

Public Document Pack

Special Overview and Scrutiny Management Committee

Wednesday, 29th November,
2017 at 5.00 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Councillor Fitzhenry (Chair)
Councillor Moulton (Vice-Chair)
Councillor Fuller
Councillor Furnell
Councillor Hannides
Councillor Whitbread
Councillor Murphy
Councillor Coombs
Councillor Morrell
Councillor T Thomas

Appointed Members

Rob Sanders, Church of England
Catherine Hobbs, Roman Catholic Church
Vacancies

- Primary Parent Governor Representative;
and
- Secondary Parent Governor Representative

Contacts

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Scrutiny Manager
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PUBLIC INFORMATION

Overview and Scrutiny Management Committee

The Overview and Scrutiny Management Committee holds the Executive to account, exercises the call-in process, and sets and monitors standards for scrutiny. It formulates a programme of scrutiny inquiries and appoints Scrutiny Panels to undertake them. Members of the Executive cannot serve on this Committee.

Role of Overview and Scrutiny

Overview and Scrutiny includes the following three functions:

- Holding the Executive to account by questioning and evaluating the Executive's actions, both before and after decisions taken.
- Developing and reviewing Council policies, including the Policy Framework and Budget Strategy.
- Making reports and recommendations on any aspect of Council business and other matters that affect the City and its citizens.

Overview and Scrutiny can ask the Executive to reconsider a decision, but they do not have the power to change the decision themselves.

Use of Social Media:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life
- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Smoking Policy:- The Council operates a no-smoking policy in all civic buildings.

Mobile Telephones:- Please switch your mobile telephones to silent whilst in the meeting

Fire Procedure:-

In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

Dates of Meetings: Municipal Year 2017/18

2017	2018
15 June	11 January
13 July	15 February
10 August	15 March
14 September	12 April
12 October	
9 November	
14 December	

CONDUCT OF MEETING

TERMS OF REFERENCE

The general role and terms of reference for the Overview and Scrutiny Management Committee, together with those for all Scrutiny Panels, are set out in Part 2 (Article 6) of the Council's Constitution, and their particular roles are set out in Part 4 (Overview and Scrutiny Procedure Rules – paragraph 5) of the Constitution.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules and the Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 4.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

NOTE: Members are reminded that, where applicable, they must complete the appropriate form recording details of any such interests and hand it to the Democratic Support Officer.

3 DECLARATIONS OF SCRUTINY INTEREST

Members are invited to declare any prior participation in any decision taken by a Committee, Sub-Committee, or Panel of the Council on the agenda and being scrutinised at this meeting.

4 DECLARATION OF PARTY POLITICAL WHIP

Members are invited to declare the application of any party political whip on any matter on the agenda and being scrutinised at this meeting.

5 STATEMENT FROM THE CHAIR

6 CALL-IN OF EXECUTIVE DECISION CAB 17/18 19659 - FUTURE OF THE KENTISH ROAD RESPITE SERVICE (Pages 1 - 24)

Report of the Service Lead - Legal and Governance detailing the Call-in of Executive Decision CAB 17/18 19659 - The Future of the Kentish Road Respite Service.

Tuesday, 21 November 2017

Service Director, Legal and Governance

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Agenda Item 6

DECISION-MAKER:	OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
SUBJECT:	CALL-IN OF EXECUTIVE DECISION CAB 17/18 19659 - FUTURE OF THE KENTISH ROAD RESPITE SERVICE		
DATE OF DECISION:	29 NOVEMBER 2017		
REPORT OF:	SERVICE DIRECTOR - LEGAL AND GOVERNANCE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Mark Pirnie	Tel: 023 8083 3886
	E-mail:	Mark.pirnie@southampton.gov.uk	
Director	Name:	Richard Ivory	Tel: 023 8083 2794
	E-mail:	Richard.ivory@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>A Call-In notice has been received from the Chair of the Overview and Scrutiny Management Committee (OSMC) and Councillor Morrell in respect of the following decision made by Cabinet on 14 November 2017:</p> <ul style="list-style-type: none"> • Future of the Kentish Road Respite Service 			
RECOMMENDATIONS:			
Following consideration of the attached Cabinet report, related appendices and Decision Notice, the Committee is recommended either:-			
	(i)	To recommend that the Decision Maker re-consider the called-in decision at the next decision meeting; or	
	(ii)	To advise the Decision Maker that the Scrutiny Committee does not recommend that the decision be reconsidered and that it can therefore be implemented without delay.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	The recommendations reflect the options available to the Overview and Scrutiny Management Committee through the implementation of the agreed Call-In process.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
2.	Not applicable.		
DETAIL (Including consultation carried out)			
3.	<p>A Call-In notice signed by the Chair of the OSMC and Councillor Morrell has been received in accordance with Paragraph 12 of the Overview and Scrutiny Procedure Rules set out in Part 4 of the Council's Constitution. The Call-In notice relates to the following decision made by the Cabinet on 14 November 2017:</p> <ul style="list-style-type: none"> • Future of the Kentish Road Respite Service 		

4.	Paragraph 12 of the Overview and Scrutiny Procedure Rules provides a mechanism for members of the OSMC to challenge executive decisions that have been made but not implemented. The documents attached to this report relate to the decision that has been called in under this procedure and include: <ul style="list-style-type: none"> • The Call-In Notice: Detailing who called-in the decision and why • The Decision Notice: Detailing the decision taken and the reasons for the decision • The Decision Report: The report on which the decision was based.
5.	It is for the OSMC to discuss the subject of the Call-In with the decision maker to determine whether it wishes the decision maker to re-consider the previous decision, or to clear the proposals for implementation without further re-consideration.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
6.	The relevant details are set out in Appendix 3.
<u>Property/Other</u>	
7.	The relevant details are set out in Appendix 3.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
8.	The relevant details are set out in Appendix 3.
9.	The duty to undertake overview and scrutiny is set out in Part 1A Section 9 of the Local Government Act 2000.
<u>Other Legal Implications:</u>	
10.	The relevant details are set out in Appendix 3.
RISK MANAGEMENT IMPLICATIONS	
11.	The relevant details are set out in Appendix 3.
POLICY FRAMEWORK IMPLICATIONS	
12.	The relevant details are set out in Appendix 3.
KEY DECISION	No
WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Call In Notice
2.	Decision Notice - Future of the Kentish Road Respite service
3.	Decision Report – Future of the Kentish Road Respite service
4.	Appendix 1 to Decision Report – Future of the Kentish Road Respite service

Documents In Members' Rooms		
1.	Monitoring - Executive response to 14 September 2017 OSMC recommendations	
2.	Monitoring - Executive response to 9 November 2017 OSMC recommendations	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?		Identified in Appendix 3
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out?		Identified in Appendix 3
Other Background Documents - Equality Impact Assessment and Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None	

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NOTICE OF CALL-IN

In accordance with rule 12 of the Overview & Scrutiny procedure rules of the Council's Constitution, a request is hereby made that the Scrutiny Manager exercise the call-in of the decision identified below for consideration by Overview and Scrutiny Management Committee.

Decision Number: CAB 17/18 19659
Decision Taker: Cabinet
Date of Decision: 14 November 2017

Reason(s) for Requisition of Call-In of Decision:

<p>A failure to establish:</p> <ul style="list-style-type: none">• Credibility relating to the financial savings upon which the decision is predicated on;• That there are suitable alternative options to Kentish Road Respite Service that meet the needs of service users. This partially reflects the limited detail available on the proposals relating to 32B Kentish Road;• The case in support of the closure of Kentish Road Respite Service on the basis that it will improve choice and outcomes for adults living with a learning disability in Southampton.
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Call-In Requested by:

Name	Signature	Date
Councillor Fitzhenry		20/11/2017
Councillor Morrell		20/11/2017

All Members requesting that a Decision be Called-In must sign this Call-In Notice. A decision may be called in by:

- The Chair of Overview and Scrutiny Management Committee
- Any 2 Members of Overview and Scrutiny Management Committee
- In respect of a Decision relating to Education, any 2 Parent Governor or Church Representatives

Please submit to the Scrutiny Manager within 5 clear days of the publication of the relevant decision.

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RECORD OF EXECUTIVE DECISION

Tuesday, 14 November 2017

Decision No: (CAB 17/18 19659)

DECISION-MAKER:	CABINET
PORTFOLIO AREA:	HOUSING AND ADULT CARE
SUBJECT:	FUTURE OF THE KENTISH ROAD RESPITE SERVICE
AUTHOR:	Paul Juan

THE DECISION

- (i) To note that social care assessments of the respite needs of individuals currently using Kentish Road have been completed and have been sent to individuals and carers, along with draft care and support plans and information about the alternative respite arrangements available.
- (ii) To note the work that has been completed since September 2015 to review the provision of respite care and to develop a range of suitable alternatives to Kentish Road.
- (iii) To note that suitable alternative arrangements have been identified to meet the respite needs of individuals currently using Kentish Road.
- (iv) To approve the closure of the current respite service provided by the council at Kentish Road on 30 November 2017.
- (v) To note the proposed use of the annexe at Kentish Road (32B Kentish Road) to provide a smaller, reconfigured respite service with an independence focus, and increasing choice by replicating the service model at the Weston Court scheme on the Kentish Road site.
- (vi) To delegate authority to the Director of Quality and Integration to initiate a procurement exercise to appoint a care provider to deliver a reconfigured respite service at 32B Kentish Road, following consultation with the Cabinet Member for Housing and Adult Care and the Service Director, Adults, Housing and Communities.

REASONS FOR THE DECISION

1. To address the resolutions made by Cabinet on 16 December 2014, 20 January 2015 and 15 September 2015 in respect of the proposed closure of the Kentish Road respite service.
2. The respite service in its current form provided by the council at Kentish Road is restricting choice through the development of alternatives that can be purchased using direct payments.
3. A range of suitable alternative respite arrangements are in place and able to meet the respite needs of people currently using Kentish Road in full, including

provision for respite care required at short notice.

4. Prior to the Cabinet resolution made in January 2015 to close the current respite service at Kentish Road, it was operating at 73% capacity. This has further reduced significantly as people have been supported to transition to suitable alternatives.
5. Listening to feedback from carers groups, it is recognised that there is support for retaining a respite provision at Kentish Road. Feedback from the model to be delivered at the new Weston Court scheme has been largely positive. Although there is sufficient capacity to meet assessed need, without additional new provision beyond Weston Court, the provision of a similar scheme to Weston Court by a partner organisation at 32B Kentish Road is being investigated in order to provide additional choice to individuals who need residential respite care.
6. Continued delivery of the current respite service at Kentish Road is not financially sustainable in the longer term and would require investment for essential safety work and additional capital investment to modernise the scheme. It is also not practically feasible to keep Kentish Road open beyond 30 November 2017 due to staffing issues.
7. The reasons for the recommendations contained in the Cabinet Reports dated 16 December 2014 and 20 January 2015 remain valid.

DETAILS OF ANY ALTERNATIVE OPTIONS

1. The alternative option of keeping Kentish Road open to continue to provide services in the same way was considered and rejected for the reasons set out above. The current service does not meet the requirement to increase choice and control, promote individual approaches and does not support a strengths-based approach.
2. Consideration was given to a redesign of the current service. This option was rejected because it is not likely to support the full development of personalised care and the increased use of direct payments in the longer term.
3. Consideration was given to keeping the current scheme at Kentish Road open until the proposed provision at 32B Kentish Road was in place. This was rejected as not being possible in the short term because of staffing issues hindering the council's ability to provide a safe service and to comply with Care Quality Commission requirements.

OTHER RELEVANT MATTERS CONCERNING THE DECISION

The Overview and Scrutiny Management Committee, at its meeting on 9 November 2017, made the following recommendations:

- (i) That the Cabinet Member investigates why expressions of interest in operating the supported respite provision at Weston Court from Mencap and the Rose Road Association were not referred to the Cabinet Member prior to the determination of the operator.
- (ii) That, at the 14 November 2017 meeting, Cabinet withdraw the report and keep the Kentish Road Respite Service open.
- (iii) That, if the report was not withdrawn from the Cabinet meeting, anonymised

information was provided for the 14 November 2017 Cabinet meeting outlining the costs to the Authority relating to the individuals that had transitioned from Kentish Road Respite Service to permanent placements since the resolutions made by Cabinet on 16 December 2014.

- (iv) That, if the report was not withdrawn from the Cabinet meeting, a comprehensive and fully costed assessment, that clearly identified the assumption that the cost savings were predicated on, was provided for the 14 November Cabinet meeting.
- (v) That, if the report was not withdrawn from the Cabinet meeting, information be provided to the Cabinet meeting that explained:
 - a) How the proposed closure of the Kentish Road Respite Service would lead to better outcomes for service users;
 - b) The measurements that were being used to determine 'better outcomes';
 - c) How the removal of the Kentish Road Respite Service would improve choice for adults living with a learning disability in Southampton.

CONFLICTS OF INTEREST

None

CONFIRMED AS A TRUE RECORD

We certify that the decision this document records was made in accordance with the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 and is a true and accurate record of that decision.

Date: 14 November 2017

Decision Maker:
The Cabinet

Proper Officer:
Pat Wood

SCRUTINY

Note: This decision will come in to force at the expiry of 5 working days from the date of publication subject to any review under the Council's Scrutiny "Call-In" provisions.

Call-In Period expires on

Date of Call-in (*if applicable*) (*this suspends implementation*)

Call-in Procedure completed <i>(if applicable)</i>
Call-in heard by <i>(if applicable)</i>
Results of Call-in <i>(if applicable)</i>

Agenda Item 6

Appendix 3

DECISION-MAKER:	CABINET		
SUBJECT:	FUTURE OF THE KENTISH ROAD RESPITE SERVICE		
DATE OF DECISION:	14 NOVEMBER 2017		
REPORT OF:	CABINET MEMBER FOR HOUSING AND ADULT CARE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Paul Juan	Tel: 023 8083 2530
	E-mail:	paul.juan@southampton.gov.uk	
Director	Name:	Paul Juan	Tel: 023 8083 2530
	E-mail:	paul.juan@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
NOT APPLICABLE	
BRIEF SUMMARY	
<p>Suitable alternative arrangements have been identified for the remaining 30 individuals who currently use Kentish Road for respite care, following an assessment of their needs and the further development of a range of alternatives. It is therefore recommended that the closure of the current respite service at Kentish Road proceeds in accordance with the Cabinet's earlier decision.</p>	
RECOMMENDATIONS:	
(i)	To note that social care assessments of the respite needs of individuals currently using Kentish Road have been completed and have been sent to individuals and carers, along with draft care and support plans and information about the alternative respite arrangements available.
(ii)	To note the work that has been completed since September 2015 to review the provision of respite care and to develop a range of suitable alternatives to Kentish Road.
(iii)	To note that suitable alternative arrangements have been identified to meet the respite needs of individuals currently using Kentish Road.
(iv)	To approve the closure of the current respite service provided by the council at Kentish Road on 30 November 2017.
(v)	To note the proposed use of the annexe at Kentish Road (32B Kentish Road) to provide a smaller, reconfigured respite service with an independence focus, and increasing choice by replicating the service model at the Weston Court scheme on the Kentish Road site.
(vi)	To delegate authority to the Director of Quality and Integration to initiate a procurement exercise to appoint a care provider to deliver a reconfigured respite service at 32B Kentish Road,

	following consultation with the Cabinet Member for Housing and Adult Care and the Service Director, Adults, Housing and Communities.
REASONS FOR REPORT RECOMMENDATIONS	
1.	To address the resolutions made by Cabinet on 16 December 2014, 20 January 2015 and 15 September 2015 in respect of the proposed closure of the Kentish Road respite service.
2.	The respite service in its current form provided by the council at Kentish Road is restricting choice through the development of alternatives that can be purchased using direct payments.
3.	A range of suitable alternative respite arrangements are in place and able to meet the respite needs of people currently using Kentish Road in full, including provision for respite care required at short notice.
4.	Prior to the Cabinet resolution made in January 2015 to close the current respite service at Kentish Road, it was operating at 73% capacity. This has further reduced significantly as people have been supported to transition to suitable alternatives.
5.	Listening to feedback from carers groups, it is recognised that there is support for retaining a respite provision at Kentish Road. Feedback from the model to be delivered at the new Weston Court scheme has been largely positive. Although there is sufficient capacity to meet assessed need, without additional new provision beyond Weston Court, the provision of a similar scheme to Weston Court by a partner organisation at 32B Kentish Road is being investigated in order to provide additional choice to individuals who need residential respite care.
6.	Continued delivery of the current respite service at Kentish Road is not financially sustainable in the longer term and would require investment for essential safety work and additional capital investment to modernise the scheme. It is also not practically feasible to keep Kentish Road open beyond 30 November 2017 due to staffing issues.
7.	The reasons for the recommendations contained in the Cabinet Reports dated 16 December 2014 and 20 January 2015 remain valid.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
8.	The alternative option of keeping Kentish Road open to continue to provide services in the same way was considered and rejected for the reasons set out above. The current service does not meet the requirement to increase choice and control, promote individual approaches and does not support a strengths-based approach.
9.	Consideration was given to a redesign of the current service. This option was rejected because it is not likely to support the full development of personalised care and the increased use of direct payments in the longer term.
10.	Consideration was given to keeping the current scheme at Kentish Road open until the proposed provision at 32B Kentish Road was in place. This was rejected as not being possible in the short term because of staffing issues hindering the council's ability to provide a safe service and to comply with Care Quality Commission requirements.

DETAIL (Including consultation carried out)	
11.	Kentish Road is an eight-bed unit providing residential respite care for individuals living with a learning disability.
12.	Individuals using Kentish Road have care and support packages in place that also typically include attendance at a day service provided by the council or an external care provider, for up to five days a week. The main purpose of respite (defined as “replacement care” in guidance issued under the Care Act 2014) is to provide a break for carers, helping to maintain their wellbeing and sustain their ability to provide care for the individual. Respite can also contribute to meeting an individual’s assessed social care needs, including development of independence. At every stage, the council has recognised the importance of respite in meeting individuals’ assessed needs and for supporting carers and by law must continue to make sure that suitable and sufficient arrangements are in place to meet any unmet social care needs in full.
13.	The report considered by Cabinet on 14 December 2014 and 20 January 2015 included full details of a public consultation on the future of the Kentish Road respite service, conducted between July and October 2014. Taking into account the outcome of this consultation, Cabinet authorised a phased closure of the service resulting in its total closure by April 2015.
14.	On 15 September 2015, after taking into account the outcome of the assessments of individual needs and the availability of suitable alternatives, Cabinet resolved to postpone the implementation of its earlier decision, pending the outcome of a further review and the continued evaluation and development of suitable alternatives to Kentish Road.
15.	In October 2015, the Integrated Commissioning Unit (ICU) commenced a review of replacement care and respite arrangements in Southampton, encompassing all age groups and client groups, including the legal requirements set out in the Care Act 2014 and Children and Families Act 2014.
16.	A further public consultation to inform this review was carried out between January and April 2016. The consultation asked people for their views on the type of services they would like to be available in the future and the best ways of ensuring that the needs of carers are fully taken into account. The findings were used to inform development of the carers’ service, which has since been commissioned by the ICU. Another area of work emerging from this review of replacement care is the proposed formal consultation on the provision of short breaks for children with disabilities, which is the subject of a separate agenda item for the Cabinet meeting on 14 November 2017.
17.	Since October 2015, the ICU has also led work to ensure that appropriate alternative residential respite provision is available to meet the needs of individuals currently being supported at Kentish Road. For example, additional capacity has been secured with the Rose Road Association, enabling significant blocks of respite care to be booked in advance and to enable a response to short term and emergency demands for respite. In addition, a range of smaller providers have been identified as being appropriate to meet other individuals’ needs, including at short notice in an emergency. In July 2017, a meeting took place with the Minstead Trust to

	<p>discuss its capacity to provide respite at Minstead Lodge. This includes a ten-bed residential unit which had three vacancies which could be used for respite stays. Costs were negotiated and this provision is now available to use. Irrespective of the proposed development of 32B Kentish Road, there is sufficient alternative provision to the current service at Kentish Road to cover the 1,761 nights assessed as being required, along with some emergency cover.</p>
18.	<p>A new supported respite service has been developed by Way Ahead (a local provider of day services for people living with a learning disability), which makes use of the recently modernised four-bed adapted property in the council-owned Weston Court scheme. This will be available from November 2017 (subject to approval by the Care Quality Commission, which is anticipated to be given following a visit planned for the week of 13 November 2017) and will have capacity for around 900 nights per year. The service will offer planned respite stays which focus on independence and skills development with the individual, families and their carers. It will also be able to provide some emergency respite care. The supported respite model commissioned will also help to support individuals who are in the process of moving from their family home, to provide targeted support to help individuals achieve personal goals, to identify and test care technology options, and to support independence and skills development for individuals, whenever appropriate. Two open days have been held for people to see the new service and meet staff. The scheme is also next to a communal lounge with meeting space, served by a commercially-sized kitchen, which has the potential to be used by the service during evenings and weekends.</p>
19.	<p>Direct payments are also available to individuals to buy care to meet their respite needs. Statutory guidance issued under the Care Act 2014 supports the wider use of direct payments, which can be used to fund Personal Assistants and short breaks. The council has a target and action plan to significantly increase the number of individuals whose care is funded by a direct payment, and is in the process of making such payments easier to access and manage.</p>
20.	<p>Feedback from individuals who have transitioned to receiving respite care with a Shared Lives carer has been very positive to date. The Shared Lives scheme has capacity to offer more respite care and a publicity campaign to recruit more carers is underway. Some individuals who have chosen and taken up alternative, non-residential respite prefer it.</p>
21.	<p>Funds from the Improved Better Care Fund are being invested into the council's out of hours adult social care service, to ensure that emergency arrangements can be made out of hours for people with a learning disability, in line with the arrangements for people in other care groups.</p>
22.	<p>The Care Quality Commission (CQC) is the independent regulator of all health and social care services in England. The current CQC ratings for Kentish Road and alternative respite provision registered with the CQC is given in figure 1 below.</p>

Scheme	CQC Overall rating	Latest Report Published
Kentish Road	Requires improvement	10 January 2017
Lifeways/Future Home Care	Good	12 January 2017
Minstead Trust	Outstanding	24 December 2016
Revitalise Netley Waterside	Requires improvement	23 May 2017
Rose Road Association	Good	12 July 2016
Shared Lives	Good	2 December 2016
Thornbury House	Requires improvement	6 May 2017
Weston Court/Way Ahead	Not yet inspected	N/A

Figure 1: Care Quality Commission Overall Ratings

23.	Taking into account the alternative respite arrangements that were in place or being developed and the progress with the individualised assessments, a letter was sent to families and carers of individuals using Kentish Road on 27 April 2017 giving six months' notice that the scheme was expected to close on 31 October 2017.
24.	The proposed closure was subsequently considered by the Overview and Scrutiny Management Committee (OSMC) on 14 September 2017 and at a meeting of the full Council on 20 September 2017, following receipt of a petition opposing the closure containing 2,223 signatures. The Council approved a motion incorporating in full the recommendations made by OSMC, which included revisiting the 31 October closure date.
25.	The current situation is that of the 71 people using Kentish Road for respite in December 2014, 30 continue to do so. Assessments of these individuals' social care needs have been completed under the Care Act 2014. Written copies of these assessments were sent to individuals' representatives in September 2017, along with confirmation of the personal budget, the alternative respite that had been identified as being suitable for each individual and a draft care and support plan detailing how their needs would be met in the new setting. Carers were also sent a booklet outlining a range of respite options, which is published on the council's website and is available in Members' Rooms.
26.	Of the 30 individuals still using Kentish Road, the care and support plans and alternative arrangements have been agreed and signed by carers of seven people, there has been agreement in principle by carers of 13 people but the care and support plan have not yet been signed and returned, and no agreement has been reached for 10 people. Of these, eight people or their carers have expressed concerns about or do not agree with the alternative that has been identified but are willing to look at other options and two carers consider only the current scheme at Kentish Road to be suitable.
27.	Recognising the importance placed by some carers on the continued provision of respite at Kentish Road and the views expressed by some carers' groups and representatives, the refurbishment of the annexe at

	<p>Kentish Road (32B Kentish Road) to provide a smaller, reconfigured respite service with an independence focus and replicating the service model at the new Weston Court scheme is being considered. This would require a procurement exercise to select a care provider to run the scheme and the refurbishment of the building to make it fit for purpose. The aim of the proposed scheme would not be to meet an assessed need but in order to promote choice.</p>
28.	<p>The proposed new scheme in the annexe at 32B Kentish Road would not open before the old centre closes but, if feasible, is expected to open within a year, based on previous experience, in particular with Weston Court. It would offer additional choice to people requiring residential respite, as there would be high quality, fit for purpose respite services with an independence focus offered on the East and West of the city. The capacity freed up from the Weston Court scheme could then be used for other purposes, for example, to support hospital discharges or to meet the short stay respite needs of other care groups.</p>
29.	<p>As members will be aware, safety of clients is the prerequisite. Since 4 September 2017, it has only been possible to safely operate a service at weekends at Kentish Road because of staff shortages over and above the proposed redundancies. Weekly meetings involving senior managers from Adult Social Care and the Integrated Commissioning Unit (ICU), including from the ICU Quality and Safeguarding team, have been taking place to review the arrangements for providing safe, high quality care at Kentish Road, pending determination of its future. Following one of these meetings, it was also considered necessary to suspend the service from 3 to 6 November 2017. Carers were sent a letter confirming the opening times until the end of November on 18 October 2017.</p>
30.	<p>If the decision is made to keep the current service at Kentish Road open after 30 November 2017, it would in any case be required to close for a short period for the recruitment and training of new and locum staff, as the current staff are scheduled to leave the service. It would not be possible to proceed safely and meet all of the council's requirements and those of the Care Quality Commission beyond that date because there would be insufficient staff to maintain safe staffing levels and no Registered Manager in place. This is in spite of the council using its reasonable endeavours to recruit an interim Registered Manager, to cover the current Registered Manager who is scheduled to be absent from 3 November 2017. The staffing situation remains under regular review by senior managers in the council and Integrated Commissioning Unit and the service may have to be suspended before the end of November if it is not possible to guarantee safe levels of staffing at any time before then.</p>
31.	<p>It is not be possible for the ten people who have not agreed the alternative arrangements to continue to use Kentish Road beyond 30 November 2017. As an interim measure, respite would be provided through the alternatives already identified or in another way (for example, through the provision of live in care in the individual's home) until new staff had been recruited and trained for the current scheme at Kentish Road or until the proposed new scheme at 32B Kentish Road opened.</p>
32.	<p>For the ten people who have not agreed to the care and support plan for the alternative arrangement identified, the council is arranging for an</p>

	independent review by the Principal Social Worker for Adults at Portsmouth City Council in order to verify that these plans would meet the individuals' assessed respite needs. The outcome of this will be reported at the meeting.																														
33.	<p>The alternative arrangements for the 71 people using Kentish Road for respite at the time of the decision in January 2015 are summarised below.</p> <table border="1"> <thead> <tr> <th>Alternative identified following assessment</th> <th>Number</th> <th>%</th> </tr> </thead> <tbody> <tr> <td>Residential respite</td> <td>38</td> <td>54</td> </tr> <tr> <td>No ongoing need for respite</td> <td>9</td> <td>13</td> </tr> <tr> <td>Shared Lives (respite)</td> <td>6</td> <td>8</td> </tr> <tr> <td>Residential care (permanent placement)</td> <td>5</td> <td>7</td> </tr> <tr> <td>Supported living (permanent placement)</td> <td>4</td> <td>6</td> </tr> <tr> <td>Shared Lives (permanent placement)</td> <td>4</td> <td>6</td> </tr> <tr> <td>Direct payment</td> <td>3</td> <td>4</td> </tr> <tr> <td>Not applicable (deceased)</td> <td>2</td> <td>3</td> </tr> <tr> <td>Total</td> <td>71</td> <td>101</td> </tr> </tbody> </table> <p><i>Figure 2: Breakdown of alternatives for individuals using Kentish Road at the time of the decision in January 2015</i></p>	Alternative identified following assessment	Number	%	Residential respite	38	54	No ongoing need for respite	9	13	Shared Lives (respite)	6	8	Residential care (permanent placement)	5	7	Supported living (permanent placement)	4	6	Shared Lives (permanent placement)	4	6	Direct payment	3	4	Not applicable (deceased)	2	3	Total	71	101
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RESOURCE IMPLICATIONS

Capital/Revenue

34.	The Medium Term Financial Strategy contains a saving of £300,000 per year associated with the closure of the Kentish Road respite service and the re-provision of alternative respite care.								
35.	The original financial business case as set out in the December 2014 Cabinet paper has been updated using current estimates for the re-provision of care and support, based on the completed assessments. The proposed closure of Kentish Road is now forecast to yield an annual saving of £104,000 in year 1. This is based on 43 people out of the original 71 being assessed as having ongoing respite needs that will be funded by the council. The four individuals whose care packages are funded entirely through continuing healthcare (CHC) have been excluded from this calculation.								
36.	<p>The 43 people funded by the council require a total of 1,761 nights (average 41 nights, range 20 to 84 nights). Full details of the cost of re-provision are shown in Appendix 1, based on known costs. There has been a further estimate of additional cost reductions that could reasonably be achieved following further reviews after 12 months (as people are supported to become more independent) and 24 months (as additional people transition to shared lives). These are outlined in figure 3 below and exclude any costs associated with the proposed scheme at 32B Kentish Road. The savings are expected to increase over time, as the independence model and strengths-based approaches enabled by the new service at Weston Court, Shared Lives and the greater use of direct payments are expected to further reduce the need for residential respite.</p> <table border="1"> <thead> <tr> <th></th> <th>Year 1</th> <th>Year 2</th> <th>Year 3</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		Year 1	Year 2	Year 3				
	Year 1	Year 2	Year 3						

	Current budget for Kentish Road (£)	453,000	453,000	453,000
	Cost of re-provision (£)	349,000	317,000	268,000
	Forecast saving (full year) (£)	104,000	136,000	185,000

Figure 3: Cost of re-provision of respite care

37.	The cost of the nine individuals who have transitioned to permanent placements has been disregarded (one of these individuals is now deceased). It was inevitable that some people using Kentish Road would need to move to permanent care placements as their needs increased, their carers became unable to provide the support needed at home, or people became independent and moved into their own homes. These permanent placements are funded by a different budget for which separate provision is made.
38.	In addition to the revenue budget, there have been capital savings. £148,000 earmarked for investment in Kentish Road has been returned to central resources. The buildings and facilities at Kentish Road would require additional capital investment in the next three years to comply with standards set by the Care Quality Commission.
39.	These figures do not include the proposed provision of respite care at the Kentish Road annexe (32B). The cost of refurbishing 32B Kentish Road is estimated to be £30,000 and a suitable procurement route for a care and support provider will be identified.

Property/Other

40.	If the decision to close is made, the council's Capital Assets Team will carry out a full appraisal of the buildings and site to inform options for their future use or disposal. Equally no decision has been made on the site's future use, but the intention is to use the site for the purpose of supporting vulnerable adults.
41.	The council has not been approached by any organisation wishing to explore the potential for taking over and continuing to provide the current service at Kentish Road.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

42.	Cabinet made the decision to close Kentish Road on 16 December 2014 and 20 January 2015 after taking into account the feedback that had been provided in formal consultation. On 15 September 2015 Cabinet agreed to postpone the implementation of its decision to close the respite service provided at Kentish Road pending the outcome of a further review and evaluation of the development of suitable alternatives confirmation on individuals being supported to move to alternative provision
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Other Legal Implications:

43.	The Equality Act 2010 imposed various duties on Local Authorities and in
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	particular all Local Authorities must have due regard to its Public Sector Equality Duty when carrying out any function. In particular the duty to eliminate discrimination, harassment and victimisation and advance equality of opportunity and fostering good relations. Local Authorities also have a duty under the Human Rights Act 1998, when carrying out any function, not to act incompatibly with rights under the European Convention for the Protection of Fundamental Rights and Freedoms, including Article 8 right to respect for private and family life and Article 14 prohibition of discrimination
44.	Local Authorities when carrying out any function must adhere to the United Nations Convention of the Rights of Person With Disabilities and in particular respect for dignity, autonomy, freedom to make own choices, equality and elimination of discrimination.
45.	The Care Act 2014 imposes various statutory duties on Local Authorities when exercising Adult Social Care functions. This includes the duty to promote the individual's well-being and protect them from abuse and neglect, including self-neglect; the duty to prevent or delay needs for care and support; the duty to provide advice and information on care and support available. The Act also places various duties and responsibilities on Local Authorities to commission appropriate, efficient and effective services and encourage a wide range of service provision to ensure that people have a choice of appropriate services and an emphasis on enabling people to stay independent for as long as possible. The recommended option of moving to a more integrated and personalised service approach with a broader range of activities would support greater compliance with the Care Act 2014.

RISK MANAGEMENT IMPLICATIONS

46.	The decision to reduce hours of operation because of staff shortages was taken to ensure safe operation of the scheme pending determination of its future. This will be kept under review. The Care Quality Commission is the regulatory body for residential placements and the Shared Lives scheme. The Integrated Commissioning Unit has a Quality and Safeguarding Team which also monitors the quality of externally commissioned and internal care and support services.
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POLICY FRAMEWORK IMPLICATIONS

47.	This supports the council's key outcome of supporting people in Southampton to live safe, healthy, independent lives.
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KEY DECISION?	Yes/No
WARDS/COMMUNITIES AFFECTED:	ALL
<u>SUPPORTING DOCUMENTATION</u>	

Appendices	
1.	Cost of re-provision for alternative respite arrangements
Documents In Members' Rooms	
1.	Alternative respite options booklet
2.	Equality and Safety Impact Assessment
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes/No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	Yes/No
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
<p>1. Cabinet Minutes</p> <p>a. 15 July 2014 http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=743</p> <p>b. 16 December 2014 http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=778</p> <p>c. 20 January 2015 http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=786</p> <p>d. 15 September 2015 http://www.southampton.gov.uk/modernGov/ieDecisionDetails.aspx?ID=829</p>	Not applicable
<p>2. Reports to Cabinet</p> <p>a. 15 July 2014 http://www.southampton.gov.uk/modernGov/documents/s21947/Adult%20Social%20Care%20Provider%20Services%20-%20RPT.pdf</p> <p>b. 16 December 2014 http://www.southampton.gov.uk/modernGov/mgAi.aspx?ID=12386#mgDocuments (item 49 refers, 11 documents)</p> <p>c. 20 January 2015 http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=126&MId=2845&Ver=4 (items 51 and 52 refer)</p> <p>d. 15 September 2015 http://www.southampton.gov.uk/modernGov</p>	Not applicable

	ov/ieListDocuments.aspx?CId=126&MId=3053&Ver=4 (item 14 refers)	
3.	<p>Reports to Overview and Scrutiny Management Committee</p> <p>a. 4 December 2014 http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=123&MId=3040&Ver=4 (item 32 refers)</p> <p>b. 14 September 2017 http://www.southampton.gov.uk/modernGov/documents/s33551/Proposed%20Closure%20of%20Kentish%20Road%20Respite%20Service.pdf</p>	Not applicable
4.	<p>Paper to Full Council</p> <p>a. 20 September 2017 http://www.southampton.gov.uk/modernGov/documents/s33567/4i%20Closure%20of%20Kentish%20Road%20Respite%20Cente.pdf</p>	Not applicable

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Agenda Item 6

Appendix 1: cost of reprovision of alternative replacement care (respite) following completed assessments Appendix 4

Individual	Assessed need for replacement care (nights)	Personal budget to meet replacement care needs (£)	Care and Support Plan
A	20	3,800	Residential
B	21	10,500	Residential with additional 1-1 support
C	22	3,300	Direct payment
D	23	4,370	Residential
E	23	5,750	Residential
F	25	4,750	Residential
G	26	7,211	Residential
H	26	4,940	Residential
I	28	5,320	Residential
J	28	10,426	Residential with additional 1-1 support
K	29	1,641	Shared lives
L	31	5,890	Residential
M	31	1,754	Shared lives
N	32	6,080	Residential
O	33	6,270	Residential
P	33	6,270	Residential
Q	33	9,152	Residential
R	34	5,100	Direct payment
S	35	6,650	Residential
T	37	4,942	Residential
U	37	7,030	Residential
V	37	10,621	Residential
W	38	7,220	Residential
X	43	2,433	Shared lives
Y	44	8,360	Residential
Z	44	2,490	Shared lives
AA	46	8,740	Residential
AB	46	2,603	Shared lives
AC	48	13,312	Residential
AD	49	9,310	Residential
AE	49	2,772	Shared lives
AF	52	9,880	Residential
AG	52	9,880	Residential
AH	54	10,250	Residential
AI	54	10,250	Residential
AJ	54	10,250	Residential
AK	55	10,450	Residential
AL	56	10,640	Residential
AM	56	28,000	Residential
AN	57	10,830	Residential
AO	65	16,250	Residential with additional 1-1 support
AP	71	17,750	Residential
AQ	84	15,960	Residential
TOTAL	1,761	349,396	

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