

Minutes of a meeting of the Adults and Communities Overview and Scrutiny Committee held at County Hall, Glenfield on Tuesday, 1 November 2016.

PRESENT

Mrs. R. Camamile CC (in the Chair)

Mr. M. H. Charlesworth CC  
Mr. D. Jennings CC  
Mr. A. M. Kershaw CC  
Mr. J. Miah CC

Mr. M. T. Mullaney CC  
Mr. L. J. P. O'Shea CC  
Mr. T. J. Richardson CC

In Attendance.

Mr. Dave Houseman MBE CC, Cabinet Lead Member for Adult Social Care (Minute 32 refer).

29. Minutes.

The minutes of the meeting held on 6 September 2016 were taken as read, confirmed and signed.

30. Declarations of Interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No such declarations were made.

31. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

32. Community Life Choices Framework 2017-20 Outcome of Consultation on Future Delivery - Call-in of the Cabinet Decision.

The Committee considered a report of the Chief Executive and Director of Adults and Communities which drew attention to the receipt of a call-in of the decision of the Cabinet in relation to the "Community Life Choices Framework 2017-20 – Outcome of Consultation on Future Delivery". A copy of this report, the original report submitted to the Cabinet on 11 October 2016, together with the comments submitted to the Cabinet, marked 'Agenda Item 4' is filed with these minutes.

In her opening remarks, the Chairman stated that the purpose of the meeting was to consider whether the reasons set out in the call-in were sufficient to ask the Cabinet to reconsider the decision and not to consider representations afresh or allow further representations as this would call into question the fairness of the completed consultation process.

The Chairman asked Mr. M. H. Charlesworth CC and Mr. J. Miah CC to explain their reasons for calling-in the matter. Accordingly, they made the following points:-

- (i) The report to the Committee on 6 September 2016 entitled “Community Life Choices Framework 2017-20 – Outcome of Consultation on Future Delivery” presented the case for possible savings to be made as a result of tackling duplication in service provision. It was felt that the report lacked clarity on the full extent of the savings and their likely impact on service users and those affected;
- (ii) The fairness of the consultation process was called into question. Concern was expressed that the full impact on service provision resulting from the savings had not been adequately communicated to parents, carers and service users. It was suggested therefore that the Cabinet should agree to re-consult and make all those affected by the proposals aware of the consultation and the likely impact of the proposals.

In response to the points made, and by way of taking members through the supplementary report, the Director made the following points:-

- (i) The Council’s Medium Term Financial Strategy (MTFS) required £16 million of savings within Adult Social Care. The savings identified for CLC services would amount to £750,000. A significant portion of the £750,000 saving would be achieved through those in residential care no longer receiving Community Life Choices (CLC) services;
- (ii) The report considered by the Cabinet on 11 October 2016 included the views of this Committee, the Equality and Human Rights Impact Assessment and the summary of the outcome of the consultation which highlighted the negative feedback received to the two specific proposals subject to consultation, together with the Department’s response and the mitigating actions offered;
- (iii) CLC services were provided to 132 people out of a total of 2,200 users in County Council-funded residential care. 114 of those in receipt of CLC had learning disabilities. A recent review of CLC services highlighted that the current practice for individuals in residential care to access CLC did not represent a cost effective or equitable approach to commissioning individual support as it was not applied consistently to all service user groups;
- (iv) The providers of care homes were contracted to provide 24/7 services, including recreational and social activities;
- (v) The reduction in the number of weeks during which the services were delivered meant that the providers could have a reasonable closure period for annual leave and training purposes. Exceptions would be considered for those who required alternative care during any CLC holiday closure periods;
- (vi) The Director highlighted the responses to the alternative proposals put forward by Mr. Hadfield (Agenda Supplement paragraph 27 (a) to (g)) and advised that these would not achieve the required savings or address the issues of fairness raised within the Equality and Human Rights Impact Assessment.

The Chairman welcomed to the meeting the Cabinet Lead Member for Adult Social Care, Mr. Dave Houseman MBE CC, who made the following points:-

- (i) The review of the CLC Service was included in the current MTFS which had been approved by the Council in February 2016;
- (ii) In light of reduced funding from the Government and the necessity to deliver challenging savings against the MTFS, it was clear that one-off savings would no longer be sufficient;
- (iii) The levy of the 2% social care precept would generate revenues of £21 million per annum. However £22 million was required to deliver against the expected growth in demand for services and to pay the National Living Wage;
- (iv) The approach adopted with CLC in Leicestershire was common across the country and with neighbouring authorities such as Leicester City Council and Rutland County Council.

Arising from a discussion, the following points were noted:-

- (i) The County Council set out what services were to be provided as part of its contracts with care homes. A standing Scrutiny Review Panel met bi-annually to monitor the standards of care provided by care homes. Most concerns around standards of care fell outside of CLC services. Any changes arising from the decision on CLC would not be fully implemented until Summer 2017 and reviews would be conducted in way that ensured care providers had adequate time to plan accordingly;
- (ii) In response to a concern raised that service users would be “encouraged” to leave residential care to meet the financial savings, members were advised that, promoting independence amongst service users was a priority and to that end it was important to give service users a choice where possible to live independently, for instance in supported living or in Shared Lives accommodation. The Committee was assured that a move to alternative accommodation would only be considered if it was a preferred option by the services user. The Director advised that no residents would be required to leave a residential setting to meet financial savings;
- (iii) It had been identified early on that a number of those affected by the CLC proposals had communication difficulties. For this reason, a number of visits to providers of care had been undertaken by officers leading the consultation to ensure that those who wished to participate in the consultation were able to do so;
- (iv) In regard to the duplication of funding for CLC services for those in residential care, it was acknowledged that, whilst this could have been addressed earlier, it was made challenging to deliver as some service users receiving CLC services at day centres were living at home and then transferred into residential care. Therefore considerable work was necessary to ensure that the Department had the correct information before proceeding on this course of action;
- (v) In response to concern raised that the funding from other Council initiatives could be deployed to protect services accessed by the vulnerable, such as CLC, the Committee was advised that the duplication of the service provision needed to be rectified, and that every department had to deliver savings against the MTFS. The

expected underspend of £6 million in the current financial year within the Adults and Communities Department was as a result of better management of demand and the holding of vacancies within the Department. The underspend would be adjusted within the next MTFS through reduced levels of growth allocated to demand pressures therefore these funds would not be available. Members were reminded that the Department's budget had been protected relative to those of other departments.

It was moved by Mrs. R. Camamile CC and seconded by Mr. A. M. Kershaw CC:-

"That no further action be taken for the reasons already outlined in the Director's supplementary report, as the Cabinet has considered this matter carefully and shown flexibility to individual cases and that to ask the Cabinet to reconsider this matter would have no further benefit."

The motion was carried five members voting for the motion and three voting against.

RESOLVED:

That no further action be taken for the reasons already outlined in the Director's supplementary report, as the Cabinet has considered this matter carefully and shown flexibility to individual cases and that to ask the Cabinet to reconsider this matter would have no further benefit.

33. Date of next meeting.

It was noted that the next meeting of the Committee would be held on 8 November 2016 at 2.00pm.

11.00 am - 12.00 pm  
01 November 2016

CHAIRMAN