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MEETING	CORPORATE AND SCRUTINY MANAGEMENT COMMITTEE (CALLING IN)
DATE	13 AUGUST 2012
PRESENT	COUNCILLORS WISEMAN (CHAIR), BARNES, BOYCE (SUB FOR CLLR HORTON), FRASER (SUB FOR CLLR POTTER), KING, MCILVEEN, RUNCIMAN (VICE-CHAIR), STEWARD AND WARTERS
IN ATTENDANCE	COUNCILLORS ALEXANDER, CUTHBERTSON AND JEFFRIES
APOLOGIES	COUNCILLORS HORTON AND POTTER

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## 1. **DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda.

The following personal non-prejudicial interests were declared in relation to the called in item: Changes to the Eligibility Criteria for Adult Social Care:

- Cllr Fraser as a member of the retired sections of Unison and Unite (TGWU/ACTS) and as a CYC member of the York NHS Foundation Trust
- Cllr Wiseman as a public Governor of the York NHS Foundation Trust and member of the shadow Health and Wellbeing Board

## 2. **PUBLIC PARTICIPATION/OTHER SPEAKERS**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme however two members of Council had requested to speak.

Councillor Alexander referred to the national crisis of increasing demand for care services whilst being in an age of austerity. Reference was made to modelling which showed future difficulties that would be experienced by other Local Authority's

that provided care services. It was also expected that by 2019/20 adult social care costs in York would increase by a third and for this to account for half of all the council spending when councils were receiving cuts in funding, with more expected.

In response to the growing demand Council had agreed to increase council tax for 2012/13 with a substantial proportion of this additional income going to adult care. The budget had also provided for disability facilities grants for independent living and for the provision of a community hub for those with learning difficulties. However, even with this increase in funding, the resources were insufficient to meet the rising demand and most number authority's in the Yorkshire area were targeting resources to those most in need.

Reference was made to the budget amendments made by the groups at Council which had not included details of how income could be increased or savings made to meet future costs in this area. Additional supporting information in respect of these comments was also circulated to members at the meeting.

Councillor Jeffries referred to her conflicting interest in this area both as a CYC member and as co-Chair of the Independent Living Network (ILN). She thanked the calling in members for raising these issues as she had also shared their concerns regarding the process followed in respect of these changes including the consultation undertaken. Although other authority's had amended their criteria for adult social care services they had undertaken face to face meetings/workshops and public meetings which had fed into the final decisions made. The work undertaken in York she felt had missed these opportunities to get the best outcomes and she went onto point out alternative savings that could have been made.

### **3. MINUTES**

RESOLVED: That the minutes of the last meeting of the Corporate Scrutiny Management Committee (Calling In) meeting held on 23 April 2012 be approved and signed by the Chair as a correct record.

#### 4. CALLED-IN ITEM: CHANGES TO ELIGIBILITY CRITERIA FOR ADULT SOCIAL CARE

Members received a report which asked them to consider a decision made by the Cabinet Member for Health, Housing and Adult Social Services at her meeting on 1 August 2012, in relation to changes to the eligibility criteria for adult social care. Further information on the options available, consultation undertaken and impact on service users which had led to the decision to change the eligibility criteria from Moderate, Substantial and Critical to Substantial and Critical were set out in the report.

Details of the Cabinet Member's decision were attached as Annex A to the report, with the original report to the Cabinet Member Decision Session attached as Annex B. The decision had been called in by Cllrs Aspden, Cuthbertson and Runciman on the following grounds:

*The Liberal Democrat Group formally oppose the decision made by the Cabinet Member and believe that the eligibility criteria should remain unchanged at Moderate, Substantial and Critical. The Cabinet Member has failed to take into account any of the representations made by the Group, prior to taking her decision.*

- *The consultation was misleading as it failed to tell residents that there are alternatives to withdrawing care provision from York residents. Therefore we believe the results should be treated with extreme caution.*
- *The consultation exercise was also poorly conducted and an investigation needs to be undertaken to determine why mistakes were made. As the report states, 200 residents were sent the wrong information and feedback from residents said the consultation was "confusing", "patronizing", contained "wrong" information, was "very poor", that "questions were impossible to answer", and complained questions were "ambiguous".*
- *The 31% response rate means that of residents sent consultation packs only 20% agreed with the change in eligibility levels, with 10% disagreeing and the overwhelming majority either not answering that*

*specific question or not taking part in the consultation. In other words, only 1-in-5 people have actively supported these proposals and even these did so through a misleading consultation document. This means that the Council can not claim there is a proper mandate for the changes. For such a vital issue, we do not believe that this flawed consultation exercise is good enough or can form the basis for an informed decision.*

- *A number of concerns raised by partners particularly the York Older People's Assembly:*
  - *Low level intervention at modest needs level can help sustain independence for longer and any short-term financial gains should be set against the costs of having more people fall into the 'substantial' and 'critical' needs bands because they lose this crucial support.*
  - *The ability of the voluntary sector in York to provide the level of personal support envisaged in this report. The report provides no detailed evidence from the voluntary sector on this point.*
- *The report states that the £150,000 cost of not introducing the changes can not be found elsewhere in the Council's Budget:*

*"There is no indication at this stage of the year that other areas of the council budget are able to make additional savings to avoid the need for this proposal."*

*The Liberal Democrat Group believes that savings could be made elsewhere to protect social care. In our February Budget proposal, we outlined how reversing some of Labour's planned spending increases and making savings elsewhere could fund this area.*

Members were asked to decide whether to confirm the decision (Option a) or to refer it back to the Cabinet for reconsideration (Option b).

Councillor Cuthbertson addressed the meeting on behalf of the Calling-In members, he reiterated the grounds for the call-in and, in particular, to the low consultation response rate which he

felt did not endorse the changes now being made. Reference was made to savings that could be made elsewhere to avoid the need to amend the criteria and to concerns raised by partners, particularly the Older People's Assembly, who had indicated that they were unaware of any voluntary sector providers able to provide personal care. The consultation it was felt had missed the opportunity to ask consultees where the money could best be used to provide for their requirements. The Committee were therefore asked to recommend reconsideration of the decision in light of these comments.

Officers responded to the points made, reiterating that there had been no flaw in the process/consultation in relation to this decision. It was confirmed that a technical error had been made which had affected letters sent out to a small group of people for which apologies had already been made and lessons learned for future consultation exercises. It was confirmed that face to face meetings with those affected had also taken place on the challenges faced by the authority and that there had been thorough consultation with a 31% response rate which had been considered good. Officers went on to detail the scale of the consultation undertaken and numbers of customers, at present, in each support category, confirming that partner feedback had been listened to. It was pointed out that this was an opportunity to deliver savings whilst engaging with the voluntary and community sector to provide services for less complex cases.

Members questioned Officers in relation to a number of points including, the development in the Telecare and reablement services, would there be any hardship cases following the change in criteria, the quality of the consultation questions and details of customer review arrangements.

Officers confirmed that individual reviews would be undertaken for the 184 customers and that no one had been disadvantaged by any incorrect recording of information. Those affected would have assistance in place to meet their needs by some other route, with no service being terminated until alternative arrangements had been agreed.

Following requests by members, receipt of legal advice and the agreement of the Chair, Councillors Alexander and Jeffries made closing statements prior to the vote taking place.

After a full debate, it was

RESOLVED: That Option (a) be approved and that the decision of the Cabinet Member for Health, Housing and Adult Social Services be confirmed.

REASON: In accordance with the requirements of the Council's Constitution.

Cllr S Wiseman, Chair

[The meeting started at 5.00 pm and finished at 6.45 pm].