

# **Minutes of the Health Scrutiny Board**

**23 September 2010**

**-: Present :-**

Councillor Kerslake (Chair)

Councillors Carter (C), Excell, Faulkner (A), Morey, Scouler, and Thomas (J)

(Also in attendance: Councillor Bent)

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## **277. Apologies.**

An apology for absence was received from Councillor Manning.

## **278. The Future of Older People's Day Services**

The Board considered Report 243/2010 which detailed proposals for day services for older people and sought a decision from the Health Scrutiny Board as to whether the proposals constituted a substantial variation to the provision of services or a substantial development to services. The Chief Executive Officer, the Chief Operating Officer, and the Medical Director from Torbay Care Trust attended the meeting.

The Chief Executive Officer, Torbay Care Trust, thanked the Board for holding the special meeting. In response to questions, the Chief Executive Officer, Torbay Care Trust, apologised that details of the proposals had not been shared sooner with Board members and acknowledged engagement with the Board over the issues could have been handled better.

The proposed changes to service, as detailed in Report 243/2010, were outlined to the Board. The Board was advised that current day care services provided at St Edmunds and at Fernham were valued and respected but were not flexible and did not provide value for money.

In response to questions, the Board members were informed that the decision to end the service provided at St Edmunds Day Centre, Torquay, sooner than the service provided at Fernham Day Centre, Paignton, was due in part to the greater number of alternative providers in Torquay compared with Paignton. Members were advised that a further consideration in the Trust's approach was that clients using Fernham Day Centre were frailer than those using St Edmunds Day Centre.

In reply to questioning, the Board was informed that the clients at Fernham Day Centre would not be split into two groups for the move of service to Tweenaway Court for two days a week and St Michaels Court for three days a week. The Board was advised that a re-assessment of each of the 60 clients at St Edmunds Day Centre would happen over the next two months, including whether they wished to remain together when transferred to alternative providers. Members were informed that frontline staff would re-assess clients' needs. Members were advised that if a group of six clients wanted to

continue to enjoy the friendships they had developed and remain together in the independent sector then this would be arranged.

Members questioned the differing daily costs of Tweenaway Court and St Michaels Court, £10 and £25 respectively, and whether this reflected differing services to clients or a better venue. In reply, the Board was informed that both sites would offer the same services. Board members indicated the merit of visiting both Tweenaway Court and St Michaels Court and the Chief Operating Officer, Torbay Care Trust, advised that such visits would be arranged.

Members questioned the additional travel or changes to travel arrangements for clients as a result of the proposals. In response, the members were advised that transport costs would continue to be borne by Torbay Care Trust rather than clients.

Members questioned the availability of day care places in the independent sector to both replace those currently provided by the Care Trust and to meet future demand. In reply, members were advised that there was capacity in the independent sector within Torquay and more placements could be commissioned in future if needed.

Members questioned the immediate closure of St Edmunds Day Centre. The Board was informed that admissions to the day service would stop with immediate effect and a reduced service would be available until either all the clients had been placed in independent sector day care settings or clients' circumstances had changed and the service was no longer required.

Members asked how the Care Trust could provide assurances concerning the standard of day care service provided in the independent sector. In response, the Board was advised that a list of preferred providers would be established to ensure improved monitoring and reassurance of high quality services.

Members questioned what happened at the end of the transitional period of twelve months for clients at Fernham Day Centre. In response, the Board was informed that work would continue until all the clients had been placed in independent sector day care settings or clients' circumstances had changed and the service was no longer required.

Members questioned whether staff might be transferred into the independent sector, to enable staff to remain working with clients that they had come to know. The Chief Operating Officer, Torbay Care Trust, informed the Board that she envisaged a period of transition with staff accompanying clients to independent day care placements. The Chief Executive Officer, Torbay Care Trust, indicated that the process would not be pressured for financial reasons.

With reference to the three month consultation exercise that the Care Trust had undertaken between January and April 2010, members asked how consultation results influenced the final proposals. The Chief Executive Officer, Torbay Care Trust, indicated that responses supported the development of community hubs and diversification of the market. In addition, the Board was advised that the different approaches to the cessation of services at St Edmunds Day Centre and at Fernham Day Centre was influenced by consultation responses.

The Chief Executive Officer, Torbay Care Trust, stated that relevant comparators showed in-house day care services for older people in Torbay were between one third and one quarter more expensive than the independent day care sector.

The Board questioned the savings of moving out of the market of day service provision. In response, the Board was advised that successful redeployment of staff was key to achieving potential savings and the Care Trust had always managed to avoid redundancies when undertaking service changes.

With reference to the establishment of a preferred provider list for the independent sector, members questioned how the introduction of a new service specification for day services would reduce the length of stay within day services. The Chief Operating Officer, Torbay Care Trust, suggested that the length of time people could access day services would be reduced. The Board was advised the amount of day service received by existing users at St Edmunds and Fernham Day Centres would not be reduced.

Members questioned the overprovision and the sustainability of day services in the Bay. The Board was informed that the independent sector day services market in Torbay was flexible and stable.

In response to members' questions, the Board was advised that if all the clients at Fernham Day Centre wished to stay together as a group then TUPE (Transfer of Undertakings (Protection of Employment) Regulations) would apply to staff.

With reference to the proposed Active Living Centres (community hubs) and the three month consultation exercise that the Care Trust had undertaken between January and April 2010, members asked for an indication of how many hubs there would be and what constituted walking distance in Torbay for older people. In response, the Chief Executive Officer, Torbay Care Trust, indicated that the hubs would not necessarily be within walking distance and initially there would be three.

A member of the public, formerly a representative of Torbay LINK, indicated that the three month consultation exercise undertaken by the Care Trust between January and April 2010 had weaknesses and that written suggestions from Torbay LINK to improve the consultation had been overlooked until the consultation period had commenced and changes were not possible. In addition, the member of the public raised concern that staff training may not be widespread in the independent sector. In reply, the meeting was informed that information about the amount of training undertaken by the independent sector could be provided.

Members suggested that training could be made mandatory for independent sector providers. The Board was advised that insisting on training for providers was difficult. Members were informed that the Care Trust had a range of mechanisms to improve quality, including adjusting the fee structure to reward better providers.

Members suggested the value of councillor involvement in evaluating independent day service providers and the Chief Operating Officer, Torbay Care Trust, indicated Board members could be included in viewing independent sector providers.

**Resolved:** (i) that Torbay NHS Care Trust be advised that the Health Scrutiny Board consider the proposals for the future of older people's day services do not

constitute a substantial variation to the provision of services or a substantial development to services; and

(ii) that visits to both Tweenaway Court and St Michaels Court be arranged for Health Scrutiny Board members as soon as possible.

*(Note: Prior to consideration of the item in Minute 278, Councillor Bent declared a personal interest in the matter as a relative was employed by Torbay NHS Care Trust.)*

## **279. Strategic Commissioning Framework: St Edmunds Intermediate Care Service**

The Board considered Report 244/2010 on proposals for the intermediate care service at St Edmunds Community Care Support Centre, Torquay. The Report identified four options for the future of St Edmunds intermediate care service and its associated resources. The Board was advised that the recommended option was the permanent closure of St Edmunds intermediate care service and re-investment in community intermediate care provision.

The Board was advised that a temporary closure of St Edmunds intermediate care service had commenced in July 2010 while a review of the service was undertaken. The Board was informed that the approximate annual pay costs of the 49 members of staff within St Edmunds intermediate care service was £1.16m. Members were advised that the majority if not all staff would be redeployed to the community intermediate care service and elsewhere. Members were informed that £200,000 had been estimated for possible staff redundancies.

In response to members' questions, the Board was advised that there had not been any significant difficulties or incidents experienced since the temporary cessation of the service in July.

Members questioned whether clients from Torquay, following the proposed change in service, might have to be admitted to an intermediate care service at St Kilda Residential Care Home, Brixham. In response the Board was advised that such arrangements had occurred in the past.

Members questioned the degree of user involvement in developing the proposals and whether the duty to involve users, under Section 242 of the NHS Act 2006, had been met. In response the Board was advised that the general principles behind change and development in older people's services had been established by the Care Trust in 2006 concerning the decision at Dunboyne Care Home. The Board was informed that service user feedback was gathered by the Care Trust in many different ways. Members were advised that feedback showed that people appreciated if services could be provided in their own homes. The Board was informed that relevant communication had taken place with relevant operational staff. The Chief Executive Officer, Torbay Care Trust, indicated that the impact of the proposals on the health and social care system, including hospital discharge, had been taken into account.

Members questioned the reason for declining usage of the intermediate care service at St Edmunds. In response, the Chief Executive Officer, Torbay Care Trust, indicated that there were organisational issues and also difficulties with the Care Quality Commission regulatory framework that affected service flexibility.

With reference to the community resource and bed audit undertaken in May 2010, members questioned whether previous audits had occurred. In response, the Board was informed that bed audits had occurred in 2004 and 2007.

The Cabinet Member for Health and Wellbeing and Housing informed the Board that the proposed change would produce savings in the first year in the region of £544,000 to £744,000, and in the second year recurrent savings of £744,000.

**Resolved:** that Torbay NHS Care Trust be advised that the Health Scrutiny Board consider the proposals to close St Edmunds Intermediate Care Service permanently and re-invest in community intermediate care provision, as detailed and recommended within Report 244/2010, do not constitute a substantial variation to the provision of services or a substantial development to services.

**(Note:** *Prior to consideration of the item in Minute 279, Councillor Bent declared a personal interest in the matter as a relative was employed by Torbay NHS Care Trust.*)

Chairman