



Minutes of the Health Scrutiny Board

7 July 2011

-: Present :-

Councillors Barnby, Davies, Doggett, James, McPhail, Morey and Thomas (J)

(Also in attendance: Councillor Julien Parrott)

127. Election of Chairman

Councillor Barnby was elected Chair of the Health Scrutiny Board for the 2011/2012 Municipal Year.

Councillor Barnby in the Chair

128. Apologies

An apology for absence was received from Councillor Brooksbank.

129. Appointment of Vice-chairman

Councillor Davies was elected Vice-Chairman of the Health Scrutiny Board for the 2011/2012 Municipal Year.

130. Minutes

The Minutes of the meeting of the Health Scrutiny Board held on 10 March 2011 were confirmed as a correct record and signed by the Chair.

131. Update on Ocombe House

The Board considered a report summarising the activities undertaken in relation to Ocombe House services. The report outlined recent involvement activities with the families of the Ocombe House residents, the involvement of Vocal Advocacy, the appointment and role of an independent facilitator, Person Centred Plans, the Mental Capacity Act and best interest assessments, and the exploration of alternative provision.

The Chief Executive Officer, Torbay Care Trust, advised the Board that a feasibility report by Torbay Development Agency indicated that clearance and re-development of the Ocombe House site would be possible. The Board was informed that Mental Capacity Act best interest assessments and meetings in connection with the Ocombe House residents were being progressed. The Board

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was advised that the families of the residents had indicated their agreement with this progression. The Board was advised that in relation to Ocombe House services the Care Trust did not wish to continue in its provider role but would continue to provide the service until future plans for the service were settled.

Families of the Ocombe House residents attended the meeting and made representations, including the suggestion that the Council consider gifting the site to a social enterprise. Relatives questioned the possibility of adaptations to the current Ocombe House building, including the option of refurbishment. The Board was advised by the Chief Executive Officer, Torbay Care Trust, that refurbishment was an option and that outcomes would be determined by the best interest assessments process.

Members questioned the future of Fairwinds Special Development Centre and were advised that there were not specific proposals. The Board were informed that restrictions in Budget would lead to changes in public services, that reductions in day care services were possible, and that discussions between the Council and the Care Trust were ongoing.

In response to questions from the Board, the meeting was advised by the Head of Commissioning (Mental Health, Physical and Learning Disabilities), Torbay Care Trust, that commissioning a review of the best interests process was a helpful suggestion.

In reply to questions, the Board was advised that individual Person Centred Plans for residents of Ocombe House had been developed over a period of time. The Board was informed that the best interest assessments process would be thorough and that there would not be any time pressure. The Board was advised that the best interest assessments process was underway and was expected to take about two months.

Members suggested the value in the Care Trust clarifying the proposals and then returning to the Health Scrutiny Board.

132. Progress of the personalisation of health and social care in Torbay

The Board considered a report outlining the progress achieved on the personalisation of health and social care in Torbay. The Head of Business Support, Torbay Care Trust, informed the Board that the transformation period of the national programme had concluded officially on 31 March 2011 but would continue in Torbay. The Board was advised that against the thirty per cent target set for April 2011, 24.4% of clients in Torbay had a personal budget. The Board was advised that excluding Devon Partnership Trust clients, the figure for Torbay Care Trust was 27.6%.

The Board was advised there was a government milestone or target of 100% of clients to have a personal budget by 2013. In reply to questions, the Board was

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advised that there was a local target for 2011 of forty per cent of clients new to the process to have a personal budget.

The Board was informed of assisted technologies and that service provision would move away from standard domiciliary care. In response to questions, the Board was advised that it was hoped to take forward the Barton Surgery telehealth pilot to other areas of health such as diabetes. The Board was advised that this work was led by Malcolm Dicken, Head of New Ways of Working for Torbay and Southern Devon Care Trust.

In response to questions about the reduction in the local government budget and the protection of the social care budget, the Chief Executive Officer, Torbay Care Trust, indicated that protection of the most vulnerable was most important.

Members questioned the safeguarding and financial risks of personal budgets and were advised that audit, quality assurance, and contract monitoring measures were employed. In response to questions concerning the Adult Social Care Grant, the Board was informed that there were recurrent financial commitments from the transformation element of the personalisation programme which were being absorbed by the Care Trust.

Resolved: that the Health Scrutiny Board continue to monitor the personalisation of care in Torbay.

133. Fairer Contributions Policy Implementation in Torbay

The Board considered a report concerning the implementation of a Fairer Contributions Policy for non-residential social care for adults in Torbay. The Board was advised that to support the development of personalisation changes were required to the charges to adults in receipt of non-residential services. The report advised the Board that a contributions system would be introduced that was linked to an individual's personal budget and their ability to pay rather than the cost of services provided.

The Board was advised that transitional protection would be applied for clients affected financially by the proposals.

In reply to questions, the Chief Executive Officer indicated that the proposals constituted a variation to the Annual Strategic Agreement between the Council and the Care Trust and that agreement would be sought with the Council in September.

134. Next Steps in implementing the strategy to improve the quality, accessibility and range of short breaks for children and young people with complex needs arising from disability

The Board considered a report providing information on proposals for commissioning short breaks for children and young people with physical and learning disabilities and seeking a decision from the Health Scrutiny Board as to

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whether the changes proposed constituted a substantial variation to the provision of services or a substantial development of services. The report outlined user involvement in the planning of the proposed service change, advised the Board of the Any Willing Provider procurement process followed, and advised that three providers had been identified as capable of delivering the service specification.

The Assistant Director of Commissioning, Torbay Care Trust, outlined the rationale for the proposals, including the reviews and policies that informed their development. The Board was advised that the John Parkes Unit at Torbay Hospital did not meet the new service specification and would be decommissioned as no longer fit for purpose. The meeting was informed that three providers had been identified through a procurement process but could not be disclosed due to commercial sensitivity.

With reference to the procurement timescale and a possible consultation with Overview and Scrutiny, members questioned whether the proposals were a fait accompli.

A parent of a child currently accessing the respite care provided at the John Parkes Unit was invited to address the Board. She advised the Board of concerns with the review of the short breaks provision for children with complex health needs, including the decision to re-specify the service. The parent informed the Board that parents of children accessing the John Parkes Unit had received assurances during the involvement process that the unit would not close. The Board was reminded of a specific assurance offered to the Health Scrutiny Board by the Care Trust concerning the location of service provision for existing users of the John Parkes Unit within the Bay [Minute 171, Health Scrutiny Board, 15 July 2010, refers].

Note: at this juncture the Board considered whether the transaction of business was likely to involve disclosure of exempt information and the possible need to exclude the public. After resolving to exclude the press and public the Board considered matters including potential new providers, the question of whether the proposals constituted a substantial variation to service, and the consultation required by Overview and Scrutiny.

Resolved: (i) that the press and public be formally excluded from the meeting on the grounds that the item involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information concerned; and

(ii) that Torbay NHS Care Trust be advised the change proposed for the short breaks service for children and young people with complex health needs constitutes a substantial variation to the provision of service and that Overview and Scrutiny require consultation on the change proposals.

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135. Health Scrutiny Board Annual Work Programme 2011/12

The meeting was re-opened to members of the public and the Board considered a report containing a draft Health Overview and Scrutiny work programme for 2011/12.

In response to a question from a member of the public, the meeting was advised that a review of the supply and sustainability of residential care in the Bay was one of several potential review topics under consideration by the main Overview and Scrutiny Board for inclusion in its work programme.

Resolved: that the work programme within the Health Overview and Scrutiny Work Programme 2011/12 report be approved.