

CITY OF PLYMOUTH



Scrutiny Report

Granby Way Residential Care Home for Older People, Plymouth

Health and Social Well-being Scrutiny Committee

March 2003

'Overview and scrutiny is potentially the most exciting and powerful element of the entire local Government modernisation process. It places members at the heart of policy-making and at the heart of the way in which Councils respond to the demands of modernisation. In addition, overview and scrutiny is the mechanism by which Councils can achieve active community leadership, good governance and by which Councillors can become powerful and influential politicians.'

Office of the Deputy Prime Minister: 'The Development of Overview and Scrutiny in Local Government', September 2002

Report: Health and Social Well-being Scrutiny Committee

Subject: Granby Way Residential Care Home

Committee: Overview and Scrutiny Commission
Council

Date: 20th March, 2003
31st March, 2003

Ref: 5/HSWB/SC/CS

Part: I

Executive Summary:

The purpose of this report is to inform the City Council of the outcome of the Committee's meeting on 10th March, 2003, which reviewed and scrutinised the outstanding matters arising from the report of the Extraordinary Complaints Panel on the closure of Granby Way Residential Care Home for Older People (as resolved by full Council on 25th November, 2002).

Corporate Strategy:

The establishment of Scrutiny Committees forms part of the corporate strategy for implementation of that part of the modernisation agenda relative to new democratic arrangements.

Financial Implications: The current budget, 2002/03 is: £368,534
Projected out-turn: £337,117

The cost, therefore, for each of the five residents is: £1,293.28 per week
[direct unit costs, not including overheads, based on the projected out-turn figure]

Other Implications: None.

Resolutions and Recommendations:

It is recommended that, the Council agree to adopt recommendation 3 of the Report and Findings of the Extraordinary Complaints Panel report on the closure of Granby Way Residential Care Home for Older People, Plymouth, namely –

‘that in future cases of possible closure the draft guidelines set out in Appendix Nine (to the above report) should be followed.’

Background papers:

- (1) Report and Findings of the Extraordinary Complaints Panel, 4th November 2002, plus Appendices 1-9
 - (2) Report and Minutes of Special Social Services Committee 20th November 2002
 - (3) Minute 85 of Full Council held 25th November 2002
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DECISION	RECORD OF DECLARATION OF INTEREST
REASONS FOR DECISION	RECORD OF ANY DISPENSATIONS
ALTERNATIVE OPTIONS CONSIDERED	
REASONS FOR REJECTION OF ALTERNATIVE OPTIONS	RECORD OF PAPERS CONSIDERED

REPORT OF THE HEALTH AND SOCIAL WELL-BEING SCRUTINY COMMITTEE

GRANBY WAY RESIDENTIAL CARE HOME

1.0 Background

- 1.1 On 21st July 2000, the Social Services Committee considered a report from its Officers in which one of the options put forward was to close up to two of the City Council's six residential homes for older people.
- 1.2 On 5th February 2001, the City Council made the decision to relocate services away from Torybrook and Granby Way Residential Homes. Tory Brook was closed. However, on 4th May 2001, proceedings commenced in the High Court seeking Judicial Review of the City Council's decision to close Granby Way.
- 1.3 On 14th September 2001, the matter came before Mr Justice Scott-Baker. He concluded that the City Council had not acted unlawfully in any way.
- 1.4 The residents at Granby Way took the matter further and it came before a Court presided over by the Lord Chief Justice of England on 19th November 2001. The Lord Chief was critical of the litigation and indicated clearly that an alternative dispute resolution [ADR] was a course to be preferred. The Council proceeded to set up an Extraordinary Complaints Panel in response to this direction by the Lord Chief Justice.
- 1.5 The President of the Law Society nominated His Honour Sir Jonathan Clarke to be Chairman of the Panel which would "investigate the claims of the residents that some or all of them have been promised a home for life by the Council or by its predecessor, Devon County Council – to investigate the risk/care assessment issues – and claims relating to the effect of the move on residents."
- 1.6 In November 2002, the Extraordinary Complaints Panel made the following recommendations to the City Council –
 1. That the Council looks again at the recommendation to close Granby Way Residential Home and that when they do so they consider specifically:
 - a) the Panel's report, particularly its findings and recommendations;
 - b) the evidence of Dr Jeffreys as to the likely effect of a move on each of the named residents.
 2. That in its reconsideration, the Council:
 - a) weighs specifically the effect of a move on these individual residents against any perceived need for financial constraint;

- b) acknowledge the fact, as the Panel found it, that notwithstanding that legally enforceable promises of a home for life were not made by any official of the Council, there was a general expectation, fostered widely by some officials, that residents were unlikely to be moved from their homes save for medical reasons;
 - c) accept that in the particular circumstances of these residents none of them should be moved to another residential home at any point in their lives without their freely given consent to an alternative placement acceptable to them.
3. That in future cases of possible closure the draft guidelines set out in Appendix Nine should be followed.

1.7 The report was presented to the City Council on 25th November 2002 and the following minute [number 85] was recorded

SPECIAL COMMITTEE TO CONSIDER REPRESENTATIONS IN RESPECT OF GRANBY WAY RESIDENTIAL HOME

Minute 2 – Granby Way Residential Home – Report of the Extraordinary Complaint Review Panel

An amendment was moved and seconded that minute 2 be amended as follows-

Delete existing recommendation (5) and insert a new recommendation as follows –

‘the outstanding matters arising from the report of the Independent Panel be referred to the appropriate Scrutiny Panel.’

and re-number accordingly.

During the course of the debate, the Chairman indicated that, with the permission of the Council, he was prepared to accept the amendment, and it was –

Resolved accordingly.

1.8 The Health and Social Well-being Scrutiny Committee met on 10th March 2003, to consider the outstanding matters arising from the report of the Extraordinary Complaints Panel (as resolved by full Council on 25th November, 2002), with a view to reporting back any recommendations to the City Council.

2.0 Panel Structure

Councillors (Committee Members)

Councillor Savery (Chairman).

Councillor Mrs. Angel (Vice-Chairman).

Councillors Mrs. Aspinall, Mrs. Banks, Bell, Brimacombe, Mrs. Ellis, Evans (substitute for Pattison), James and Miller.

Officers In Attendance

Lesley Reid

Director of Social and Housing Services

Committee Administrator – Craig Saunders, Legal and Democratic Services Department.

3.0 Terms of Reference

- 3.1 After consideration of minute 85 of the City Council (of 25th November 2002) of the outstanding matters arising from the report of the Extraordinary Complaints Panel, the Health and Social Well-being Scrutiny Committee concluded that the Council needed to agree and implement appropriate guidelines regarding the possible future closure of residential care homes for older people.

4.0 Hearings

- 4.1 The Committee met on Monday 10th March 2003, to hear from witnesses and formulate a report of recommendations to the City Council.

5.0 Member Questions/Comments and Council Officer Responses

- 5.1 The Health and Social Well-being Scrutiny Committee met on 10th March 2003, to review and scrutinise the outstanding matters arising from the report of the Extraordinary Complaints Panel into the closure of Granby Way Residential Care Home for Older People.
- 5.2 The Director for Social and Housing Services Adult Social Services submitted the written material detailed in Section 6.0 relating to the Granby Way Residential Home for Older People. The Committee noted that –
- (i) the Council needed to ensure that it agreed and implemented appropriate guidelines regarding the future closure of residential care homes for older people, and that those guidelines should incorporate the ‘Findings of Fact’

stated in Section 10 (pages 22-23) of the Report and Findings of the Extraordinary Complaints Panel;

- (ii) many of the processes undertaken by Officers in considering the closure of Granby Way aligned with the guidelines contained in Appendix 9 of the report of the Extraordinary Complaints Panel;
- (iii) the Council needed to ensure that it treated elderly people with compassion, and that the emotional and psychological health of old people was of primary concern in the making of decisions that affected them;
- (iv) all assessments carried out regarding the closure of Granby Way had been done in accordance with best practice guidelines issued by the Department of Health;
- (v) it was very difficult to make changes to improve services without causing distress to people, but the adoption of best practice procedures and processes assisted in minimising any identified risks;
- (vi) Officers had considered the issue of risk following the reading of research promoted by the Department of Health and –
 - Individual risk assessments had been undertaken at the time of the care management assessments and were used to manage potential moves;
 - Individual risk assessments had not been used in the decision-making process on whether or not to close Granby Way;
- (vii) Councillors needed to be satisfied that legislation, including any Human Rights Act implications, was considered before any future decisions were made;
- (viii) Councillors needed to be made aware of all relevant information, including risks, prior to future decisions being made in order to satisfy themselves that the rights of individuals were being upheld;
- (ix) if the Council considered all individual risks before making decisions then a state of affairs could arise whereby decisions were never made, however, early identification of risks meant that they could then be managed.

6.0 Written Material

6.1 The Panel considered the following documents –

- (1) Report and Findings of the Extraordinary Complaints Panel, 4th November 2002, plus Appendices 1-9;
- (2) Report and Minutes of Special Social Services Committee 20th November 2002;

(3) Minute 85 of Full Council held 25th November 2002.

7.0 Resolutions and Recommendations

7.1 It is recommended that, the Council agree to adopt recommendation 3 of the Report and Findings of the Extraordinary Complaints Panel report on the closure of Granby Way Residential Care Home for Older People, Plymouth, namely –

‘that in future cases of possible closure the draft guidelines set out in Appendix Nine (to the above report) should be followed.’

8.0 Minority Group View

8.1 The representatives of the Minority Group present indicated that they reserved the right to issue a minority report, which has been included as Appendix A to this Scrutiny Report.

9.0 Chairman’s Summary

9.1 The Chairman, on behalf of the Committee, would like to –

- (a) confirm that the scrutiny of the Granby Way Residential Care Home has been considered with conscientious and serious application;
- (b) thank Officers and Members concerned for their contributions to this Scrutiny Committee.

MINORITY REPORT

Minority Report: Health and Social Well-being Scrutiny Committee

Subject: Granby Way Residential Care Home

Committee: Overview and Scrutiny Commission
Council

Date: 20th March, 2003
31st March, 2003

Part: I

Minority Report Recommendations:

That the following recommendation should be likewise adopted by Council:-

‘Council is recommended to adopt the full recommendations contained with the Report and Findings of the Extraordinary Complaints Panel Report on the closure of Granby Way Residential Care Home, Plymouth. In particular, Recommendation 3 of that report, “that in future cases of possible closure the draft guidelines set out in Appendix Nine (to the above report)” should be adopted in their entirety as the Council’s policy in this area and be incorporated into the Department of Social Services Procedure Manuals.’

Minority Report

The scrutiny of the report of the Independent Panel into the closure of Granby Way Residential Home was unsatisfactory. The Chairman of the Committee did not allow crucial details contained within the body of the report to be visited by the Committee. Council had referred the report to scrutiny in order that matters embodied in the report could be properly scrutinised and addressed (as intended by the moving of the Amendment at council on 25th November, 2002).

The scrutiny process should therefore have given Members the opportunity to raise questions, related and pertinent to those matters, of the Portfolio Holder. In the event the style and conduct of the Chairman stopped Members being able to scrutinise matters and left questions to the Portfolio Holder unasked and unanswered.

It is the view of this Minority Members’ Report that the views and questions of the wider Council body have been obstructed. It is also the minority view that very serious questions raised in the report concerning the political process and the actions of certain Members of the ruling group, including Portfolio Holders and Council Leaders remain unanswered.

Processes adopted as part of the overall approach, which led to the proposed closure of Granby Way, are also critically assessed in that report. Once again however, scrutiny of them was wholly insufficient and stifled. In such circumstances, it is difficult to know whether or not the recommendations in the report, laudable though they may be, are sufficient for the purposes of Council's consideration, nor whether they go far enough. Whilst we wish to accept the detail of the recommendation in Appendix 9 of the report, we believe they should be more strongly stated than suggested by Section 7 of the Scrutiny Committee's report.

In summary, we believe that the concerns of the wider Council body have not been best served by the scrutiny process. We believe that the Chairman's approach was designed to stifle the scrutiny process and not allow proper questioning. In four specific areas, scrutiny was denied Members –

1. Issued relating to the Council's consideration of the mental and physical care of the residents;
2. Issues relating to the assessment process;
3. Issues questioning the consultation process; and
4. Issues relating to the risk to life.

In conclusion, we do not agree that the scrutiny process, as defined by the Constitution, was properly applied in this case. Notwithstanding this, we agree that the procedures in Appendix 9 should be adopted and that the following recommendation should be likewise adopted by Council:-

'Council is recommended to adopt the full recommendations contained with the Report and Findings of the Extraordinary Complaints Panel Report on the closure of Granby Way Residential Care Home, Plymouth. In particular, Recommendation 3 of that report, "that in future cases of possible closure the draft guidelines set out in Appendix Nine (to the above report)" should be adopted in their entirety as the Council's policy in this area and be incorporated into the Department of Social Services Procedure Manuals.'

Members of the City Council are encouraged to support the content of this Minority Report and its recommendations through the processes laid down by the Constitution and as advised by the City Solicitor.