

MINUTES OF THE OVERVIEW AND SCRUTINY BUSINESS PANEL

Tuesday, 12 November 2019 at 7.05 pm

PRESENT: Councillors Bill Brown, Sakina Sheikh, Peter Bernards, Juliet Campbell, Patrick Codd, Liam Curran, Jim Mallory, Joan Millbank, John Muldoon and Luke Sorba

ALSO PRESENT:

Under Standing Order:

Councillor Coral Howard, Vice-Chair of Healthier Communities Select Committee

OFFICERS:

Executive Director of Community Services, Director of Adult Joint Commissioning, the Public Health Commissioning Manager, Head of Business and Committee, and Senior Committee Officer.

That was no apology.

250. Minutes

RESOLVED that the minutes of the open meeting held on 15 October 2019 be confirmed as a correct record.

251. Declarations of Interests

None received.

252. Outstanding Scrutiny Matters

RESOLVED that the report noted.

253. Decisions made by the Joint Committee of the London Boroughs of Brent, Lewisham and Southwark

RESOLVED: That the report be noted.

254. Notification of Late and Urgent Items

RESOLVED: That the report be noted.

255. Open Item(s) - Decision by Mayor and Cabinet on 30 October 2019

The Chair of the Panel, Councillor Bill Brown, announced that he had received requests that for the Panel to consider two key decisions taken by the Mayor and Cabinet on 30 October 2019, namely:

- The re-commissioning of building-based day services for older adults; and
- The 2020/21 Revenue Budget Cuts.

The Chair invited presentations on the matters, highlighting that the decisions for consideration would be implemented on 13 November 2019, unless called-in by Members of the Panel.

1. Re-commissioning of Building-Based Day Services for Older Adults

The Director of Adult Joint Commissioning, and the Public Health Commissioning Manager gave an oral report to the Panel about re-commissioning of building-based day services for older adults.

The Panel noted feedback on consultation undertaken about proposed changes to commissioned day services, together with the decision by the Mayor and Cabinet whereby it a proposal for the future re-commissioning of older adult day services was agreed. The Chair highlighted the implication of the decision, advising that older adults' day service provision in Lewisham currently operating at Cedar Court, Cinnamon Court and the Calabash Centre would be provided as a single service offer.

In response to questions raised by Councillor Sakina Sheikh, Vice Chair of Overview and Scrutiny Committee, the Officers confirmed to the Panel that the consultation period was longer than usual following a request by Members of Healthier Communities Select Committee to extend the timetable. It was stated that the consultation exercise included notification on the Council's website, with a link to a survey questionnaire, and a hyper-link to key stakeholders' portals, with a request that they forward the posting onto their networks and contacts.

Continuing with their response to questions by Councillor Sheikh, the Officers confirmed to the Panel that letters were sent to services users directly affected by the proposals, and their families, with an invitation that they discuss concerns they might have with Council officials. It was stated that an independent advocacy service was also organised to further support the consultation exercise.

In relation to an enquiry about procured arrangements by Councillor Sheikh, the Officers advised the Panel that it was normal to review the effectiveness of service provision as the end of a contract agreement. This, as part of the review of adults' day centres, equality, environmental and budget implications were considered, including the impact on service users and their families. It was stated that during the exercise, data from contract monitoring highlighted that users' footfall across the centres were declining, hence the proposal to combine the three centres to ensure efficient use of resources, with a view secure a significant amount of savings for reinvestment into the service.

Commenting on the Officers' responses, Councillor Sheikh acknowledged the need for budget savings and reinvestment. Councillor Sheikh was however of a view that because the two community-led social groups currently operating out of the Calabash Centre comprised of African-Caribbean and Asian elders, equality should have been at the heart of the decision. In particular, the Council was supportive of environments that reflected identify, culture and diversity in the borough positively. Furthermore, migration policies supported plans for spaces to be made available for Black and Minority Ethnic Group (BMEG). Councillor Sheikh concluded that she was therefore unconvinced about the rationale to re-commission three existing services as a single service operating from the Calabash Centre at a time when Lewisham was seeking recognition as a borough of culture.

Councillor Patrick Codd, the Labour Group Representative, also expressed views, drawing attention that some respondents to the consultation questionnaire had queried the figures presented about the decline in service users' footfall at adults' day centres in Lewisham.

In response to questions by Councillor Codd, the Officers confirmed to the Panel that day services in Lewisham were promoted as an option when co-ordinating older adults' social care pathways.

In a follow-up question by Councillor Codd, the Officers informed the Panel that no academic comparison or benchmark activities with other London boroughs were undertaken prior to presenting the proposal at the Mayor and Cabinet's meeting for consideration. Notwithstanding that, the equality analysis undertaken during the review exercise provided an insight that combining the three venues as one service offer would serve Lewisham's diverse older adults' client-group whose care needs had been assessed under the Social Care Act 2014.

Councillor Peter Bernards, Chair of Housing Select Committee stated that the report upon which the decision was based contained a statement that staff at the Calabash Centre had complained that the data about users' footfall was contrary when compared to that shown in their service records. In response, the Officers advised the Panel that the data was derived from contract monitoring activities with care providers over time.

In light of further questions by Councillor Bernards, the Officers confirmed to the Panel that cultural needs of clients were addressed as part of their individual care plan. Therefore, views from users and their families during the consultation exercise, not those from the wider community, were taken on board when formulating the proposal upon which the Mayor and Cabinet's decision was based.

Following on from the latter response by Officers, Councillor Juliet Campbell, Chair of Safer Communities Select Committee stated that it had become clear why objections by the Lewisham Pensioners' Forum were not considered. Councillor Campbell expressed a disappointment by the fact, commenting that the Forum represented views of the wider community of older adults in Lewisham. Councillor Campbell commented that the information could have provided an insight of older adults' requirements across the board, in particular the use of the Calabash centre.

In response to a question by Councillor Campbell, the Officers reiterated to the Panel that the Council was not seeking to undermine or alter the wider uses of the Calabash Centre, but rather to provide a single venue based on information collated overtime. Thus the consultation, and ultimately the proposal considered by the Mayor and Cabinet, were specific to the commissioned of day service offered to older adults with eligible social care needs under the Social Care Act 2014.

In a follow-up question by Councillor Campbell, the Officers informed the Panel that a substantial number of older adults were choosing direct payments as their preferred option of support. That was evident in the view, as the level of footfall to older adults' day centres were diminishing. Hence, Cedar Court, Cinnamon Court and the Calabash Centre were earmarked for consolidation as one service offer, as the buildings were considered unsuitable for their current usage.

Councillor John Muldoon, Chair of Healthier Communities Select Committee, informed that he had received complaints from members of the community that they became aware that the Mayor and Cabinet was considering a proposal to consolidate the services two days before the decision was taken.

In light of an enquiry by Councillor Muldoon, the Head of Business and Committee advised the Panel that the usual 28 Days' period publication notice for a key decision was not required because the report upon which the Mayor and Cabinet's decision was based was publicised under the 'Urgency Rule'. It was clarified to the Panel that provision for dealing with urgent reports was prescribed by statute, and formed part of procedural rules in the Council's Constitution.

Commenting on the latter response, Councillor Muldoon pointed out that the decision in question had significant implications for older adults in Lewisham. In particular, service users and other key stakeholders had informed that they were unable to co-ordinate views and responses in time because of late publication of the report. Councillor Muldoon expressed a view that scrutiny had to be effective, therefore, care should be taken not to set a precedent by submitting late reports on proposals to the Mayor and Cabinet, particularly those with a significant impact on the community at large, or a group of people within the community.

Following a statement by the Executive Director of Community Services, Councillor Bernards clarified that he was not critical of Officers' efforts, but that his earlier enquiry was in light of inconsistencies in data provided by the Council when compared to those held by staff at the Calabash Centre. Councillor Bernard's thanked the Officers for an excellent piece of work in putting together the findings following an extensive consultation exercise. The latter statement was echoed by Councillor Joan Millbank, Labour Group Representative, who commented that the Deputy Mayor should have been present to answer questions on the decision to combine the adults' day centres.

In light of comment by Councillor Millbank, the Chair confirmed that Executive Members had a standing invitation to attend meetings of the Overview and Scrutiny Business Panel.

Councillor Millbank made an enquiry and in response, the Officers advised the Panel that the policy context of the proposal about adults' day services stemmed from provisions under the Social Care Act 2014, which emphasised on the use of personal budgets and direct payments to promote individuality. Thus, 'personalisation' had presented an opportunity for eligible users to have greater flexibility over how services should be delivered to them.

The meeting was addressed by Councillor Coral Howard, Vice-Chair of Healthier Communities Select Committee under Standing Order.

Councillor Howard expressed a disappointment at the decision taken by the Mayor and Cabinet, commenting that of the three centres offering day services to older adults in Lewisham, the Calabash represented a special provision for the BAME group. Thus, in view of the iconic significance, steps should be taken to evolve the Calabash Centre for improvement, rather than combining it as part of a single offer.

The meeting also noted a concern echoed by Councillor Howard about the late publication of the report. Councillor Howard informed the Panel that she had also received complaints from service users and their families that they felt ousted from the decision process because of insufficient notice about the proposal.

In light of a question by the Chair, Councillor Howard stated that the report upon which the Mayor and Cabinet's decision was based had no data to support views that the introduction of direct payments had led to considerable reduction in the demand of adults' day care centres in Lewisham. Councillor Howard stated she was therefore unconvinced that 'personalisation' had resulted in a decline in the use of the Calabash Centre.

The Co-ordinator of the Calabash African-Caribbean Group also addressed the meeting, echoing similar concerns about complaints by service users and their families in relation to late publication of the report prior to the decision. The Co-ordinator also highlighted differences in data held at the Calabash Centre and those outlined in the report that was considered at the Mayor and Cabinet's meeting on 30 October 2019 to refute a claim about declining use of the Calabash Centre by service users. Other issues highlighted by the Co-ordinated were related to the cultural aspects of the Calabash Centre as a day provision for BAME older adults.

In response of an enquiry, the Officers advised the Panel that transport arrangements to and from the Calabash Centre currently provided by Voluntary Services Lewisham who had modelled the routes for a combined service offer would be implemented to ease clients' movements from Cedar Court and Cinnamon Court.

Commenting on the latter response by Officers, the Co-ordinator from the Calabash Centre advised the Panel that care workers had been trained not to rush older adults when transporting them to offsite venues. Therefore, it was unlikely that mitigation of transportation arrangements would be effective because of delays to get clients to and from service site.

Councillor Luke Sorba, Chair of Children and Young People Select Committee echoed statements by the presenting Officers, commenting that the changes to adults' day services in Lewisham were based on data collated about users' need, with a view to re-invest potential savings in a combined service. It was also pointed out that the Officers had informed that a large proportion of users had indicated that they would welcome the idea of an integrated service. Councillor Sorba was also of a view that there was no evidence that the Calabash Centre was to provide services solely to older adults from the BAME community.

Councillor Liam Curran, Chair of Sustainable Development Select Committee commented that data in the report upon which the decision was based had assumptions about usage across the three centres. Thus, clarity was required about the discrepancies in data. Councillor Sheikh added that the Council ought to also consider other consultation methods based on client groups operating from the Calabash Centre.

The meeting noted comments by Councillor Jim Mallory, Chair of the Public Accounts Select that if the Council intended to sustain the Calabash Centre, it should not accept the data that the building was under-utilised. Councillor Mallory stated that clarity was required as to whether the Calabash Centre should operate only as a day centre for older adults from the BAME group in Lewisham.

On behalf of the Panel, the Chair thanked the Officers, Councillor Howard, and the Co-ordinator of the Calabash African-Caribbean Group re for their respective contributions at the meeting. The Chair also summarised the concerns expressed at the meeting as follows:

- the decline in users vs the need of users;
- discrepancies in data held by the Council and those by the service contractors;
- the nature of consultation;
- evolution of the Calabash Centre in relation to what was, and what had been proposed; and
- budget implications.

Following his summation, the Chair requested a way forward. Councillor Muldoon seconded a proposal by Councillor Curran that the decision should be referred-back to the Mayor and Cabinet, and that was agreed by the Panel. Members unanimously endorsed statement by Councillor Mallory following the motion, and the Panel

RESOLVED: That the decision taken by the Mayor and Cabinet be called-in, in order to enable the Mayor and Cabinet re-consider appraisal by officers of the consultation exercise, and reason for Recommendation 2 in view of:

A clash between the purpose of the report – namely to deal with the contract for adults’ day care service provision – the wider purpose and use of the Calabash Centre as a venue for Black and Ethnic Minority residents in Lewisham.

2. 2020/21 Revenue Budget Cuts

The Panel also received an oral briefing by the Executive Director of Community Services in relation to 2020/21 Revenue Budget Cuts as it relate to social care and health matters. It was recognised that the Public Health Budget was under pressure, but administrative savings could be achieved by combining the two Health Visiting contracts.

In relation to questions raised, the Executive Director advised the Panel that work was underway to combine existing contracts to support more joined-up approach to service delivery. It was confirmed that discussions between Lewisham and Greenwich Trust were ongoing, and a conclusion would not be reached until confirmation of the grant amount to be received. Thus, a decision about the model to be applied had not yet been made.

Commenting on the submission, the Panel expressed a view that steps should be taken not to compromise provision by appointing unqualified health professionals to deliver the services, in particular that the safety of children was paramount.

On behalf of the Panel, the Chair confirmed that the report would not be called-in. The Chair thanked the Executive Director of his presentation.

RESOLVED: That the update response be noted.

256. Overview and Scrutiny Select Committees Work Programmes - 2019-2020

The Scrutiny Manager gave an oral update report in relation to the Overview and Select Committees work for 2019-2020.

The Panel noted that work was underway to analyse comments received alongside other evidence gathered as part of the Member-consultation by the executive on scrutiny review. It was stated that a proposal would shortly be submitted for consideration on the issue.

Also noted by the Panel was information that the Select Committee Work Programmes were progressing well, and that Chairs of Committees could provide their own oral updates in relation to their respective Committee's work.

RESOLVED: That the report be noted.

257. Exclusion of the Press and Public

RESOLVED that the report be noted.

258. Decisions made by Mayor and Cabinet on 30 October 2019

RESOLVED that the report be noted.

259. Decision Delegated to Executive Directors

RESOLVED: That the reports be noted.