of a service user), Lynne Featherstone MP, Bindmans Solicitors (on behalf of campaigners against the closure of 100 Whitehall Street) and UNISON.

NOTED

1. Introduction to the Call-in

Councillor Richard Wilson introduced the call-in (pages 71-73 of the agenda pack), including the following points:

- Alternative options should be considered rather than closing the residential and respite care homes.
- £550,000 invested in 100 Whitehall Street 5 years ago would have been wasted if the Council closed the home.
- Concerns about whether there was capacity for alternative respite care provision within the borough.
- The families of service users of 100 Whitehall Street were unclear about what the alternative provision would be.

2. Representations by interested groups

a. Barbara Cordwell (Headcorn, Tenterden, Beaufoy and Gretten Road (HTBG) Residents' Association), opposing the closure of 100 Whitehall Street including:

- Concerns that the residents' association were not included in the original consultation on 100 Whitehall Street.
- If closed, the Council should ensure that the building at 100 Whitehall Street remained secure to avoid any inappropriate use and/or deterioration.
- The residents' association should be consulted on any proposals for the future use of the 100 Whitehall Street.

The following was noted in response to questions from the Committee:

- The residents' association were unaware of the proposed closure until after the decision had been made by the Cabinet.
- The residents' association utilised 100 Whitehall Street for its meetings and had a good relationship with staff.

b. Celia Webster (Local Resident) opposing the closures, including:

- The residential and respite care homes were lifelines for the service users and alternative savings should be sought.
- Personalised budgets would not be sufficient to pay the high cost of private care homes, which would not necessarily provide high levels of

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care.

- Consultation with service users about their individual needs was inadequate.
- Closures should not take place until alternative provision was in place for all service users.
- The Council was urged to keep 100 Whitehall Street open.

c. Mark Grainger (Mencap), including:

- Alternative plans for provision should be in place before any closures were implemented.
- Families and carers need access to good respite care to avoid reaching breaking point.
- Questions about whether the Council had considered the long term implications of the closures on the individual.

The following was noted in response to questions from the Committee:

- Mencap generally supported the modernisation of services and moves to smaller residential homes if managed well.

d. Kayte Brimacombe (Local Resident/ Service User) referred to the written submission from Bindmans Solicitors and claimed that there was no evidence that the Council had met its duty to consult (including with the NHS), conduct assessments and adequately consider service users needs and alternative provision and comply with equalities and human rights duties.

e. Anna Wakefield (carer) and Vera Strand (carer) opposing the closures, including:

- The Council had not considered the concerns of parents of service users of 100 Whitehall Street.
- Long stay residents of the home looked upon staff as family members and removing a vulnerable child or adult could be detrimental.
- Alternative forms of respite proposed by the Council would not be suitable for the users of Whitehall Street, which provided a flexible service and responded to emergencies.
- Few families in the adult placement scheme would be willing to take on incontinent adults with difficult behaviour.

The following was noted in response to questions from the Committee:

- During initial engagement in January 2011 some service users said that they supported holidays rather than residential respite care but this did not reflect the opinions of all users/ families.
- Continuity of care was vital and any move to provision outside of the borough would be very distressing for service users and families would receive fewer respite opportunities.

f. Marjolein de Vries (Director Kith & Kids) opposing the closure of 100 Whitehall Street including:

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- The proposed closures had caused widespread anxiety for service users particularly with regard to capacity for alternative provision.
- The Council should listen to the concerns of the families of service users as they were saving the Council money by caring for service users at home.
- The Council could not guarantee adequate alternative provision before individual assessments had been conducted.
- The Committee was urged to refer the decision back to the Cabinet for reconsideration.

The following was noted in response to questions from the Committee:

- If the respite care provision was not in the model required there would be a breakdown in care resulting in emergency care, the cost of which was higher than the cost of standard respite care.
- Whilst the financial information within the Cabinet report was limited the full impact on carers had not been assessed and could not be assessed until individual service user assessments had been conducted.

Clerk's note: The meeting was adjourned for a break at 11:45hrs and reconvened at 11:55hrs.

3. Cabinet Member for Health and Adult Services

NOTED the statement of Cllr Dilek Dogus, Cabinet Member for Health and Adult Services, responding to the matters raised, including:

- A reminder that all services across the Council were required to make cuts. The Cabinet Member recognised that these cuts affected the most vulnerable groups in society but assured the Committee that alternative provision could be provided by the independent sector at a lower cost.
- The £550,000 investment in 100 Whitehall Street was required in 2006 (when there had been no plans to close the service) in order for the building to meet CQC standards.
- Whilst the closure of 100 Whitehall Street would yield the smallest saving of all the closures in the proposals it was not feasible to run the provision at a lower cost as this would risk running a service that would not be safe.
- In response to concerns about the cost of alternative provision of care the Cabinet Member highlighted that a placement cost was on average £936 per week. She assured the Committee that a person would receive a required service even if it was outside of the average cost and no service user would be removed from Whitehall Street until alternative arrangements were in place.
- Confirmation that the criteria for care would not change and alternative provision would be found for all service users according to their (and their carers') needs and wishes once assessed.
- Haringey Mencap and Age Uk had provided advocacy support to the Council by speaking with service users at 100 Whitehall Street and the

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Council had tried to involve everyone affected by the proposals including carers.

- During consultations some residents requested to move into alternative residential care homes together and this would be accommodated.
- The Council's commissioning practice was recognised as one of the best in London and resident placements will be made in 2 star and 3 star Care Quality Commission (CQC) rated establishments. The Council already commissioned more than 35% of Haringey's care with the private sector.
- Those residents not able to manage personalised budgets would be managed by the Council, although those utilising residential and respite services would not be offered personalised budgets, which were restricted to day based service users.
- The relevant residents' association(s) would be consulted about any future use of the Whitehall Street building. The building would be considered as part of a borough-wide property review.

4. Responses from Officers

a. Deputy Director Adult & Community Services, including:

- In response to the concerns raised in the submission from Bindmans Solicitors it was noted that the Council had fully complied with the legal requirements for consultation and equalities. A project team including service officers, communications, human resources and others with consultation experience to establish a consultation plan based on best practice. Further consultation with affected service users had been postponed due to the decision being called-in and officers were happy to meet with any service users and their families for further discussion if requested.
- In response to the Committee's concerns it was noted that the NHS had been consulted about the closures throughout and Council officers also met with the Learning Disabilities Partnership Board and Executive Board every two months. **ACTION No 33.1: The Chair would write to the NHS on behalf of the Committee asking for confirmation that the NHS supported the proposals with no concerns about long term effects on service users.**
- Anxieties about continuity of care were acknowledged and if new placements were required there would be a sensitive integration process for service users involving their families/carers. The arrangements for emergency and planned care would remain the same.
- For clarity it was explained that the Edwards Drive respite care provision would continue to operate until alternative care had been provided for all concerned. A community outreach service would be established to run from Edwards Drive in parallel to the current service.
- As a result of effective consultation on the proposals the Council was conducting a review of carers to establish needs and provision of services on an individual needs basis.

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Clerk's note: The Chair left the room at 13:00hrs and the Vice Chair took over. The Chair return at 13:03.

In response to concerns raised and questions put to the Cabinet Member and officers the following was noted:

- The current budget for residential care homes for older people was £2.8 million gross and the re-provision of these services under the proposals would cost £991,000 which would result in a saving of £1.8 million. There were separate figures for the cost of learning disabilities services. The Committee expressed concern that there was a lack of financial transparency in the report because no details had been given of consequences to the increases that would have to be made in other support budgets for other types of care.
- Committee members expressed concern about the disparity in the number of beds proposed in the re-provision of services (47 beds) and those currently in use (113). By 2013 47 people would still be placed in residential homes out of the 113 people currently using this service.
- It was noted that the number of people going into residential care homes was declining with the provision of extra care services. The Committee was assured, however, that there was a separate community budget for older people coming into the system who would be placed in services run by the independent sector.
- Local providers would be expected to submit plans to the Council on how they will provide services.
- The figures provided in the Equalities Impact Assessment (EIA) included number of staff affected by the proposals. Officers assured the Committee that if the proposals went ahead the Council would look at alternative placement opportunities with independent sector providers in order to retain those members of staff locally.
- The Committee suggested that the option of selling 100 Whitehall Street to the private or voluntary sector (as had been done with leisure centres) should have been considered. Officers explained that this would not be economically viable. Members were not satisfied that this option had been fully worked through before being rejected as an option.

Clerk's note: The Cabinet Member left the meeting.

RESOLVED

- 1a. That the decision taken by the Cabinet in relation to the closure of residential care and respite care homes on 19th July 2011 was inside the Council's policy and budget Framework.

Councillor Christophides MOVED to uphold the Cabinet decision and to not refer it back to the decision maker. This was not seconded.

Councillor Winskill MOVED that the matter be referred back to the Cabinet for reconsideration including: consideration of the Bindmans submission relating to the legal framework, clarification of the financial implications of the proposals and consideration of more in depth engagement with service users and their

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| | <p>families.</p> <p>This was SECONDED by Councillor Diakides.</p> <p>A vote was taken and CARRIED. Cllrs Alexander, Browne, Diakides, Engert and Winskill voted for and Cllrs Bull, Christophides and Waters abstained.</p> <p>RESOLVED</p> <p>2a. That CAB20 – Proposed Closure of three older people’s residential care homes and one learning disabilities residential and respite care homes be referred back to the Cabinet as the decision taker for reconsideration of the decision before taking a final decision.</p> <p>2b. That in reconsidering the decision the Cabinet pay particular attention to:</p> <ul style="list-style-type: none">i. The points raised within the written submission from Bindmans solicitors and satisfy itself that the Council had fulfilled all legal requirements and had not acted outside of the requirements for consultation and human rights.ii. Financial transparency: the Cabinet should consider the full financial implications of the closures; not simply in terms of budget strands for residential care homes but also for Whitehall Street but also take into account the aggregated impact that increased alternative service provision will have on other budgets within the Council.iii. Consultation and engagement: the Cabinet should develop a model of services intended to replace the current provision of respite and residential care. It should be based on a comprehensive programme of engagement with service users, their carers and families and other stakeholders. |
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COUNCILLOR GIDEON BULL

Chair

The meeting ended at 13:55hrs

SIGNED AT MEETING.....DAY

OF.....

CHAIR.....