

Minutes of the Health Scrutiny Board

10 March 2011

-: Present :-

Councillors Carter (C) (Vice-chair), Excell, Faulkner (A), McPhail, Oliver, Richards, and Thomas (J)

(Also in attendance: Councillor Amil)

Please note these are draft minutes and subject to the approval of a future meeting of the Health Scrutiny Board

577. Election of Chairman

Councillor Richards was elected Chairman of the Health Scrutiny Board for the remainder of the 2010/2011 Municipal Year.

Councillor Richards in the Chair

578. Apologies

Apologies for absence were received from Councillors Morey and Bent.

579. Committee Membership

It was reported that, in accordance with the wishes of the Conservative Group, the membership of the Board had been amended for this meeting by including Councillor Oliver instead of Councillor Manning.

580. Minutes

The Minutes of the meeting of the Health Scrutiny Board held on 2 December 2010 were confirmed as a correct record and signed by the Chair.

581. Ocombe House re-provision

The Board considered Reports 49/2011 and 284/2010 which provided information on proposals for the re-provision of Ocombe House services. Report 49/2011 requested a decision from the Health Scrutiny Board as to whether the proposals constituted a substantial development to services in the area or a substantial variation to the provision of such service. The Chief Executive Officer, Torbay Care Trust, introduced Report 49/2011.

Members referred to and sought clarification concerning the Mayor's decision of 11 February 2011 made following consideration of the Ocombe House re-provision by Council on 2 February 2011. In response, the Board was advised by the Chief Executive Officer, Torbay Care Trust, that the Ocombe House site would be an option considered for supported living facilities once individual person centred plans were finalised.

A representative of the families of the residents of Ocombe House addressed the meeting, expressed concerns with the proposed change, and suggested the proposed change constituted a substantial variation to service. The families of the residents of Ocombe House circulated a copy of an article from the *Daily Telegraph*, 20 February 2011. Matters raised by the representative of the families of the residents included the apparent lack of supporting evidence for assertions within Report 49/2011, the incapacity of residents to exercise choice, the affects of re-location upon the Ocombe House residents, the psychological assessment for individuals of the proposed service change, the accessibility to the service for future users, the role of SPOT and Vocal, and the cessation of the respite service at Ocombe House.

Members asked the Chief Executive Officer, Torbay Care Trust, to respond to the issues and concerns raised by the families of the Ocombe House residents. In response, the Chief Executive Officer, Torbay Care Trust, indicated he was not willing to reply and that relevant information had been provided previously to various Council meetings. Board members expressed their dismay with the stance of the Chief Executive, Torbay Care Trust. [The Chief Executive Officer, Torbay Care Trust, subsequently offered an apology to the Board for his conduct at this point in the meeting, Minute 584 refers.]

Board members discussed progress since Ocombe House re-provision was considered by the Board at its meeting on 2 December 2010. The meeting was advised that the appropriate UK Government Minister had been made aware of the proposed service change by a Councillor.

In response to questions, the Board was advised that following the Mayor's decision to require the appointment of independent advocates to support the clients and families at Ocombe House new advocates had not been appointed, rather the Care Trust had continued with the appointment of Vocal as independent advocates.

Members considered the condition of Ocombe House and the terms under which it had been leased to the Care Trust by the Council. Board members considered the lack of supporting evidence for Care Trust comments within report 49/2010.

Board members questioned why assurances could not be given to relatives of the Ocombe House residents that the re-provided service would be within thirty miles of the current service location.

In response to questions about progress and the provision of further information, the Chief Executive Officer, Torbay Care Trust, referred to the date of the Mayoral decision [11 February 2011].

Members indicated the value in possible delay of any closure decision or service change relating to Ocombe House until July 2011. The Chief Executive Officer, Torbay Care Trust, indicated that time would be needed to develop the service change proposals and a service change would not occur prior to the July 2011 meeting of the Health Scrutiny Board

Members discussed the change from group home or residential care to independent living or supported living and the issue of substantial variation or development. In response to questions, the Board was advised about subsequent consultation by the

Care Trust with Overview and Scrutiny as a result of any substantial variation to service determination. The Board was advised that the Care Trust should not proceed with implementing proposals until consultation with Overview and Scrutiny was complete and Overview and Scrutiny had concluded it had been consulted adequately and supported the proposals. The Board was advised that referral of the issue to the Secretary of State was a last resort.

Resolved: (i) that Torbay Care Trust be advised the change proposed for the Ocombe House service constitutes a substantial variation to the provision of service;

(ii) that the Care Trust be requested to provide Overview and Scrutiny with a firm project timeline and comprehensive project plan that includes a clear suggestion of when valid and meaningful consultation with Overview and Scrutiny occur; and

(iii) that, in accordance with the Mayor's decision of 11 February 2011, the Chief Executive Officer, Torbay Care Trust, appoints independent advocates to support the clients and families at Ocombe House.

582. Brixham Hospital Site Development: 'Brixham Health & Care Village'

The Board considered Report 50/2011 which provided information on the service requirements and developments of the Brixham Hospital site. The proposed developments within Report 50/2011 included the re-provision of St Kilda's residential home, the re-location of two GP Surgeries to the hospital site, provision for Brixham Community Health and Social Care Team, and provision of extra care housing.

The Head of Estates, Torbay Care Trust outlined the user involvement and engagement activities undertaken, including with the Brixham Hospital League of Friends, the local community partnership, and Brixham Town Council.

In response to questions, the Board was advised that the proposal would not to be financed by a private finance initiative and that the Council's contribution to the scheme would be considered at Cabinet on 22 March 2011.

The Board was informed that Sandwell Community Caring Trust would develop the building for the re-provided St Kilda's, borrow necessities monies, and develop the service.

Members questioned the accessibility of the re-located services, with particular reference to on-site car parking. In reply the Board was advised that car parking would be maximised, with traffic flows for GP services toward the bottom of the site and for St Kilda's services at the top of the site.

Resolved: that Health Scrutiny Board members welcomed the anticipated benefits of the Brixham Hospital Site Development proposal and the Council's financial contribution to the scheme.

583. Care Homes – Changing Market and Evolving Opportunities

The Board considered Report 51/2011 which provided information on the care homes market in Torbay and the reshaping of the market. The Chief Executive Officer, Torbay

Care Trust, indicated that the Care Trust spent approximately £26-£27 million in residential and nursing homes on behalf of the Council and that the public sector funded only a proportion of the market.

The Chief Executive Officer, Torbay Care Trust, suggested that care homes were a topic suitable for future investigation by Overview and Scrutiny. Board members agreed that the topic be put forward for consideration in the Overview and Scrutiny work programme for 2011/12.

The Chief Executive Officer, Torbay Care Trust, advised the Board of concerns caused by changes to the role of the Care Quality Commission.

A member of the public addressed the meeting and spoke of the risk of better providers failing if payment was not commensurate with care provided. The Chief Executive Officer, Torbay Care Trust, indicated that Torbay paid fees less than the average for both nursing homes and residential homes and received above average care.

Resolved: that Report 51/2011, Care Homes – Changing Market and Evolving Opportunities, be noted.

584. Transforming Community Services – Torbay Care Trust merger with Southern Devon Integrated Adult Community Services

The Board considered Report 52/2011 which provided an update on the Transforming Community Services change programme, including the transfer of adult community services for Southern Devon to Torbay Care Trust.

The Chief Executive Officer, Torbay Care Trust, advised the Board that funding arrangements under the merged services would be transparent. The Board was advised that replacement of elected member representation on the Care Trust Board would follow the May local government election.

Members discussed the value of partnership working including the merit of joint scrutiny.

The Chief Executive Officer, Torbay Care Trust, apologised to the Health Scrutiny Board for his earlier intransigence and refusal to answer questions [Minute 581 refers].

Resolved: that an update on Transforming Community Services and the merger between Torbay Care Trust and Southern Devon Integrated Adult Community Services be provided to the July 2011 meeting of the Health Scrutiny Board.