

Time commenced – 10.00am
Time finished – 10.40am

**ADULTS AND PUBLIC HEALTH BOARD
29 NOVEMBER 2012**

Present: Councillor Hillier (Chair)
Councillors Harwood, Martin, Pegg, Skelton, Turner, Webb and Whitby

In attendance: Councillors Atwal, Bayliss, Carr, Hussain, Naitta, Redfern, Troup and F Winter

46/12 Apologies for Absence

Apologies for absence were received from Councillor Jennings.

47/12 Late items introduced by the Chair

There were no late items.

48/12 Declarations of Interest

There were no declarations.

49/12 Call-in

The Board considered a matter referred by Councillors Atwal, Troup and F Winter.

The call-in related to a decision of the Council Cabinet, which was made on 7 November 2012, namely:

Minute number 103/12: Short Breaks for Adults with a Learning Disability.

Decision

1. To note the consultation responses and outcome from the Equality Impact Assessment as detailed in Appendix 2 of the report.
2. To close the existing service offered at Ashlea Hostel by 1 April 2013, subject to the satisfactory provision in paragraph 1.2 of the report being fully met.
3. To offer a continued permanent residential service post 1 April 2013 at an existing Council facility for those individuals with the most complex needs to enable detailed planning to identify suitable alternative choices for them to consider and to review these arrangements before September 2013.

4. To support the proposal that the Learning Disability Service would develop a contingency plan with each individual and their family that sets out what would happen should there be an emergency or unplanned need for support.

Councillors Atwal, Troup and F Winter, signatories to the call-in notice, addressed the Board. It was reported that the Board had been requested to scrutinise Council Cabinet's decision because the decision was not taken in accordance with the Council's decision making principles, namely:

- Proportionality
- Respect for human rights
- A presumption in favour of openness
- Clarity of aims and desired outcomes
- Where relevant issues do not appear to have been taken into consideration

The signatories stated that their main concern was not the substance of the Cabinet decision, but the wording of the decision. The signatories felt that the wording was ambiguous.

The signatories raised concerns around decision three:

- To offer a continued permanent residential service post 1 April 2013 at an existing Council facility for those individuals with the most complex needs to enable detailed planning to identify suitable alternative choices for them to consider and to review these arrangements before September 2013.

The signatories stated that the wording had caused confusion and fear for service users. It was stated that the word "permanent" had been used in the decision, but also "to review these arrangements before September 2013." The signatories questioned the aim of the review that would take place.

The signatories explained that the decision seemed to accept that a Council facility would be needed, but also supported the Shared Life Scheme. It was questioned how both could be reconciled. The signatories stated that in relation to the decision making principle of "clarity of aims and desired outcomes", the wording had caused confusion and fear of a hidden agenda. The signatories also felt that "desired outcomes" lacked detail.

The signatories were concerned that in relation to the decision making principle of "a presumption in favour of openness", there had not been openness.

The signatories said that in relation to the decision making principle of "respect for human rights", human right could be deprived if service users and carers felt forced to accept the Shared Life Scheme and could not make choices. The signatories added that the Shared Life Scheme was not suitable for everyone

and lots of carers felt let down and were worried about the future.

The signatories felt that in relation to the decision making principle of “proportionality”, service users with severe disabilities needed to be catered for as the Shared Life Scheme was not for everyone.

Councillor Hussain, Cabinet Member for Adults and Health, addressed the Board. Councillor Hussain stated that no breaches of the decision making principles had occurred and the correct procedure had been followed.

The Board sought clarification from the Cabinet Member around the use of the word permanent in relation to a residential service. Councillor Hussain wished it to be noted that the residential facilities that would be provided at Warwick House were going to be permanent. The Cabinet Member said that there was no evidence that there had been a breach in relation to “respect for human rights” and that the Council was protecting those rights. It was stated that the new permanent facility would be available for all of those with complex needs and that those needs would be met in the same way as at Ashlea Hostel.

Councillor Hussain said that in relation to openness, the decision had not been taken behind closed doors. It was stated that there had been a full consultation and the decision had been made in the public arena.

The Cabinet Member explained that those with a moderate to low learning disability had their needs met in a variety of ways, but that people with complex needs would have difficulty getting services. Therefore, services would be offered by the Council for those with complex needs.

The Strategic Director for Adults, Health and Housing addressed the Board. The Strategic Director said that in 2010 a review of short breaks had commenced. It was stated that the Shared Life Scheme was just one way of providing short breaks and that concerns had been raised regarding residential provision not being provided by the Council. It was explained that there would continue to be in-house residential provision, but options would also continue to be explored.

The Overview and Scrutiny Manager addressed the Board. The Overview and Scrutiny Manager said that the Board felt that the recording of the minutes of the Cabinet Member meeting held on 7 November were accurate, but incomplete. It was stated that the Cabinet had accepted the recommendations of the Adults and Public Health Board that had been made on 5 November, but this was not reflected in the decision.

The Board received summaries from Councillors Troup and Hussain.

The Board considered each of the five decision making principles that the signatories felt had been breached.

The Board agreed that the following principles of decision making had not been

breached:

- Proportionality
 - Respect for human rights
 - A presumption in favour of openness
 - Clarity of aims and desired outcomes
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- Where relevant issues do not appear to have been taken into consideration

The Chair wished it to be noted that the Board felt that the wording of the Council Cabinet decision could be reviewed at the next Council Cabinet meeting to provide clarity and strengthen the decision.

Resolved to agree that the decision making principles had not been breached in relation to Council Cabinet decision 103/12.

MINUTES END