



City and County of Swansea

Notes of the **Scrutiny Performance Panel – Adult Services**

Council Chamber - Guildhall, Swansea

Monday, 17 September 2018 at 4.00 pm

Present: Councillor C A Holley (Chair) Presided

Councillor(s)

M C Child
P K Jones

Councillor(s)

P R Hood-Williams
J W Jones

Councillor(s)

Y V Jardine
E T Kirchner

Co-opted Member(s)

T Beddow

Co-opted Member(s)

Katrina Guntrip

Other Attendees

Mark Child

Cabinet Member - Care, Health & Ageing Well

Officer(s)

David Howes
Liz Jordan
Alex Williams

Director of Social Services
Scrutiny Officer
Head of Adult Services

Apologies for Absence

Councillor(s): P M Black, J A Hale, S M Jones and G J Tanner

1 Disclosure of Personal and Prejudicial Interests.

Disclosures of interest – Chris Holley, Jeff Jones and Mark Child.

2 Public Question Time

No questions were asked at the meeting.

3 Outcome of Residential Care and Day Services for Older People Commissioning Reviews

The Panel thanked the Cabinet Member and officers for providing the report and attending the meeting to present and discuss the Outcomes of Residential Care and Day Care Services for Older People Commissioning Reviews.

The Panel highlighted the following issues:

Residential Care

1. The Panel is satisfied that the consultation process followed has been very thorough.
2. We are concerned about whether the Health Board is completely signed up to and committed to the model and the forecast figures going forward for complex care.
3. We have concerns about the definition used for complex needs. This is very important as forecast number of beds is going to determine the capacity going forward.
4. The Panel is pleased that the consultation was carried out with a wide number of individuals and groups but is disappointed by the low number of responses.
5. The Panel feel it would have been useful to be able to identify the source of the responses – whether an individual or a body/organisation.
6. The Panel would like your assurance that if the proposals are accepted and Parkways is to close, that the well-being of residents will be put first and that adequate time will be allowed for all residents and their families to be properly engaged with and assessed and moved into alternative accommodation.
7. We feel the Western Bay Commissioning Strategy should have been included in this review and would like reassurance that any other proposals that are being progressed alongside these proposals will be taken on board.
8. The Panel is disappointed that there has been no formal response to the consultation from the trade unions given the effect on Council staff.

Day Services

9. There was very little information in the proposals about the future role and model in respect of Local Area Coordinators and community provision. We would like confirmation that there is a proposal to expand community based facilities if the proposal to close two day centres goes ahead.
10. Again, the Panel is disappointed by the low number of responses to the consultation and that there has been no formal response from the trade unions to the proposed closing of two day centres.

4 Discussion and Questions

The Convener of the Panel will attend Cabinet on the 20 September 2018 and a letter will be sent to the Cabinet Member outlining the Panels views.

The meeting ended at 5.30 pm



To:
Councillor Mark Child
Cabinet Member for Care, Health & Ageing
Well

Please ask for: Scrutiny
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Date 19 September 2018
Dyddiad:

Summary: This is a letter from the Adult Services Scrutiny Performance Panel to the Cabinet Member for Care, Health and Ageing Well following the meeting of the Panel on 17 September 2018. It covers the Outcome of Residential Care and Day Services for Older People Commissioning Reviews.

Dear Cllr Child

The Panel would like to thank you, Dave Howes and Alex Williams for providing the report and attending our meeting to present and discuss the Outcome of Residential Care and Day Services for Older People Commissioning Reviews.

We are writing to you to share the views of the Panel, and where necessary, raise any issues or recommendations for your consideration and response. Find below the issues the Panel would like to highlight to you and Cabinet on 20 September arising from the discussion.

Residential Care

1. The Panel is satisfied that the consultation process followed has been very thorough.
2. We are concerned about whether the Health Board is completely signed up to and committed to the model and the forecast figures going forward for complex care.
3. We have concerns about the definition used for complex needs. This is very important as forecast number of beds is going to determine the capacity going forward.
4. The Panel is pleased that the consultation was carried out with a wide number of individuals and groups but is disappointed by the low number of responses.

OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU

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5. The Panel feel it would have been useful to be able to identify the source of the responses – whether an individual or a body/organisation.
6. The Panel would like your assurance that if the proposals are accepted and Parkway is to close, that the well-being of residents will be put first and that adequate time will be allowed for all residents and their families to be properly engaged with and assessed and moved into alternative accommodation.
7. We feel the Western Bay Commissioning Strategy should have been included in this review and would like reassurance that any other proposals that are being progressed alongside these proposals will be taken on board.
8. The Panel is disappointed that there has been no formal response to the consultation from the trade unions given the effect on Council staff.

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10. Again, the Panel is disappointed by the low number of responses to the consultation and that there has been no formal response from the trade unions to the proposed closing of two day centres.

A number of questions were submitted to the Convener of the Panel prior to the meeting by Councillor Mike Day. There was not enough time to deal with these questions at the meeting so you agreed to respond directly to Councillor Day before the Cabinet meeting. For completeness, your response to Councillor Day is attached to this letter (Appendix 1).

At the end of the meeting two questions were submitted in writing from members of the public. You have responded directly to these questions but for completeness, the questions and your response are stated below:

Question 1 – Regarding top-up fee contribution – will it be index linked?

Response: The figure of a maximum of £105 per week is a set figure and is not index linked. The Council feels that this is a generous figure, in light of the fact that the majority of top up fees charged in Swansea for standard residential care tend to be in the region of £40 per week. Therefore, the Council feels that £105 per week is more than sufficient to comply with their duties to meet assessed need and give adequate choice to Parkway residents and address any inflationary increases going forward. We would anticipate that the majority of residents affected would be paying third party charges significantly lower than £105 per week. If there were inflationary increases to third party fees below the maximum of £105 per week we would honour these inflationary increases.

Question 2: During the meetings at Parkway the question was raised about evicting the residents if they refused to leave. No mention of this appears in the report. Why was this?

Response: This was not mentioned in the report as this question was answered in the meetings, and did not add to the overall themes captured in the consultation. However, the question is noted in Appendix 5 to the report which includes records of the meetings held. If I recall correctly, when this was raised in the meetings, Officers/Cabinet were asked what would happen if residents refused to leave. Our response was that we would hope that we would not be faced with this situation and in the event that Parkway closed we would want to work closely with both residents and family members where applicable to identify a future home. In the event that someone did refuse to leave, we may have wellbeing concerns in relation to them being the only resident remaining and would need to take appropriate legal advice on the way forward, but we would very much hope that by working together we would not get to this position.

Your response

We recognise that our comments will be discussed at Cabinet on 20 September but would also ask for you to provide us with a written response to the issues we have raised by 9 October 2018.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CHRIS HOLLEY', with a stylized flourish at the end.

CHRIS HOLLEY
ACTING CONVENER, ADULT SERVICES SCRUTINY PANEL
CLLR.CHRIS.HOLLEY@SWANSEA.GOV.UK

Appendix 1

Dear Cllr Day

Thank you for the questions that you asked to be considered at the Adult Services Scrutiny Performance Panel, which undertook the pre-decision scrutiny on the outcome of the consultation relating to Commissioning Reviews for Residential Care and Day Services for Older People yesterday.

I am able to provide you with the following response to your questions and views.

Question: Does the Cabinet Member recognise that the proposal to close Parkway will mean that:

1. *There will be no Council run facility in the West of Swansea as acknowledged on the bottom of page 47 of the Cabinet report.*

Response: This is correct. However, as demonstrated by the maps that have been circulated at the meetings with Parkway residents and families, there is a large number of residential homes in Swansea, with several located in either Sketty ward or adjacent wards. Therefore even if a decision is made to close Parkway, there would still be adequate choice for those wishing to access residential care in the West of Swansea.

2. *Respite provision will be located some way from homes of people living in Gower and Swansea West.*

Response: Parkway does not currently have designated respite beds. From time to time, respite is offered at Parkway but this only occurs in instances where alternative provision cannot be found. If Cabinet agrees to change the model of care, more respite beds will be available in other Council-run homes. In addition, those wishing to access respite can access it in the independent sector. Therefore, any potential closure of Parkway would not have an impact on availability of respite beds in Gower and Swansea West.

3. *Paragraph 1.19; that it is not up to unqualified and inexperienced members of the public to come up with viable alternative models for residential home provision.*

Response: I fully agree with your view. As part of the consultation we invited respondents to put forward alternative options so that the Council could satisfy itself that it had considered all options available. It is the Council that needs to however identify any viable options and determine whether they would be suitable alternatives and this has been articulated in the report.

4. *While the view of the Cabinet is that mitigating measures could help to alleviate concerns (para 1.21), the proposals will not remove the concerns for the well-being of residents at Parkway.*

Response: The report has been written by Officers and conveys the views of Officers rather than Cabinet. Cabinet will debate the contents of the report at its meeting on 20th September. I would agree that we cannot fully remove the concerns for those affected, but we can take every step possible to minimise the impact if we decide to proceed. The dedicated Equality Impact Assessment on the proposed closure of Parkway has articulated this.

5. *While the report indicates that no decisions have been taken, discussions with residents and staff (para 1.24) understandably lead to a view that the outcome of the consultation is a foregone conclusion.*

Response: The consultation was extensive and the outcome of the consultation will be considered along with all other factors referred to in the report when cabinet makes their decision on Thursday. There is no foregone conclusion. During the consultation process, we have wanted to ensure that all those affected are able to make as informed a response to the consultation as possible. It is for this reason that we offered 1 to 1 reviews with social workers so residents and families could understand if they had complex needs and if a decision was made to proceed with the closure of Parkway whether an alternative bed in a Council-run home would be an option available to them. We have explained the rationale for doing this to

residents and families throughout the consultation, and some individuals legitimately chose to decline this offer. In relation to staff, we are required to follow our HR processes. As soon as we are aware that an employee could be at risk of redundancy, we give them access to our redeployment procedures even if a final decision has not been undertaken. This is an agreed policy between us as an employer and the Trade Unions and is designed to give our employees the best opportunity to secure alternative employment.

6. *The moving of residents will disrupt friendships possibly built up over many years?*

Response: This is undoubtedly a concern. If a decision is made to proceed, social workers and the staff at Parkway will work with all those affected to not only look at move on arrangements but also how friendships can be maintained if friends do move to different homes.

Your view is that the consultation process was faulty for the following reasons:

A. *Para 2.4 indicates that stakeholder workshops were held including elected members, but none from Sketty, the ward in which Parkway is located.*

Response: These were the original stakeholder workshops that were undertaken to determine the high level options for the preferred model. At this stage, preferred options had not been agreed and the proposal to close Parkway itself was not on the table. The elected members invited included the then Cabinet Member and the then Members of the Adult Services Scrutiny Performance Panel. Sketty ward members would have been able to attend if they had wished to do so.

B. *Stats quoted in the report are over 2 years old. Process needs to re-run with the latest figures (Pages 49 -54 for example).*

Response: The statistics quoted fall within Appendix 1 of the report. This has been provided as a background paper and was the original Gateway Report which set out the high level options for consideration by Cabinet. Further modelling work was undertaken to determine how many Council-run beds would be undertaken which took account of current usage of internal beds and revised population projections in November 2016. This modelling exercise was then revisited in March 2018, so is based on the most up-to-date figures. Details of this is contained within paragraphs 3.5 and 3.6 of the main report.

C. *The scoring system was never subject to any scrutiny and is inherently biased as it is subjective. As an example promoting health and wellbeing is ongoing given a weighting of M – not H. Page 75 – should health and wellbeing of residents be the top priority? Another example - Being acceptable to stakeholders/public is given H rating. What about residents/relatives, where does that appear? And where does that score appear anywhere in the report?*

Response: The scoring exercise cited is again contained within Appendix 1 of the report. This scoring exercise was used to determine the high level options in relation to the preferred future model, rather than determine that it should be Parkway that might close. These scoring criteria were considered and jointly agreed by the stakeholder workshop that met in 2016 in line with the corporate Commissioning Review process.

D. *Page 105 – Many demographic details included but nowhere is there information about how long each resident has lived at Parkway.*

Response: The demographic data provided to inform the Gateway report related to the overall demographics of the population of Swansea rather than that relating to specific homes. Specific demographic data in relation to Parkway is contained within the Equality Impact Assessment relating to the potential closure of Parkway.

E. *References are made to social work assessments being undertaken with residents post-decision, but discussions have already been taking place which have put pressure on residents and relatives.*

Response: I have answered this question in response to question 5 above. The decision to offer a social work review during the consultation process was not in any way intended to put pressure on residents and relatives. It was designed to allow them to make as an informed response as possible to the consultation.

Further questions include:

1. *Does the Council when commissioning services from the independent sector require the living wage to be paid to staff?*

Response: As employing organisations, all independent sector providers are required to meet all legal requirements in relation to employee terms and conditions. In setting annual fees with independent sector providers, the Council invites all providers to supply their actual costs of running their business and determines a rate that allows them to meet these costs with a modest profit. Contractually, the Council cannot mandate that independent sector providers pay the living wage to their staff. This is something however that is being looked at by a corporate working group for all services commissioned by the Council.

2. *Para 4.11; if residents wanted to live in homes in the independent sector, why haven't they moved already?*

Response: I am not sure that anyone would know the answer to this question, but I can provide reassurance that if Parkway does close all residents and families will be fully supported with any move.

3. *Para 5.7; how satisfied is the Cabinet that independent advocates were provided to residents?*

Response: All residents were offered a social work review during the consultation process. As part of this, if the resident did not have capacity and there was nobody that could advocate on their behalf, independent advocates were arranged. We are aware however that only one resident does not have family support, and that individual has full capacity, so the use of independent advocates was minimal as not considered necessary in most cases. If a decision is made to proceed, a social work assessment will be undertaken for each resident and the social worker will exert professional judgement as to whether advocacy is required.

4. *Para 6.10; was the petition of 1,000 against the closure dismissed out of hand. 'It was unclear what interest the signatories had in relation to Parkway.'*

Response: In line with the Council's procedures, the petition was acknowledged and considered as a consultation response. However, the petition gave limited information as signatories were purely asked to print their name and sign and no further information was known about them. This is referenced in paragraph 6.10 of the report.

5. *Para 7.5; the figure quoted for savings does not take into account redundancy and/or redeployment costs.*

Response: In the event that a decision is taken to proceed, we anticipate that the majority of staff will be redeployed and we are not anticipating any compulsory redundancies. We anticipate that a small number of staff may opt to leave the organisation through the Council's early retirement/voluntary redundancy scheme. In light of the majority accessing opportunities through redeployment and a small number potentially leaving through the ER/VR scheme, we anticipate that the revenue implications will be limited and will also be one off costs rather than ongoing expenditure. We have therefore not factored any figures relating to this into the overall projected saving for Parkway.

6. *Para 11.1; what is the impact on the timetable if even only one resident refuses to move?*

Response: It is difficult to make an assessment unless this situation arises. However, if a decision is made to proceed, we would hope that by working closely with residents and families and supporting them appropriately we would not encounter this situation.

7. *What assessment has been made of the impact of a move from Parkway on a residents' health, wellbeing and possible morbidity rates?*

Response: A full Equality Impact Assessment has been opened in relation to the proposed closure of Parkway, and has been updated throughout the consultation process. This will be used to inform Cabinet's decision on 20th September and will remain open and updated until such time as Parkway closes if Cabinet make a decision to proceed.

I trust that this answers your questions.

Kind regards

Clr Mark Child

Cllr Chris Holley
Acting Convener, Adult Services Scrutiny
Panel

BY EMAIL

Please ask for: Councillor Mark Child
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Our Ref: MC/HS
Your Ref: ref
Date: 21 September 2018

Dear Cllr Holley

Thank you for your letter dated 19th September 2018 and for giving me the opportunity to attend the Scrutiny Performance Panel and answer the Panel's questions.

It is really encouraging to see the Panel's degree of consideration of the outcome of the consultation relating to the Commissioning Reviews of Residential Care and Day Services for Older People, as Cabinet wanted to ensure that they have had due consideration of all of the issues and concerns before taking such an important decision.

I will respond to each of the points that you have raised in turn.

Residential Care

1. *The Panel is satisfied that the consultation process followed has been very thorough.*
Response: I would agree that the process has been very thorough and Officers have ensured that every effort was made to engage all interested stakeholders and encourage them to respond.

2. *We are concerned about whether the Health Board is completely signed up to and committed to the model and the forecast figures going forward for complex care.*
Response: The Health Board have been fully engaged in the Commissioning Review process and apprised of each development in the process, and at no point have expressed any concerns. They also formally responded to the consultation. From a market perspective, the biggest concern for both ourselves and the Health Board is the availability of dementia nursing beds, and this is not something that we can address with our in-house services. We will however continue to work with the Health Board to address this market gap going forward.

3. *We have concerns about the definition used for complex needs. This is very important as forecast number of beds is going to determine the capacity going forward*
Response: We agree that the definition used is very important. Officers have endeavoured to come up with a robust definition in light of the fact that there is no nationally agreed definition, but it is difficult to be definitive as each individual will present differently with their own levels of complexity. It is therefore really important that

our social workers are appropriately skilled and trained to exert their professional judgement in assessing when people have complex needs.

4. *The Panel is pleased that the consultation was carried out with a wide number of individuals and groups but is disappointed by the low number of responses.*

Response: Firstly, I would like to thank all those who decided to take part in the consultation. I would agree that the level of responses would appear relatively low, but this is not surprising as individuals tend to only respond to consultations when they are directly affected. Even though the number was relatively low, there was a wealth of comments provided which have really helped Officers to consider how to take forward the proposals in the recommendations put forward to Cabinet.

5. *The Panel feel it would have been useful to be able to identify the source of the responses – whether an individual or a body/organisation.*

Response: I would agree with this view, and this is certainly a lesson learnt for us as an organisation when carrying out consultations in the future.

6. *The Panel would like your assurance that if the proposals are accepted and Parkways is to close, that the well-being of residents will be put first and that adequate time will be allowed for all residents and their families to be properly engaged with and assessed and moved into alternative accommodation.*

Response: I am happy to provide this reassurance and would fully agree that maintaining the wellbeing of residents affected is of paramount importance. If a decision is made to proceed, all individuals affected will be allocated a social worker to support them before, during and after any move. We have intentionally not set a definitive closure date, as we recognise that we need to be flexible to ensure that appropriate move on arrangements are in place for all concerned.

7. *We feel the Western Bay Commissioning Strategy should have been included in this review and would like reassurance that any other proposals that are being progressed alongside these proposals will be taken on board.*

Response: The Western Bay Commissioning Strategy was developed at the same time as this review, and Officers have ensured that the options that have emerged from this review are not in conflict with the overall Western Bay position. One of the key products to emerge from the Commissioning Strategy is a Market Position Statement in relation to Residential Care. The outcome of our own Commissioning Review is entirely consistent with this Market Position Statement.

8. *The Panel is disappointed that there has been no formal response to the consultation from the trade unions given the effect on Council staff.*

Response: Whilst a formal response was not received, the Trade Unions have been fully engaged throughout the Commissioning Review process and have fully supported those staff affected. It is my view that the Trade Unions may have decided to not submit a formal response to the consultation, as they have felt that they have been able to work effectively with the Council as the employer throughout the process, rather than feeling the need to formalise their position.

Day Services

9. *There was very little information in the proposals about the future role and model in respect of Local Area Coordinators and community provision. We would like*

confirmation that there is a proposal to expand community based facilities if the proposal to close two day centres goes ahead.

Response: I am not sure that the need to expand community based facilities is directly linked to the closure of the 2 day services. In reality, we have more than enough capacity to meet current and future demand in the remaining day services and of those affected in the Hollies and Rose Cross, all but 2 have been assessed as having complex needs and will consequently be offered a place in an alternative day service as long as their needs have not changed. We are however continuing to develop our offer in relation to preventative services in communities. We are due to recruit our 11th Local Area Coordinator for the Blaenymaes area of Swansea shortly and are pursuing expansion of the programme to full coverage. Adult Services is actively involved in the corporate *Services in the Community* initiative and as part of this will consider what additional community support might be required. When people do present to Adult Services in the future with eligible non-complex needs, we will support them to consider how they can be supported to meet their needs in their local community both through formal initiatives such as Local Area Coordination and less formal social work support.

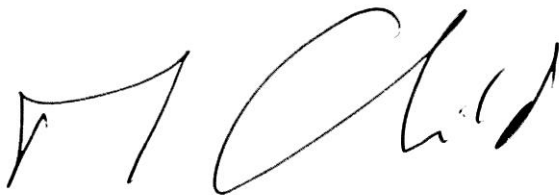
10. Again, the Panel is disappointed by the low number of responses to the consultation and that there has been no formal response from the trade unions to the proposed closing of two day centres.

Response: Once again, I would like to thank those that did participate in the consultation and whilst the responses may have been relatively low the comments received did provide a richness of responses to inform the final decision.

I have already formally responded to the questions raised by Cllr Mike Day and to the members of the public that raised the public questions.

Once again, thank you for giving me the opportunity to respond to your questions.

Yours faithfully



Councillor Mark Child
CABINET MEMBER FOR CARE, HEALTH & AGEING WELL