

**Corporate and Scrutiny Management Committee
(Calling – In)**

13 August 2012

Report of the Assistant Director, Governance and ICT

Called-in Item: Changes to Eligibility Criteria for Adult Social Care

Summary

1. This report sets out the reasons for the call-in of the decisions made by the Cabinet Member for Health, Housing and Adult Social Services at her Decision Session on 1 August 2012 in relation to changes to the above criteria. The report to the meeting detailed public consultation and sought approval to change the eligibility criteria for adult social care from Moderate, Substantial and Critical to Substantial and Critical. This cover report sets out the powers and role of the Corporate and Scrutiny Management Committee in relation to dealing with the call-in.

Background

2. An extract from the decision list published after the Cabinet Member Decision Session for Health, Housing and Adult Social Services is attached as Annex A to this report. This sets out the decisions taken by the Cabinet Member on the called-in item. The original report to the Decision Session on the called-in item is attached as Annex B to this report.
3. The Cabinet Members' decision has been called in by Cllrs Aspden, Cuthbertson and Runciman for review by the Corporate and Scrutiny Management Committee (CSMC) (Calling-In), in accordance with the constitutional requirements for call-in. The reasons given for the call-in are 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.

Consultation

4. In accordance with the requirements of the Constitution, the calling-in Members have been invited to attend and/or speak at the Call-In meeting, as appropriate.

Options

5. The following options are available to CSMC (Calling-In) members in relation to dealing with this call-in, in accordance with the constitutional and legal requirements under the Local Government Act 2000:
 - a. To decide that there are no grounds to make specific recommendations to the Cabinet Member in respect of the report. If this option is chosen, the original decisions taken on the item by the Cabinet Member at her meeting held on 1 August 2012 will be confirmed and will take effect from the date of the CSMC (Calling-In) meeting; or
 - b. To make specific recommendations to the Cabinet Member on the report, in light of the reasons given for the call-in. If this option is chosen, the matter will be reconsidered by the Cabinet at a meeting of Cabinet (Calling-In) to be held on 20 August 2012.

Analysis

6. Members need to consider the reasons for call-in and the report to the Cabinet Member and form a view on whether there is a basis to make specific recommendations to the Cabinet Member in respect of the report.

Council Plan

7. An indication of the Council Plan Priorities to which the Cabinet Members decision are expected to contribute is provided in paragraphs 40 and 41 of Annex B to this report.

Implications

8. There are no known Financial, HR, Legal, Property, Equalities, or Crime and Disorder implications in relation to the following in terms of dealing with the specific matter before Members; namely, to determine and handle the call-in.

Risk Management

9. There are no risk management implications associated with the call in of this matter.

Recommendations:

10. Members are asked to consider the call-in and reasons for it and decide whether they wish to confirm the decision made by the Cabinet Member or refer the matter back for reconsideration and make specific recommendations on the report to the Cabinet.

Reason: To enable the called-in matter to be dealt with efficiently and in accordance with the requirements of the Council's Constitution.

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**Report
Approved**



Date 7 August 2012

Specialist Implications Officer(s) None

Wards Affected:

All



For further information please contact the author of the report

Annexes

Annex A – Decision of the Cabinet Member on the called-in item (extract from the decision list published on 2 August 2012).

Annex B – Report to the Cabinet Member Decision Session on 1 August 2012 including Annexes A to F.

Background Papers

Agenda relating to the above meeting (published on the Council's website)