

Notice of meeting of

Decision Session - Executive Member for Housing & Adult Social Services

To: Councillors Morley (Executive Member)

Date: Tuesday, 27 April 2010

Time: 4.00 pm

Venue: Guildhall

AGENDA

Notice to Members – Calling In

Members are reminded that, should they wish to call in any item on this agenda, notice must be given to Democracy Support Group by:

10.00 am on Monday 26 April 2010 if an item is called in before a decision is taken, or

4.00pm on Thursday 29 April 2010 if an item is called in after a decision has been taken.

Items called in will be considered by the Scrutiny Management Committee.

Written representations in respect of items on this agenda should be submitted to Democratic Services by 5.00pm on Friday 23 April 2010.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

- 2. Minutes** (Pages 3 - 6)
To approve and sign the minutes of the meeting held on 23 March 2010.

- 3. Public Participation - Decision Session**
At this point in the meeting, members of the public who have registered their wish to speak at the meeting can do so.
The deadline for registering is **5:00pm on Monday 26 April 2010.**

Members of the public may register to speak on:-

- an item on the agenda;
- an issue within the Executive Member's remit;
- an item that has been published on the Information Log since the last session.
- Information reports are listed at the end of the agenda.

- 4. CYC Home Care - Keyless Proposal** (Pages 7 - 12)
This report seeks the Executive Members approval to complete the implementation of a policy to discontinue key holding of customers' keys in our in-house Home Care Services

- 5. Meals Service in Elderly Persons Homes - Future Procurement** (Pages 13 - 22)
This report seeks the Executive Members approval to make changes in the provision of meals in elderly persons homes in line with the Council's Sustainable Procurement Policy.

- 6. Update on the Access Procedure for Gas Safety** (Pages 23 - 30)
This report advises the Executive Member of the successful outcome of the trial change of procedure within Housing Services to evaluate the potential to use the Environmental Protection Act 1990, Schedule 3 to gain access to Council Homes to ensure that we comply with our statutory duties to ensure that gas appliances within our properties are serviced on an annual basis.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972

Information Reports

No information reports have been published on the Information Log for this session.

Democracy Officers

Catherine Clarke and Louise Cook (job share)

Contact details:

- Telephone – (01904) 551031
- Email catherine.clarke@york.gov.uk and louise.cook@york.gov.uk

(If contacting by email, please send to both Democracy officers named above).

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088

Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Decision Session) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

Who Gets Agenda and Reports for our Meetings?

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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City of York Council

Committee Minutes

MEETING	DECISION SESSION - EXECUTIVE MEMBER FOR HOUSING & ADULT SOCIAL SERVICES
DATE	23 MARCH 2010
PRESENT	COUNCILLORS MORLEY (EXECUTIVE MEMBER)
IN ATTENDANCE	COUNCILLOR SIMPSON-LAING

1. **DECLARATIONS OF INTEREST**

The Executive Member was invited to declare at this point in the meeting any personal or prejudicial interests he might have in the business on the agenda. No interests were declared.

2. **MINUTES**

RESOLVED: That the minutes of the meeting of the Decision Session – Executive Member & Adult Social Services held on 26 January be approved and signed by the Executive Member as a correct record.

3. **PUBLIC PARTICIPATION - DECISION SESSION**

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme.

Representations were received from Cllr Simpson-Laing regarding agenda items 2, 4 and the two information only reports.

Cllr Simpson-Laing thanked Bill Hodson for the work he had done over his time at the Council and wished him well in the future.

Regarding item 2, minutes from the previous meeting, she asked officers to:

- Confirm if they would be considering reviewing the empty properties situation within the next 6 months.
- Confirm the results of the Social Care Fairer Charging Survey and what the financial impact of the survey has had. Officers confirmed that this information was in the public domain and they agreed to send the results to Cllr Simpson-Laing.¹

Regarding item 4, Former Tenants Arrears-Write Off, she requested officers:

- Make it clear, in the individual cases, who were deceased.
- Consider providing information to Members on cases that were reaching the £3000 mark.

Regarding the results of the Annual Housing Satisfaction Survey, Cllr Simpson-Laing was pleased to see the survey had produced good results and asked officers to:

- Confirm what the action plan was to reduce Anti Social Behaviour and the car parking issues, as these were continuing problems that needed to be addressed.
- Remember that not all residents have access to the internet and still need to be contacted face to face or by post.

Regarding the No-Access Procedure – Gas Servicing Information only report she asked officers to confirm if the Residents Association and Federation had been consulted on the report. Officers confirmed that they had not consulted with them at this stage but would be contacting them.

Cllr Simpson-Laing left the meeting.

Action Required

Send Cllr Simpson-Laing information regarding the Social Care Fairer Charging Survey DM

4. FORMER TENANTS ARREARS - WRITE OFF

The Executive Member considered a report, which sought agreement to write off a number of former tenants arrears (FTA).

Officers gave an update and confirmed that officer delegated powers were restricted to writing off debts of £2000 or less. Officers informed the Executive Member that a debt that had been written off could be recovered if the customer was located. Officers confirmed that from 6th April 2009 to 24th January 2010 £80,640 had been written back onto the rents accounts and the current FTA to be written off totals £44,317.53. This represents 0.16% of the total debit. These write offs can be contained within the bad debt provision of the Housing Revenue Account, as the current provision totals £1,255,449.

Officers noted Cllr Simpson-Laings comments and in answer to some of her questions officers confirmed:

- They had previously reviewed the empty property procedure which had been approved by the Executive Member. It was suggested that if Cllr Simpson-Laing feels that this is an area for consideration, it should be put forward as a potential scrutiny review.
- They would be more explicit on the reason for the debt and would make it clearer if the customer was deceased.
- Given that rent arrears is an area of performance where significant improvements had been made over recent years, with current rent arrears level being lower than at any time in the last decade, that to

provide additional detailed information to the Executive Member as a matter of course would not have any impact on improving performance. However, if the Executive Member requested officers would provide a one off performance report which would cover debts up to £3000. The Executive Member did not feel this was necessary and agreed that if Cllr Simpson-Laing had concerns about the process this would be better dealt with through a scrutiny review rather than a case study report.

- They would contact Cllr Simpson-Laing to discuss the action plan to reduce Anti Social Behaviour and the car parking issues.

Officers informed the Executive Member that they would contact Cllr Simpson-Laing direct to answer her queries.¹

The Executive Member thanked Bill Hodson for all his work with the Council and wished him well for the future.

RESOLVED: That the Executive Member approves Option 2 which involves writing off Former Tenant Arrears of £44,317.53 as detailed in Annex A.

Reason: This is in line with the recommendations of the audit report detailed in paragraph 1 and also for the financial implications listed in the report.

Action Required

Respond direct to Cllr Simpson-Laing regarding her SW representations

Cllr Morley, Executive Member

[The meeting started at 4.00 pm and finished at 4.50 pm].

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Executive Member Decision Session –Housing and Adult Social Services 27 April 2010

Report of Assistant Director Service Delivery & Transformation, Adults, Children and Education

CYC Home Care – Keyless Proposal

Summary

1. This report seeks the Executive Members approval to complete the implementation of a policy to discontinue key holding of customers' keys in our in-house Home Care Services.
2. Home Care Services currently key hold in excess of 2500 sets of keys for customers who are, for a range of reasons, unable to facilitate access to their properties (e.g. bed bound, poor mobility, risk of falling).
3. This paper discusses: -
 - The current position - the issues associated with key-holding
 - The desired position - A proposal to extend our current policy for new customers to all existing customers to become non key-holding
 - The implications for existing customers
 - The benefits to CYC Home Care Services
4. If approved the transfer to a completely keyless service would be completed by the 31st December 2010.

Background

5. City of York Council currently holds keys for approximately 2500 existing customers. However, new customers to the service are now actively supported to consider the best method of enabling access to their property. These are listed as follows: -
 - a) Access facilitated by the customer
 - b) Access facilitated by a named individual nominated by customer
 - Neighbour
 - Friend
 - Relative
 - c) Coded key safe installation (see below)
 - d) Coded manual / electronic door lock installation
6. The majority of new customers are able to facilitate access using either method a) or b) above and do not resort to the use of a key safe. We anticipate that the majority of the approximately 2500 existing customers

for whom we hold keys will similarly not require a key safe as we became key-holders largely because of it being a traditional practice to do so.

7. Key holding results in service inefficiencies and associated additional cost to the council. These are listed as follows: -
 - **Travel Time vs. Customer Facing Time** - Across the in-house provided care services approximately 20% of worked hours are spent engaged in travelling. By reducing travel time we can increase the time we spend working face to face with customers. Our Home Care services are expected to increase the % of worked hours spent as customer facing time, as this will enhance the in-house services' competitiveness with independent providers of Home Care via a reduction in unit cost per customer. Additionally, augmenting the proportion of customer facing time will allow more customers to use the service and reduce our waiting list. Travel is one of the areas where Home Care must become more efficient. A significant proportion of this travel time is associated with key collection/return at CYC bases.
 - **Mileage cost** – We incur excessive mileage costs associated with these additional journeys to and from the offices to collect customer's keys at the start and end of rounds of customer visits.
 - **Effectiveness** – Some customers are on most occasions able to facilitate access. However, there are occasions where care workers cannot gain expected access to a customer's property and time delays can be incurred if keys are not immediately available in with vicinity to the property (e.g. a key safe). Keys may need to be obtained back at a CYC base or via a relative. This can result in lengthy delays to service provision. In some instances, this has taken place in situations of medical emergency where the customer has become unwell or is unconscious. In these situations time is of the essence.
 - **Reduced liability to City of York Council** – whilst CYC Home Care take every precaution to be responsible for customer keys, there have been instances of loss where CYC has been required to meet the expenses of replacement key sets and door locks.
 - **Electronic Monitoring of Home Care** – the move to a completely key-less service is crucial to the current More For York project to introduce an electronic monitoring system to both the in-house and external providers of home care services. The operation of a key-less service is essential to gain the full benefits from the introduction of this new system in December 2010. If we continue to hold customers keys we will lose the expected increased reductions in the number and length of journeys and the flexibility in staff rostering. All external providers of home care already operate a full key-less service and so are ready to take advantage of this new system.

Consultation

8. In reviewing current arrangements we have considered the experience and practice of other providers and other Councils.

9. Practice of Independent Providers of Home Care - Frequently CYC customers move from CYC provided services to Independent providers of Home Care in York (Goldsborough, Riccall or York Helpers). Such transfers of care provision may take place following access to short periods of intensive re-ablement within CYC. All the independent providers of Home Care in York do not hold customers keys and insist on alternative arrangements being established (the methods described in 2.2). If CYC were to mirror such approaches this would ensure more seamless transitions and continuity of approach for our customers.
10. Practice of Other Councils – We have compared practice in other Council provided Home Care Services and found that the vast majority have already moved to a key-less service with none of the six services we contacted in our region being key holders. This situation is mirrored nationally and particularly in those areas where electronic monitoring systems have been introduced. Feedback is that most consider CYC's practice to be outdated and associated with high levels of risk.
11. All the six Council's approached thus far have instituted alternative methods as described in paragraph 2.2. There are some variations amongst councils regarding funding of key safes. Again the majority require the customer to fund the cost. Some Council's provide funding for key safes / coded door lock installation in the same way as other items of assistive equipment.
12. Safer York Partnership – Discussions have taken place with the chair of the partnership, and similar to other keyless council provided services across the region there are no concerns regarding the level of risk associated with the use of key safes providing they are insurance approved, properly installed and sited. The local services who currently install key safes meet these requirements and can advise customers accordingly.

Options:

13. The alternative access arrangements being recommended are as follows: -
 - a) Access facilitated by customer
 - b) Access facilitated by a named individual nominated by customer
 - Neighbour
 - Friend
 - Relative
 - c) Coded key safe installation (see below)
 - d) Coded manual / electronic door lock installation

Analysis

14. Access facilitation via any of the suggested alternatives listed in paragraphs 4 above would adequately address the inefficiencies and associated additional costs outlined in section 3 of this report. Analysis of practice within other providers is included in earlier sections of this report.

Corporate Priorities

15. The Corporate priority which this proposal is in line with is as follows: -

Effective Organisation – this move to a completely key-less service is essential to the delivery of the savings and benefits arising from the More For York Project on the Electronic Monitoring System for Home Care. It is also essential to the ability of the in-house service to reduce its unit costs and deliver more time to work face to face with its customers.

Implications

- **Financial**

16. It will be the responsibility of the individual customer to meet the costs associated with ensuring access to their home for care staff and therefore there are no financial implications to the council. The following paragraphs outline some of the costs and options that will be available to those existing customers for whom the council currently hold keys.

17. The background section of this report identifies that the current system leads to additional cost due to travel time and other delays in gaining access to the property to deliver the care. The Home Care Service budgets are set on the basis of efficiencies already being achieved and this proposal will contribute to the overall delivery of those efficiencies. No new savings will be released for investment in other areas.

18. The costs associated with the equipment and installation Options c) and d) outlined in section 4 above operating for all new customers are shown in the table below. These would apply to existing customers who choose these methods from within the 2500 customers for whom we currently hold keys. However, it must be noted, that not all of these customers would necessarily opt for c) or d). New customers, as referred to earlier, are already engaging in the alternative arrangements listed above.

19. In the City of York two key safe installation options are currently in operation. These are via Age Concern York and the York Home Improvement Agency. The two options are summarised as follows: -

	Age Concern York	York Home Improvement Agency	
Equipment Cost	£30	£15	£31
Fitting Cost	Included in cost above	£20	£20

20. Age Concern York – have confirmed that they are able to cope with a managed rise in demand for installations. However, if this organisation received a high volume of referrals Age Concern would need temporary additional funding for the administrative work associated with this. Any contribution made would need to be identified from within existing budgets.

21. York Home Improvement Agency – Installation of key safes is via the Handy Person's Service (funded by CYC). Two key safe options are listed above – both are functional and safe options. York Home Improvement Agency report that they would be able to manage additional demand.
22. If agreed the service would plan to support existing customers for whom keys are held to select an alternative arrangement from the options proposed. The timescale for completion of these transfers is anticipated to be 31st December 2010.

Human Resources (HR)

23. There are no HR implications.

Equalities

24. There are no equalities implications. Moving to a keyless mode of operation would ensure equity between current and new customers. The service currently operates a 2 tier system – encouraging new customers towards the alternative arrangements shown above.

Legal

25. There are no Legal implications.

Crime and Disorder

26. There are no Crime and Disorder implications.

Information Technology (IT)

27. There are no Information Technology implications.

Property

28. There are no Property implications.

Other

29. No other known implications.

Risk Management

30. In compliance with the Council's risk management strategy the main risks identified in this report are additional administration costs associated with a higher than expected number of existing home care customers opting for the key safe option.
31. A delay in the completion of all existing customers having in place alternative access arrangements by the end of December 2010. This will result in the service still holding keys for some customers which will impact on the introduction of the Electronic Home Care Monitoring System benefits realisation.

32. These risks will be actively monitored and managed by operational service managers to reduce their likelihood and mitigate any impacts arising to the organisation

Recommendations

33. Members are asked to approve the extension of the current practice of non key holding in CYC Home Care to all its customers and operate a range of alternative property access arrangements.

Reason: The move to a completely key-less service is essential to the delivery of the savings and benefits arising from the More For York Project on the Electronic Monitoring System for Home Care. It is also essential to the ability of the in-house service to reduce its unit costs and deliver more time to work face to face with its customers.

Contact Details

Author:		Chief Officer Responsible for the report:								
Miss Allison Bingham Group Manager Service Delivery and Transformation, Adult, Children and Education Directorate		Graham Terry Assistant Director, Service Delivery and Transformation, Adult, Children and Education Directorate								
		Report Approved	Yes	Date 12 April 10						
<p>Specialist Implications Officer(s) List information for all Financial Implication ie Legal</p> <table border="0"> <tr> <td>Name Debbie Mitchell</td> <td>Name</td> </tr> <tr> <td>Title Head of HASS Finance</td> <td>Title</td> </tr> <tr> <td>Tel No.(01904) 554161</td> <td>Tel No.</td> </tr> </table>					Name Debbie Mitchell	Name	Title Head of HASS Finance	Title	Tel No.(01904) 554161	Tel No.
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For further information please contact the author of the report										



Executive Member Decision Session –Housing and Adult Social Services 27 April 2010

Report of Assistant Director Service Delivery and Transformation

Meals Service in Elderly Persons Homes - Future Procurement

Summary

1. To seek approval to make changes in the provision of meals in elderly persons homes in line with the Councils Sustainable Procurement Policy.

Background

2. For some ten years the Elderly Person's Homes (EPH) within the City of York Council have been receiving their main meal of the day, usually two courses, from the catering department of York Hospital.
3. The meals are delivered by the Health Trust transport to the EPH the day before consumption, chilled or frozen. They are cold stored then reheated by a regeneration method prior to serving. The regeneration units were purchased by CYC and the cost of routine maintenance and repair is met by the individual homes budget.
4. Over time individual homes have required their Cook to cook the main meal from scratch on a number of days a week in order to provide variety and achieve budgetary control.
5. The remaining meals of the day, breakfast, tea and supper and also the baking of cakes and pastries are prepared and cooked on site by the EPH cook or general assistant. Each EPH has a cook who works 25 or 32 hours per week depending on the homes original staffing establishment. The Cook is supported by the General Assistants, who under the direction of the Cook are responsible for maintaining hygiene within the kitchens. All the homes have fully fitted operational catering kitchens, which are regulated by Environmental Health who use the "Scores on the Doors" monitoring system that applies to all catering establishments in the City.
6. The other foodstuffs used in the homes are purchased using a variety of methods that include using local shops.
7. In order to test out the theory of a return to Home Cooking a pilot study was put into operation in three of the homes for a trial period of three months and the findings have been evaluated. This evaluation has clearly demonstrated that a

return to the provision of all meals from within the EPH will not only improve the choice available to residents but it will also be financially achievable. Managers of homes will also be able to ensure that the meals are nutritionally sound and that the individual resident has the balanced diet they need.

8. Three EPH's were selected for the pilot study and were each given a remit.
 - Grove House, returned to providing all home cooked meals. Willow House maintained the current method of hospital main meals seven days a week and Oakhaven had a mix of the two, three days hospital, four days home cooking.

Consultation

9. Consultation has taken place with all the residential homes and during the evaluation with the homes that were part of the pilot.

Elderly Persons Home Managers.

10. The issue of meals in homes has been raised at various Managers meetings.
11. The views of the Managers were that home cooked food gave better value for money, higher nutritional values and gave the opportunity to provide a varied and well balanced diet to residents. They felt a key factor both emotionally and socially in residential care settings is meal times " something to look forward to." Therefore it is vitally important that the meals provided not only meet nutritional values but are also produced using quality ingredients and presented in an appealing fashion.
12. Consultation has taken place with the Managers, staff and some residents in homes who were part of the pilot; they all welcomed the opportunity to look at changing the way meals are provided in the homes. Home cooking was a very positive outcome for the residents at Grove House and one they have continued with. The feeling from Managers is that they could make cost benefit savings if there was an alternative way of providing meals. These savings could pay for the additional Cook hours each home will need to employ.

CSCI/CQC

13. Prior to the pilot scheme evidence was looked at from the CSCI inspection reports, where residents views were sought, by the inspectors. Some residents reported that the food was bland and not particularly appealing. A choice of menu had to be made two days in advance that gave little scope for them changing their minds. Some residents were not happy about having reheated food and also missed the aromas of home cooked food.
14. The main area of concern raised by CSCI inspectors during the inspection process was that of nutritional value, which is of particular importance where elderly people are concerned. They questioned if nutritional needs were being met, as food was not being freshly prepared in the home, making it difficult for the Cook to ensure its nutritional value.

15. Recent reports have once again commented upon this shortfall of home cooking in the homes and the Commission has indicated that they would welcome change.
16. In the recent report from the CQC inspection at Grove House, who were part of the pilot, they commented upon the change to meals being cooked on the premises and had a very positive opinion on this.
17. The Inspectors have said “that the quality of the food has improved, the home are involved in a three month trial where home cooked food is made and served rather than hospital food being brought into the home. The home cooked food is extremely popular the home has a pleasant smell of cooking that gives people an appetite. The whole dining experience is very pleasant.”

Environmental Health

18. Consultation has taken place with officers from Environmental Health and a new policy and management system is being implemented which will take into account the operational changes proposed in this report. The Food Safety Management System of Safer Food Better Business has been approved by environmental health officers and will be fully implemented and established before the proposed start date of the changes to the meals service. This system is being rolled out to all catering staff in the homes in March 2010. A vital part of the system is a robust monitoring regime that will ensure that the environmental health requirements in safer Food Better Business are fully met. Daily check will be made by catering staff and the Registered Manager of the home will complete weekly checks with the Service Manager routinely checking for compliance on their monthly visits.

Procurement Team

19. Discussions have taken place with the Council’s Procurement team and they are prepared to support us with the purchase of basic food items and they will ensure that we are compliant with the corporate sustainability policy.
20. By taking the time to develop an appropriate method for procuring the various foods required to support this initiative, it is likely that the overall requirements can be consolidated to both streamline the ordering & delivery process which, in turn, should provide significant cost benefits.

Staff Consultation

21. Initial discussions have taken place with staff and trade union representatives about the change to cooking all food on the premises and they do not have any issues with what we are planning for the provision of meals. There will need to be further discussion once approval has been given in relation to the additional staff that will be needed, the recruitment to these posts and the shift patterns that staff will be expected/needed to work.

Options

Option 1

22. To continue to purchase meals from the NHS for the eight remaining CYC residential homes.

Option 2

23. To move to all homes providing home cooked meals using sustainable procurement which will achieve value for money and be of benefit to residents, the organisation, society and the economy whilst minimising the damage to the environment. This is the recommended option.

Analysis

Option 1

24. At the present time customers have to choose their meals in advance which does not provide flexibility for customers to change their minds as to what they would like to eat on the day.
25. Alternative choices are offered by the home. In some instances this can result in the cook catering for a larger number of meals in addition to the meals that are delivered and paid for from the NHS. Cook chill meals cannot be stored or re-frozen so they have to be disposed of which incurs waste. The quality and presentation of the food once reheated is very unpredictable which often leads to further waste.
26. We have taken an example from one establishment on the price being paid for prepared vegetables, potatoes and turkey for a sample main meal and all can be purchased more competitively locally.
27. The presentation of cook chill is not that of home cooking and does not provide the home with that “home cooking smell”, as highlighted by CSCI/CQC in their inspection reports. Recent reports have once again commented upon this shortfall of home cooking in the homes.
28. There are financial implications to the current service. The delivery charge is applied whether meals are ordered every day of the year in all homes or twice a week in only some of the homes.
29. Meals do not always reflect on seasonal products or variations in weather such as salads on summer days. There is also little flexibility for family and visitors to stay and have a meal with their relative; this could provide additional revenue for each of the homes if relatives were able to stay for a meal at a nominal charge.
30. The Acute Hospital Trust are unable to provide appropriate food for our more specialist homes such as finger foods and more regular snacks for EMI

customers who often eat 6 times a day. This flexibility is vital if the nutritional intake is to be maintained for these customers.

Option 2

31. If all food is freshly cooked in the establishment residents will have greater choice in what they eat. They will have the option to change their minds as amounts of certain home cooked meals can be adjusted on the day of preparation.
32. Residents in establishments are becoming more frail and often need additional supplements to ensure they have a balanced and nutritionally healthy diet. This will be more manageable if all food is prepared in the home by the cook, who will have knowledge of the individual residents needs and make the monitoring of dietary intake easier to achieve.
33. Meals, especially the main meal, are seen by residents as the highlight of their day and are looked forward to by them, part of this anticipation is the aroma created by the cooking food. This smell of cooking food is seen by CSCI/CQC as important and the fact that the majority of main meals are cook chill has been commented upon in a number of inspection reports.
34. CSCI in their report of 2006 had very clear views on what could be done to improve older people experience of meals or meal times. This opinion has been reinforced in subsequent reports from them.
35. This proposed change in meal provision will take into account how we empower people to make choices, involve residents in developing meals/ menus, and encompass catering for diversity. By having flexible meal times and methods of delivery we will be able to respond to changing needs and truly embrace personalisation.
36. Good management systems will be in place to ensure that the provision of meals happens appropriately and that these times become enjoyable social occasions.
37. The pilot gave the opportunity to investigate the real costs of providing nutritionally balanced/ appealing meals for residents in our homes. It also highlighted the need to look at purchasing in bulk or contracting for the provision of major dried goods /supplies in a different way. This will be in line with the Council's procurement strategy and will fulfil the need to ensure value for money when purchasing food.
38. Homes need to be able to offer alternative foods to specialist residents in EMI homes in order to provide nutritional food to their residents in other ways. The provision of the traditional hot meal with meat and vegetables at midday is inappropriate for the majority of people living in these specialist homes. These residents need to have little and often healthy snack meals provided throughout the 24-hour day when they are willing to accept food. This could be achieved more easily if all the food was prepared and cooked in the home.

39. Seasonal variations can be provided when the Manager and the Cook are able to adjust the menu to reflect the changing weather and the requests of residents, which are vital. If there is excess freshly cooked food at times this could be frozen and used as an alternative at a later date which will cut down on the amount of waste.
40. We will be putting together guidelines for EPH cooks and kitchen general assistants that will ensure that any changes we make will have the desired outcomes which are:
 - resident satisfaction is achieved.
 - improved nutritional value of the food served
 - cost benefits are achieved to maximise the available budget.
41. The training department is looking at our homes being able to offer placements to students from York College who are completing courses/apprenticeships in Catering and Hospitality. This will bring fresh ideas in to the kitchens and encourage young people to consider a career in a different food environment.
42. We have verbal agreement from the Manager of the catering department at the Acute Trust that they would be prepared to supply meals to us during any crisis period. This is helpful but we will be able to cover any emergency situations such as a kitchen being out of commission by providing meals from neighbouring homes.

Corporate Priorities

43. The proposals within this report will support the following corporate objectives when approved:
44. Improve our focus on the needs of customers and residents in designing and providing services
45. Improve the health and lifestyles of the people who live in York in particular among the groups whose levels of health are the poorest
46. We want services to be provided by who ever can best meet the needs of our customers

Implications

Financial Implications

47. The proposal to stop using chilled meals and employ cooks instead is affordable within the existing EPH budgets. The additional staff required will cost £68k and it is estimated that the purchase of food will cost £277k, making a total cost of £345k. This compares to the current catering budget of £364k. There will be additional costs of training staff in food safety and ongoing maintenance of

kitchens to consistently meet required standards. These costs will be contained within the existing EPH budgets.

48. There will be other savings to be achieved without any reduction in the quality through changes to the procurement of foodstuffs in line with the Council's corporate sustainability strategy, but no savings assumptions have been made regarding this, as these would be covered under More For York efficiency targets.

Legal Implications

49. We consulted with Mathew Waterworth and his advice has since been confirmed by Peter Cairns in Legal Services. They state that the proposals in this report do not have any legal implications. They investigated the issue of TUPE for the staff who currently prepare and cook the food in the NHS kitchen. Under Regulation 3 subsection 3b which states that if a service "do not consistently provide wholly or mainly goods for the clients use" then TUPE will not apply. The NHS kitchens provide meals for vast numbers of customers both in hospital and in sites around the City. They also do not provide all meals in the EPH therefore TUPE will not apply to the service they do provide for the City of York Council.
50. Despite the fact that the present arrangement has been in operation for 10 years without any formal contract being in place, these arrangements could have constituted a contract. This has been discussed with the Catering Manager and the only requirement they have is that we give them a minimum of three months notice.

Human Resources

51. There will be a need to establish additional cook hours so that each home has a minimum of 45 cook hours. Any recruitment to the proposed posts must be in accordance with the established HR processes.
52. There will need to be further consultation with cooks who are currently in post with regard to the need to make minor adjustments to their current rota pattern. We will also need to look at their current skills and where necessary provide training and development opportunities for them.

Equalities

53. There are no implications in this report

Crime and Disorder

54. There are no implications in this report

Information Technology (IT)

55. There are no implications in this report

Property

56. There are no implications in this report

Other

Procurement of food supplies will be inline with European financial regulations and will comply with the corporate sustainability policy.

Risk Management

57. In compliance with the Council's risk management strategy the main risks that have been identified in this report are:

- An inability to ensure that all meals are nutritionally balanced.
- Consistently poor outcomes in reports from CSCI/CQC in relation to the delivery of meals.
- Increasing financial costs of meals provision that could cause internal budgetary pressure.
- A major problem with one of the kitchens in an establishment or an unforeseen staffing problem could interfere with the production of meals. To mitigate this the cooks will be able to work in any of the homes to ensure adequate cover.
- Non-compliance to the Environmental Health policy could cause problems to the health of residents and could ultimately lead to suspension of the meals service, or prosecution under the Environmental Health act.

58. The actions contained in the report and the current standards operating in our kitchens in the EPH's reduce the likelihood and impact of these risks. Regular monthly inspections by managers monitor ongoing compliance with quality and Care Quality Commission standards.

Recommendations

59. The Executive Member is asked to approve the proposals outlined in Option 2 that are for the eight remaining homes to move to home cooking for all meals of the day.

Reason: To enable Managers to provide a more appropriate nutritionally balanced diet that will meet the needs of all residents in residential care homes.

60. The Executive Member is asked to approve the proposal to procure bulk food items and general supplies.

Reason: This will be in line with the Council's procurement strategy and will fulfil the need to ensure value for money when purchasing basic food supplies.

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Report Approved Yes Date 12 April 2010

Pete Dwyer
Director of Adults, Children and Education.

Report Approved tick Date Insert Date

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Wards Affected: *List wards or tick box to indicate all*

All x

For further information please contact the author of the report

Background Papers:

NHS Meals Report
Safer Food Better Business

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Executive Member Decision Session – Housing and Adult Social Services**27th April 2010**

Report of the Head of Housing Services

Update on the access procedure for gas safety**Summary**

1. This report advises the Executive Member of the successful outcome of the trial change of procedure within Housing Services to evaluate the potential to use the Environmental Protection Act 1990, Schedule 3 to gain access to Council Homes to ensure that we comply with our statutory duties to ensure that gas appliances within our properties are serviced on an annual basis.
2. It recommends adoption of the new procedure to ensure that we have taken all reasonable steps to ensure that, where required, all council properties have a current gas safety certificate.

Background

3. As you are aware from the information paper brought on the 10th March 2010 there are a number of tenants who whilst they eventually allow access to their homes, there can be a significant period where the property does not have a current gas safety certificate. There are also a small number of tenants who repeatedly fail to allow the council access to carry out this essential works. In both these instances these tenants are not only placing themselves at risk but also their neighbours.
4. As a result of the above, Housing Services have trialed a different approach to gaining access to council homes to ensure that we comply with our statutory responsibilities. The approach trialed was the use of the Powers of Entry under the Environmental Protection Act 1990, Schedule 3 (Duty to Seek Out and Investigate Statutory Nuisances). See the attached procedure Appendix A.
5. The trial focused on the small number of tenants who have repeatedly failed to allow the council access with the most out of date certificates. 14 warrants were obtained from the Magistrates court. The Magistrates were fully satisfied with the evidence submitted for all 14 cases. In line with the new procedure the tenants were sent letters advising them that a warrant had been obtained and that it would be executed at least 7 days after the date of the letter unless they arranged an appointment. This resulted in half of the tenants making appointments, leaving 7 warrants needing to be executed.

6. A complete list of the actions can be found in Appendix 2. However it should be noted that three of the fourteen properties were found to have dangerous appliances including one with a major gas leak with a faulty appliance, which wasn't being used by the tenant. One amendment which we did make to the process as a result of the trial was to ensure that all correspondence clearly stated the need for the gas safety check irrespective of whether the tenant used their gas appliances.
7. Although the trial has concentrated on the tenants with the most significant out of date certificates, there are still more than 100 tenants that have not allowed the council access to their home and have out of date CP12 certificates.
8. In addition this year's new gas servicing programme has just started. The gas safety team will, in line with new procedure, make at least 3 attempts to gain entry to council homes within the CP12 12 month period. The procedure is timed so that the failure to gain access following the final 3rd letter will also mean that the CP12 is out of date. This will be the trigger to apply for a warrant. If granted by the magistrates the tenant will then be given one more opportunity to make an appointment within 7 days otherwise the warrant will be executed. Historical evidence indicates that initially this could be up to 50 homes each month where access cannot be gained so initially 50 warrants could be applied for each month.
9. This would have a significant impact on the resources of the Housing Standards and Adaptations team who are currently obtaining and leading on the execution of the warrants. An additional enforcement officer will be required to ensure that the council can discharge its legal duty.
10. It is anticipated that there will be a reduction in activity as the more proactive message about ensuring gas safety is brought to the attention of council tenants. However it is also recognised that we need to ensure that we have robust procedures in place to ensure that we have taken all reasonable steps.

Consultation

11. Consultation with the tenants federation and staff. Given the timing of this report and the tenants federation meeting. A verbal update will be given regarding the tenants federation feedback at the Executive members briefing. The executive member can be advised that staff have welcomed this procedure in particular the gas safety team who have found trying to gain access using the breach of tenancy to be inadequate.

Options

12. The options available to the Executive Member are:
 - **Option 1.** To adopt the new procedure as council policy, to ensure that council tenants, residents and the wider community are safe and that the council fulfil its statutory responsibilities to annually service its domestic gas appliances.
 - **Option 2** –Maintain the current procedure with no revisions

- **Option 3** to amend the above proposals

Analysis

13. **Option One** – Will ensure that the council has taken all reasonable steps to ensure the safety of council tenants and their neighbours.
14. **Option Two** – The council's current processes have shown to be ineffective and do not ensure that the council meets its statutory responsibilities. If we have not taken all reasonable steps to ensure we do meet our statutory responsibilities the council could be subject to legal sanction. Regulation 39 of The Gas Safety (Installation & Use) Regulations 1998 states:

'No person shall be guilty of an offence by reason of contravention of (the relevant regulation) in any case in which he can show that he took all reasonable steps to prevent that contravention.'

15. In assessing if the council had taken all reasonable steps, we would need to show that we had taken all steps to gain access to the property, including the use of powers of entry. Historically the process we have employed is the use of letters giving appointments for the works, door knocking to follow up and where necessary the use of breach of tenancy regulations for failing to allow access. Unfortunately, even the threat of the loss of one's home has not had the desired effect of allowing access. The key difficulty here is that it is very unlikely that a court would give the council possession of a property in these circumstances.
16. In recent months, Housing Services have carried out an internal assessment against the Audit Commission's Key Lines of Enquiry. The area of Gas Servicing was identified as an area for improvement given the number of properties that did not have a current gas safety certificate.

Corporate Priorities

17. The council's corporate strategy identifies wanting to make York a Healthy City as a priority. Ensuring any risk to health as a result of un-serviced gas appliances in its properties is minimised clearly supports this aim in its widest sense. Meeting our statutory requirements and minimising the delays and any subsequent financial costs associated with un-serviced appliances support the Effective Organisation priority.

Implications

18. The implications arising from the report are:
- **Financial** – Additional Enforcement Officer resource will be required as a result of this new approach. The extent of this additional resource will be dependant upon the success of the procedure, the more properties that we gain access to without the need to execute a warrant, the less resource will be required. The cost associated with this additional resource, if a full time post is required would be £32k at the middle of the grade. The funding will be met from savings within the existing gas servicing budget.

- **Human Resources (HR)** – Additional post will be required to undertake this work on a permanent basis. The recruitment to this post will be in accordance with the councils HR procedures.
- **Legal** – These are outlined in the information report dated 10 March 2010 and updated within the body of this report
- There are no **Equalities, Crime and Disorder, Information Technology (IT), Property or Other** implications.

Risk Management

19. The risks associated with the proposals in this report are low and score less than 16. In compliance with the Council's risk management strategy there are no direct risks.

Recommendations

20. That the Executive Member agrees option 1, as outlined in Para 12, to adopt the new procedure as council policy.

Reason: To ensure that council tenants, residents and the wider community are safe and that the council fulfil its statutory responsibilities to annually service its domestic gas appliances.

Contact Details

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Steve Waddington
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Report Approved



Date 8th April 2010

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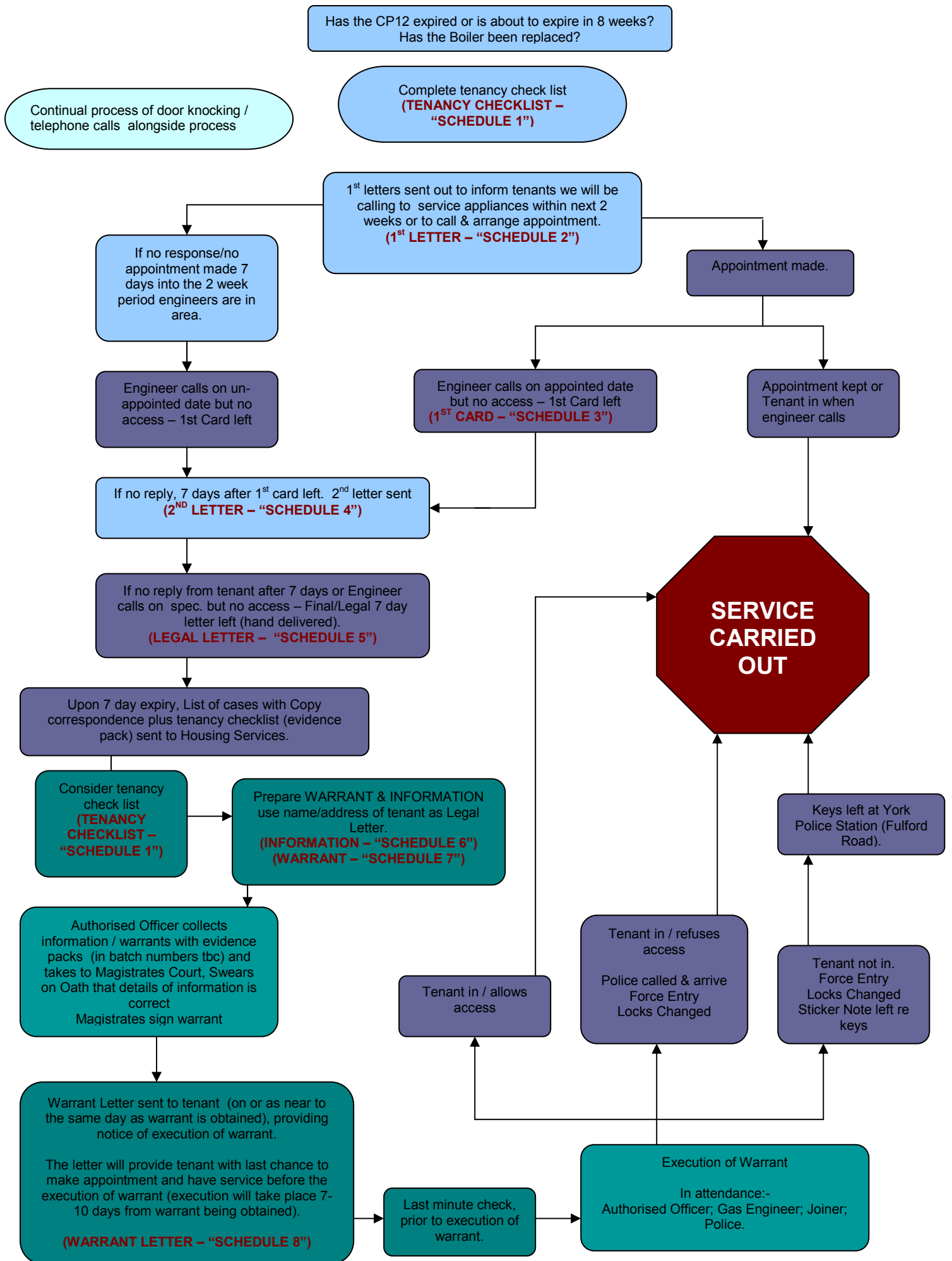
Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Annexes –

Appendix A Flow chart of new gas safety procedure and
Appendix B Spreadsheet showing results of trial



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Street	Date of Last Service	Date 1st Letter Sent	1st Card	2nd Card	3rd Card	Final Letter	Legal Letter
BELGRAVE STREET	15-Jun-07	03-Apr-08	12-May-08	26-Jun-08	01-Dec-08	11-Mar-09	27-Mar-09
BULL LANE	26-Jul-07	26-Jun-08	12-Aug-08	17-Sep-08	22-Sep-08	12-Mar-09	27-Mar-09
CHAPELFIELDS ROAD	24-May-07	23-Nov-07	27-Dec-07	15-Jan-08	18-Feb-08	02-Jul-08	23-Jul-08
DOHERTY WALK	12-Feb-08	20-Nov-09	16-Feb-10				
DRAKE HOUSE	18-Aug-06	29-Sep-08	01-Oct-08	21-Oct-08	19-Dec-08	27-Jan-09	12-Mar-09
FOXWOOD LANE	21-May-08	29-Dec-08	23-Jan-09	04-Mar-09	11-Mar-09	25-Mar-09	
OUSEBURN AVENUE	27-Apr-06	25-Mar-08	07-May-09	05-Aug-08	04-Dec-08	09-Mar-09	26-Mar-09
ST STEPHENS ROAD	13-Feb-08	20-Nov-09	26-Nov-09				04-Dec-09
THAMES HOUSE	11-Oct-07	27-Aug-08	16-Sep-08	23-Feb-09		13-Mar-09	26-Mar-09
THIEF LANE	16-Aug-07	09-Jul-08	07-Nov-08	12-Dec-08	13-Feb-09	02-Mar-09	25-Mar-09
THIEF LANE	29-Mar-07	09-Jul-08	12-Aug-08	09-Sep-08	12-Dec-08	12-Mar-09	25-Mar-09
THORESBY ROAD	8-Jul-08	29-Dec-08	10-Mar-09	17-Mar-09		25-Mar-09	
VICTOR STREET	16-Mar-06	23-Jul-08	13-Aug-08	25-Sep-08	29-Jan-09	25-Feb-09	
VULCAN HOUSE	1-Jul-05	29-Sep-08					

2010 1st Card	New 2010 Final Letter	appointment made following letter	Warrant executed	Result
16-Feb-10	01-Mar-10		30-Mar-10	Full gas service carried out
16-Feb-10	01-Mar-10		25-Mar-10	No gas used by customer/gas capped
16-Feb-10	01-Mar-10		25-Mar-10	Electrical faults to boiler / boiler isolated follow up visit made to rectify faults
16-Feb-10	01-Mar-10	10-Mar-10		Boiler flue condemned /boiler - isolated and follow up visit made to rectify faults
16-Feb-10	01-Mar-10	22-Mar-10		No gas used by customer/ gas capped
16-Feb-10	01-Mar-10		25-Mar-10	Full gas service carried out
16-Feb-10	01-Mar-10	22-Mar-10		No gas used by customer/gas capped
16-Feb-10	01-Mar-10	15-Mar-10		Full gas service carried out
16-Feb-10	01-Mar-10	15-Mar-10		Full gas service carried out
16-Feb-10	01-Mar-10		25-Mar-10	Serious gas leak/ gas capped as customer did not use gas
16-Feb-10	01-Mar-10	15-Mar-10		Customer had fitted own gas appliances found to be unsafe//Gas capped
	01-Mar-10	09-Mar-10		No gas used/gas capped
16-Feb-10	01-Mar-10		25-Mar-10	No gas used/gas capped
16-Feb-10	01-Mar-10	26-Mar-10	30-Mar-10	Full gas service carried out