

SCRUTINY MANAGEMENT PANEL

MINUTES OF THE MEETING of the Scrutiny Management Panel held on Friday 14 August 2009 at 3 pm in the Executive Meeting Room, Floor 3, The Guildhall, Portsmouth.

(NB: These minutes should be read in conjunction with the agenda for the meeting).

Present

Councillors Les Stevens (Chair)

Malcolm Hey

Frank Jonas

Jim Patey

Paula Riches

Caroline Scott

Cheryl Buggy

Darron Phillips (Deputising for
Councillor David Fuller)

Jim Fleming (Deputising for
Councillor Terry Henderson)

Steven Wylie, Cabinet Member for Housing

Officers

Michael Lawther, Strategic Director &
City Solicitor

Owen Buckwell, Head of Housing
Management

Alison Croucher, Acting Sheltered Housing
Manager

Chris Wignall, Paulsgrove & Portsea Housing
Manager

Chris Ward, Accounting Manager

14 Apologies for Absence (AI 1)

Apologies for absence were received from Councillor Terry Henderson and Councillor David Fuller.

15 Declarations of interest (AI 2)

There were no declarations of interest.

16 Minutes from the Meeting of 18 June 2009

The Panel

RESOLVED that the minutes of the Scrutiny Management Panel meeting held on 18 June 2009 be confirmed as a correct record.

17 Sheltered Housing – Improvements to Night Service, Reductions in Supporting People Grant and Implementation of Local Pay Review – Call-in of Decisions taken by the Cabinet Member for Housing at his Special Decision Meeting held on 30 July 2009 (AI 4)

The following documents were circulated to the Panel in advance of the meeting:-

- (i) The agenda for the meeting of the Cabinet Member for Housing's Special Decision Meeting held on 30 July 2009;
- (ii) The report from the Head of Housing Management – Sheltered Housing – Improvements to Night Service, Reductions in Supporting People Grant and Implementation of Local Pay Review;
- (iii) The call-in procedure for Members Information Service published on 31 July 2009;
- (iv) The call-in request of the draft minutes for the meeting of the Cabinet Member for Housing's Special Decision Meeting held on 30 July.

The City Solicitor explained the call-in procedure and in particular that the Panel had to consider -

- (i) whether the decision was within the budget and policy framework;
- (ii) whether the Cabinet Member had all the relevant information in order to make that decision;
- (iii) whether the proper process was followed in accordance with the Constitution.

This would enable the Panel to decide whether or not to refer the decision back to the Cabinet Member for Housing for reconsideration.

The City Solicitor also explained that those who have called the decision in are not precluded from sitting on the Panel provided that they remain open-minded about the decision and are not of a fixed mind before the evidence has been heard.

The Chair invited Councillor Steve Wemyss to set out the reasons for the call-in. Councillor Wemyss explained that he had been unable to attend the original decision meeting and had sent a written representation to that meeting which he would refer to again. Councillor Wemyss made the following points:-

- He did not consider that all options had been properly costed or considered against the chosen option which was Option 1.
- He believed that Option 1 represented a withdrawal of round-the-clock support as instead of a static night service based in each block, there would be a mobile night service.

- He believed that the response team would have difficulty in responding if there were three calls made at once.
- He believed that the average time for a response would actually be longer than the five minutes stated in the report as this does not seem to take into account the time taken in getting in and out of the car and to and from the person who made the call.
- Alternative shift patterns do not appear to have been looked at and had not been costed in the options contained in the report. He felt that there were contradictions in the report. For example Appendix 1 says – there is an average of just three calls each night, whereas Appendix 2 states that – 86 of 161 calls needed a response. Another example is that in Appendix 3 the response times appear to be different from those in Appendix 2.
- He felt that the assertion that Option 1 represented the lowest cost option is not necessarily correct as the option had not been properly costed in his view. He felt that the research seems to have taken place in the summer time and believes that the winter months would have heavier demand.

For the above reasons he believes that the decision taken by the Cabinet Member for Housing should be reconsidered.

The Chair invited Councillor Wylie to explain why he took the decisions he did. Councillor Wylie said that he considered all the evidence before him. There were several reasons for his decision including –

- That he found it advantageous to have an awake team dealing with call-outs.
- He had received several letters from residents about charges for the response service requesting that these should not be increased.
- He had received few objections from residents to the proposed changes and he had visited the places concerned and had canvassed residents. He felt that it was inevitable that not all residents would agree with the decision he took.
- There were urgency issues as the European Working Time Directive had recently been adopted by Portsmouth City Council and the Local Pay Review had to comply with a set timescale.
- He felt that his decision was about getting the right service for the people concerned and he felt he had taken time to collect evidence to arrive at his decision.

In response to questions Councillor Wylie said that although he did not know the exact cost of Option 3, he did know that it was over a particular amount of money and that financial officers had said that this would be substantially more than the cost of Option 2.

The Chair then called the Lead Officers to the debate.

Mr Owen Buckwell, Head of Housing Management reiterated that although the actual costs of some of the options were not available at the decision meeting, officers advised the Cabinet Member that the cost of Option 3 was substantially more than Option 2. Option 4 was not costed as it could not be pursued as it failed to meet the EUWTD. Mr Buckwell further explained that –

- With regard to shift patterns, no other shift patterns were available to be looked at because of the constraints of the Local Pay Review.
- With regard to research being done during the summer months, an analysis had been carried out which showed that the pattern for summer and winter showed little variation and felt that the reason for this was that usually the reason for call-outs were over fairly small things as shown in the data provided.
- There was no change in the emergency procedures from the old system to the new as response staff were not qualified to deal with emergencies and so always called for emergency services.
- Following a demand analysis it was shown that the greatest demand time was between 7 am and 9 am and that the start time of the new shift would be from 7 am which will provide a full compliment of day staff on duty.
- The changes being brought in from 1 November had not been driven from a desire to save costs.
- Mr Buckwell explained that in his view the mobile service would also help to increase security as they will patrol each block.
- With regard to the response times, previously there was only one person to deal with call-outs in each block, however under the new procedure there will be two people. If there is a third call then the ESO night-time service would be contacted. Mr Buckwell said that it was very rare for three calls to occur at the same time, but that if this happened there was a plan to deal with it.

In response to questions Mr Buckwell explained that even though staff have to have break times which must be uninterrupted, if a call-out occurred during that time the situation would be unchanged from the current position and that the ESOs on duty would deal with the call. If it was an emergency call then the emergency services would be contacted. He also explained that there is an arrangement concerning keys for the sites which enables paramedics to access the sites without delay.

Mr Buckwell confirmed that all the staff employed would be fully aware of where each of the 2.5 sites are and now that officers are not sleeping on the premises, there will be a saving in the time that used to be taken in dressing/undressing. Mr Buckwell stressed that the sites confirmed were “supported living homes” and not “care homes”.

Ms Alison Croucher explained to the Panel in response to a question that contact can be made with the duty officers via an intercom handset which enables the person to talk directly to the duty officer via a speech box. A call via this method is still recorded and used in data even where the person calling decides that a visit is not necessary.

Mr Buckwell explained that his managers had visited all the blocks where the 2.5 schemes operated to try to allay the concerns of residents who had moved in on the understanding that they would feel safe.

Mr Buckwell said that most residents had been persuaded that the new system could work well although there was still a minority of residents who were not happy about the changes. Mr Buckwell felt that the new policy would support one of the corporate priorities which is “to protect and support our most vulnerable residents.” He said that although inevitably there would always be some people who were concerned about any change being made, much effort had been put in to reassuring residents. Mr Buckwell also confirmed that –

- The new service would be continuously monitored and reviewed.
- That he was confident there would be a better chance of responding to more than one call at a time under the new system than under the old.
- That his first priority was to deliver the service to residents and although some staff would be worse off, in terms of salary, there would also be some staff who would be better off. He confirmed that all staff would be spoken to individually about changes to their salary.
- Mr Buckwell said that the mobile response unit would be based in different places depending on differing circumstances. For example where a particular block had shown a high demand during the daytime, the response unit would be based there overnight.
- The timing of the implementation of the European Working Time Directive being introduced in Portsmouth had been dictated by the Local Pay Review.
- All residents would be given the opportunity to have a 1 to 1 about the changes and a family member would be allowed to attend the 1 to 1 with the individual concerned. Mr Buckwell read out a letter that will be sent to residents advising them of this.

Concerns were expressed by Councillors about –

- The possibility of a legal challenge to the changes being introduced and that in some other Councils the Council concerned has had to pay out compensation.
- The change to the service may lead to some residents going into a higher level of care and in some cases the City Council may have to bear the costs for this.

Mr Buckwell explained that with regard to those Councils that had been subject to legal challenge, this may have been as a result of confusion between the difference between supported housing and residents in care homes. Portsmouth City Council is not withdrawing night support, it will just be operated in a different way. Mr Buckwell also said that the costs of the various options were available if Councillors wished to see them.

In response to a Councillor stating that full financial information had not been available when the Cabinet Member took his decision, the City Solicitor advised that the Cabinet Member needed sufficient information on which to make a decision and that it was known to the Cabinet Member at the time he took his decision that Option 3 would be substantially more than Option 2. Councillor Wylie explained that at his decision meeting he had decided against Option 2 because of the increase in costs to individual residents. Mr Chris Ward, explained the individual costs under the various options.

The Chair then asked members of the public to leave and the Panel went into closed session in order to make its decision. After a short discussion in closed session, the meeting resumed in open session.

The Chair advised that the Panel had considered the evidence it had received in open session to consider whether –

- (i) The decision was within the budget and policy framework
- (ii) The Cabinet Member had sufficient information in order to make that decision.
- (iii) The proper process was followed in accordance with the Constitution.

The Panel

RESOLVED that the Cabinet Member for Housing had acted properly in reaching his decision on Sheltered Housing – Improvements to Night Service, reductions in supporting people grant and implementation of Local Pay Review taken at his decision meeting held on 30 July 2009 and that this decision should stand.

18 Date of Next Meeting (AI 5)

The date of the next meeting will be 3 September 2009 at 4 pm in the Executive Meeting Room of the Guildhall.

The meeting closed at 4.35 pm.

VJP/SEM
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18 August 2009