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PUBLIC

To: Members of Improvement and Scrutiny Committee - People

Tuesday, 1 March 2022

Dear Councillor,

Please attend a meeting of the **Improvement and Scrutiny Committee - People** to be held at **2.00 pm** on **Wednesday, 9 March 2022** in Council Chamber, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in black ink that reads 'Helen E. Barrington'.

Helen Barrington
Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Apologies for absence
To receive apologies for absence (if any)
2. Declarations of Interest
To receive declarations of interest (if any)
3. Minutes (Pages 1 - 6)

To confirm the non-exempt minutes of the meeting of the Improvement and Scrutiny Committee – People held on 06 December 2021 and 10 January 2022.

4. Public Questions (30 minute maximum in total) (Pages 7 - 8)

(Questions may be submitted to be answered by the Scrutiny Committee, or Council officers who are attending the meeting as witnesses, on any item that is within the scope of the Committee. Please see the procedure for the submission of questions at the end of this agenda)

5. Strategic Direction for Childrens Services - Conversation with the Executive Director for Childrens Services

6. Ofsted Framework and Inspection Activity

7. Work Programme

PUBLIC

MINUTES of a meeting of **the IMPROVEMENT AND SCRUTINY COMMITTEE – PEOPLE** held on 6 December 2021.

PRESENT

Councillor T Kemp (in the Chair)

Councillors C Dale, E Fordham, R Iliffe, P Rose, D Taylor, J Woolley and M Yates.

Also in attendance – Councillors A Clarke, R George, N Hoy, G Kinsella, P Niblock and H Barrington, H Jones, S Stevens.

Apologies for absence had been received from Councillors S Burfoot, R George, A Griffiths, and J Wharmby.

17/21 CALL-IN OF DECISION – THE FUTURE OF CARE HOMES FOR OLDER PEOPLE

At its meeting on 18 November 2021 Cabinet considered and approved a report relating to the Future of Direct Care Homes for Older People. The report sought approval to the undertaking of a public consultation, including consultation with the current residents and their families, on the future provision of accommodation for older people in a number of the Council's residential care homes.

In accordance with the provisions of the County Council's Constitution, Councillors E Fordham, R George, A Hayes, J Dixon, N Gourlay, P Niblock, S Burfoot, R Mihaly, A Clarke, G Kinsella, C Dale, M Yates and B Bingham had asked that the decision be called-in. It was their opinion that that the decision breached Articles:

- 7.2 (e) respect for human rights and equalities;
- 7.2 (f) a presumption in favour of openness;
- 7.2 (g) clarity of aims and desired outcomes.

The principles in question were: that this did not significantly differ from the previous consultation; this would cause real stress, fear and worry to an already vulnerable group of residents; the report did not address the information contained in previous reports on the viability of the homes; consultation with councillors, where the care homes had residents and associated relatives interested in the care homes, had been non-existent or cursory; and the final Market Position Statement was yet to be seen and to take account of the viability of the PVI sector following the impact of the pandemic and of the 2022/23 financial settlement on the sector (which would not include the additional Infection Control funding that had kept the sector going over the last 2 years).

Information had been provided in support of their request and an explanation why they had called-in the decision. Mr S Stevens and Councillor N Hoy presented information in support of the decision taken. The Executive Director Adult Social Care & Health Helen Jones also attended the meeting to comment on the issues raised and respond to Councillors' questions.

The Committee considered the information that had been put before them and considered whether the decision had been made in accordance with the decision-making principles, as set out in the Constitution. The Chairman asked the Committee to vote on the officer's recommendation and Members voted 5 to 2 with 1 abstention in favour that the principles of decision-making had not been breached.

RESOLVED to agree that the decision made by Cabinet on 18 November 2021 to approve (1) the programme of formal public consultation on the future of the homes listed (one of which included an integral day centre), including possible closure, for a period of 12 weeks, to be conducted as set out in the report: Ladycross House (Sandiacre); Beechcroft (West Hallam); East Clune (Clowne); Holmlea (Tibshelf); The Spinney (Brimington); Goyt Valley House (New Mills); and Gernon Manor (Bakewell); and (2) that a further report would be received following the conclusion of the consultation and market engagement processes, including a full Equality Impact Analysis had been taken in accordance with the decision-making principles and, therefore, no further action be taken on the call-in.

PUBLIC

MINUTES of a meeting of **the IMPROVEMENT AND SCRUTINY COMMITTEE – PEOPLE** held on 10 January 2022.

PRESENT

Councillor T Kemp (in the Chair)

Councillors S Burfoot, C Dale, R George, A Griffiths, R Iliffe, P Rose, D Taylor and J Woolley.

Also in attendance – Councillor N Hoy, S Rice and S Stevens (virtual attendance from J Harper and D Massingham).

Apologies for absence had been received from Helen Jones and J Wharmby.

01/22 **MINUTES RESOLVED** that the minutes of the meeting of the Committee held on 23 September 2021 be confirmed as a correct record.

02/22 **PUBLIC QUESTIONS** There were no public questions.

03/22 **THE FUTURE OF DIRECT CARE HOMES FOR OLDER PEOPLE** The Council owned and ran 23 residential care homes for older people which made it one of the largest local authority providers of residential care in the country. There were 11 other residential care homes ran by local authorities across the East Midlands Region. Each service was individually registered with the Care Quality Commission and inspected by them to ensure the required standards were being met. In 2018, detailed property condition surveys were commissioned in relation to a number of these homes, focusing on general building condition and electrical systems in the older homes. These reports were commissioned in the context of concerns that the ageing buildings were no longer considered fit for purpose and a concern for the state of the buildings given their age and the ongoing need to ensure the safety and wellbeing of residents both now and in the future. The Director of Adult Social Services advised Cabinet Members that an appropriate and rapid course of action was needed to mitigate the concerns raised and thereby ensure the ongoing safety of residents.

Significant maintenance, renovation and refurbishment needs were identified which included the requirement for arrangements to be made for the homes to be rewired by September 2022 in addition to significant refurbishment works. To complete these major works Adult Care was advised that there would be significant disruption to residents including the potential requirement for people to move out of their home for up to 40 weeks whilst the work was undertaken.

As a result of the inspections and alongside implementing the urgent mitigation measures, a 12 week public consultation was undertaken early in 2020, following a report to Cabinet on 23 January 2020 regarding the proposed possible closure of the following 7 residential care homes as well as the refurbishment of several others. The consultation regarding the possible closure of the seven homes followed advice from the council's Corporate Property Department that these homes required a full electrical rewire by September 2022 to meet current safety standards. On 4 June 2020, Cabinet made a decision following the report, the decisions had been outlined within the report.

The Interim Market Position Statement for Older People's Nursing, Residential, Extra Care and Homecare Services 2021 – 2022 ("IMPS"), which was published in June 2021 highlighted that people were continuing to choose to live at home for longer and that people were entering care homes later in life and with more acute needs, which had resulted in a reduction in the demand for long-term residential care and an increased demand for nursing care and homecare. The information contained within the IMPS was relied upon to support the recommendation to conduct a consultation exercise on the proposals regarding possible closure of the homes identified.

It was proposed that the Council consulted on the three viable options from the five contained within the report. The relevant factors to be considered as part of any consultation of the viable options had also been outlined. It was proposed that formal public consultation would commence on 22 November 2021 and last for 12 weeks ending on 14 February 2022. A single consultation exercise would be carried out covering all seven homes.

There was an extended debate about the detail of some works stated to be essential and the estimated costs thereof. Following this Councillor Kemp stated that he had extensive personal experience in Adult residential and nursing care home provision: as a public sector commissioner of services; as a public sector regulator; and as a private sector provider and contractor of services. Having examined the available information on the homes in question, the latest CQC reports and the building layouts he had reached his own opinion on the issue, especially having regard to such issues as moving and handling regulations, the problems posed by hospital acquired infections (HARS) and cross-infection generally – before even considering the present-day expectations of prospective residents. He posed a specific question to Mr Stevens; 'If every single identified defect or shortfall in each building was addressed and rectified to the maximum possible degree and regardless of cost, would the buildings then be 'fit for purpose'. Mr Stevens answered that they would not, and Cllr Kemp commented that this was precisely as he would expect from his own knowledge.

Councillor Kemp then proposed a vote on the resolution detailed below, seconded by Councillor Taylor.

Before the vote was taken Councillor George put forward the following amendment to the original motion, which was duly seconded:

That the Committee should reserve a decision until it had received further documents containing key information not provided with the report before deciding to recommend the information provided within the resolution.

The amendment was voted on and rejected, following which there was a vote on the original substantive motion which was approved.

RESOLVED to advise Cabinet that as to carry out all of the necessary repairs and refurbishments would not make the seven homes fit for purpose in order to provide good and appropriate care for the residents of Derbyshire, it would seem inappropriate to undertake that work.

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Procedure for Public Questions at Improvement and Scrutiny Committee meetings

Members of the public who are on the Derbyshire County Council register of electors, or are Derbyshire County Council tax payers or non-domestic tax payers, may ask questions of the Improvement and Scrutiny Committees, or witnesses who are attending the meeting of the Committee. The maximum period of time for questions by the public at a Committee meeting shall be 30 minutes in total.

Order of Questions

Questions will be asked in the order they were received in accordance with the Notice of Questions requirements, except that the Chairman may group together similar questions.

Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by email to the Director of Legal Services no later than 12noon three working days before the Committee meeting (i.e. 12 noon on a Wednesday when the Committee meets on the following Monday). The notice must give the name and address of the questioner and the name of the person to whom the question is to be put.

Questions may be emailed to democratic.services@derbyshire.gov.uk

Number of Questions

At any one meeting no person may submit more than one question, and no more than one such question may be asked on behalf of one organisation about a single topic.

Scope of Questions

The Director of Legal Services may reject a question if it:

- Exceeds 200 words in length;
- is not about a matter for which the Committee has a responsibility, or does not affect Derbyshire;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
- requires the disclosure of confidential or exempt information.

Submitting Questions at the Meeting

Questions received by the deadline (see **Notice of Question** section above) will be shared with the respondent with the request for a written response to be provided by 5pm on the last working day before the meeting (i.e. 5pm on Friday before the meeting on Monday). A schedule of questions and responses will be produced and made available 30 minutes prior to the meeting (from Democratic Services Officers in the meeting room).

It will not be necessary for the questions and responses to be read out at the meeting, however, the Chairman will refer to the questions and responses and invite each questioner to put forward a supplementary question.

Supplementary Question

Anyone who has put a question to the meeting may also put one supplementary question without notice to the person who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds detailed in the **Scope of Questions** section above.

Written Answers

The time allocated for questions by the public at each meeting will be 30 minutes. This period may be extended at the discretion of the Chairman. Any questions not answered at the end of the time allocated for questions by the public will be answered in writing. Any question that cannot be dealt with during public question time because of the non-attendance of the person to whom it was to be put, will be dealt with by a written answer.