



**FOR PUBLICATION
DERBYSHIRE COUNTY COUNCIL**

IMPROVEMENT AND SCRUTINY COMMITTEE - PEOPLE

MONDAY, 6 DECEMBER 2021

Report of the Director - Legal and Democratic Services

Call-in: The Future of Direct Care Homes for Older People

1. Purpose

- 1.1 To consider a call-in in respect of a Cabinet decision to approve a programme of formal public consultation on the future provision of accommodation for older people in seven of the Council's residential care homes.

2. Information and Analysis

- 2.1 The Council's Constitution provides for decisions to be called-in where Members consider that the decision-making principles set out in Article 7 (Decision-Making), which are set out in Appendix 2, have been breached. The Improvement and Scrutiny Procedure Rules set out in the Constitution require a call in to be requested by at least 4 councillors, including 2 from 2 political groups.

- 2.2 At a meeting held on 18 November 2021, Cabinet considered a report of the Executive Director of Adult Social Care and Health and agreed:

(1) a programme of formal public consultation on the future of the homes listed below (one of which includes an integral day centre), including possible closure, for a period of 12 weeks, to be conducted as set out in the Cabinet report:

- Ladycross House (Sandiacre)
- Beechcroft (West Hallam)
- East Clune (Clowne)

- Holmlea (Tibshelf)
- The Spinney (Brimington)
- Goyt Valley House (New Mills)
- Gernon Manner (Bakewell)

and (2) that a further report will be received following the conclusion of the consultation and market engagement processes, including a full Equality Impact Analysis.

A copy of the report considered by Cabinet is attached as Appendix 3, together with the draft minute.

- 2.3 In accordance with the provisions of the County Council's Constitution, Councillors Ed Fordham, Ruth George, Anne Hayes, Joan Dixon, Nigel Gourlay, Paul Niblock, Sue Burfoot, Ron Mihaly, Anne Clarke, Gez Kinsella, Christine Dale, Mick Yates and Barry Bingham have asked that the decision be called-in and considered by this Committee.
- 2.4 The call in has been requested on the basis that the decision breaches 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.
- 2.5 The principal objections were stated as follows:
- This does not significantly differ from the previous consultation
 - This will cause real stress, fear and worry to an already vulnerable group of residents
 - This report does not address the information contained in previous reports on the viability of the homes
 - Consultation with councillors, where the care homes has residents and associated relatives interested in the care homes, have been non-existent or cursory
 - We are yet to see the final Market Position Statement 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 will not include the additional Infection Control funding that has kept the sector going over the last 2 years)
- 2.6 The procedure to be adopted when a decision is called in is set out in the Call in procedure set out in the Improvement and Scrutiny Procedure Rules at Appendix 5 to the Constitution. This is attached at Appendix 4.

2.7 The Committee will need to determine whether or not the decision making principles set out in Article 7.2 (e), (f) and (g) have been breached in relation to the decision of Cabinet set out in paragraph 2.2 above.

2.8 If, having considered the matter, the Committee is satisfied that the principles have been followed, the decision of Cabinet can be implemented. If, however, the Committee concludes that the decision making principles have been breached, it may:

- refer the decision back to Cabinet for reconsideration; or
- refer the matter to Full Council.

The Committee must state in writing the nature of the concerns regarding the decision.

2.9 As with all Improvement and Scrutiny Committee meetings, the call-in process should be inquisitorial not adversarial.

3. Consultation

3.1 Not applicable.

4. Alternative Options Considered

4.1 To not consider the call-in request, however this would result in the Council failing to comply with the Constitution.

5. Implications

5.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix 1 – Implications

7.2 Appendix 2 – Extract from Article 7 of the Constitution

7.3 Appendix 3 – Report to Cabinet dated 18 November 2021 together with the draft minute

7.4 Appendix 4 – Call in procedure set out in the Improvement and Scrutiny Procedure Rules

8. Recommendation

That the Committee consider the call-in of the decision made by Cabinet on 18 November 2021 and determine whether or not the decision making principles set out in Article 7.2 (e), (f) and (g) have been breached.

9. Reasons for Recommendation

9.1 To comply with the Council's Constitution.

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Implications

Financial

1.1 None directly arising from the report.

Legal

2.1 The Council's Constitution sets out the procedures for 'call in' which must be followed.

Human Resources

3.1 None directly arising from the report.

Information Technology

4.1 None directly arising from the report.

Equalities Impact

5.1 None directly arising from the report.

Corporate objectives and priorities for change

6.1 None directly arising from the report.

Other (for example, Health and Safety, Environmental, Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None directly arising from the report.