

HAMPSHIRE COUNTY COUNCIL

Report

Committee:	Health and Adult Social Care Select Committee
Date:	2 April 2019
Title:	Working Group Proposal
Report From:	Director of Transformation and Governance

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Purpose of this Report

1. The purpose of this report is for the Health and Adult Social Care Select Committee (HASC) to consider whether to initiate a Working Group to feed in to the consideration of options relating to the future of the Orchard Close respite unit on Hayling Island.

Recommendation(s)

2. To initiate a Working Group to feed in to the consideration of options relating to the future of the Orchard Close respite unit on Hayling Island, as per the attached proposed Terms of Reference.
3. To agree membership of the Working Group.

Contextual information

4. The HASC pre-scrutinised the proposal to close Orchard Close respite service at it's meeting on 11 February 2019. The HASC made a recommendation to the Executive Member for Adult Social Care and Health that did not support closure. The Executive Member considered this feedback, and took a different decision at her Decision Day on 27 February 2019, instead deciding:

That the Executive Member for Adult Social Care and Health requests that further work is undertaken prior to any decision being made, as to all possible wider options and that further reports will be submitted not before autumn 2019 to the relevant Executive Member/s for consideration.

5. This decision was Called In by a quorum of the Members of the HASC, and a Call In meeting was held on 14 March 2019 at which the Select Committee recommended that the Executive Member reconsider the decision. The

Executive Member reconsidered her decision at the Decision Day on 29 March 2019. She took the following decision:

That the Executive Member for Adult Social Care and Health confirm the decision made on 27 February 2019 to request that further work is undertaken prior to any decision being made, as to all possible wider options and that further reports will be submitted not before autumn 2019 to the relevant Executive Member/s for consideration.

6. At this Decision Day the Executive Member indicated that it is planned to take a decision following the further work, at a decision day in November 2019, and service users will be able to make bookings to use Orchard Close up to 30 September 2020. Beyond that will be subject to the outcomes of the further work due to be undertaken.
7. At the Call In meeting, Members of the Committee expressed interest in holding a Working Group to feed in to the consideration of wider options, therefore this proposal was put on the agenda for this meeting for the Committee to consider establishing such a Working Group.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	no
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:	
<u>Title</u>	<u>Date</u>
Consideration Of Request To Exercise Call-In Powers	14 March 2019
Findings from the consultation and recommendations On respite services at orchard close, hayling island	27 February 2019
Reconsideration - decision of 27 february 2019 relating To respite services at orchard close, hayling island	29 March 2019
Direct links to specific legislation or Government Directives	
<u>Title</u>	<u>Date</u>

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

This report is about initiating a working group, therefore an impact assessment is not relevant. An impact assessment will be considered at the time proposals arising from the working group are considered for decision.

**HEALTH AND ADULT SOCIAL CARE SELECT (OVERVIEW AND SCRUTINY)
COMMITTEE**

**TASK AND FINISH WORKING GROUP ON: ORCHARD CLOSE RESPITE
SERVICE**

TERMS OF REFERENCE

1. Role and Purpose of the Task and Finish Working Group

The Task and Finish Working Group is a working group of the Health and Adult Social Care Select (Overview and Scrutiny) Committee (HASC), and is appointed in accordance with the Constitution of Hampshire County Council.

The Task and Finish Group's purpose is to contribute to the consideration of all wider options regarding the future of the Orchard Close Respite Centre.

2. Context

The HASC considered the original proposals to close Orchard Close at the meeting on 11 February 2019. The HASC made recommendations to the Executive Member that the Committee did not support the proposals. At the Decision Day of the Executive Member for Adult Social Care and Health on 27 February 2019 the Executive Member revised the decision to:

- a) That the Executive Member for Adult Social Care and Health notes and acknowledges the discussion and recommendations made at the Health and Adult Social Care Select Committee on the 11 February 2019, in regards to the findings of the consultation on respite services at Orchard Close, Hayling Island.
- b) That the Executive Member for Adult Social Care and Health requests that further work is undertaken prior to any decision being made, as to all possible wider options and that further reports will be submitted not before autumn 2019 to the relevant Executive Member/s for consideration.

A quorum of the Select Committee requested a Call In of this decision, and a Call In meeting was held on 14 March 2019. At that meeting, Select Committee Members requested that a Working Group be held for Select Committee Members to provide input to the further work undertaken on all possible options.

At the Call In meeting the Select Committee recommended that the Executive Member reconsider the decision taken on 27 February. The Executive Member reconsidered her decision at the Decision Day on 29 March 2019. She took the following decision:

That the Executive Member for Adult Social Care and Health confirm the decision made on 27 February 2019 to request that further work is undertaken prior to any decision being made, as to all possible wider options and that further reports will be submitted not before autumn 2019 to the relevant Executive Member/s for consideration.

At this Decision Day the Executive Member indicated that it is planned to take a decision following the further work, at a decision day in November 2019, and service users will be able to make bookings to use Orchard Close up to 30 September 2020. Beyond that will be subject to the outcomes of the further work due to be undertaken.

3. Scope of the Task and Finish Group

Objectives:

- To provide input to the consideration of possible options relating to Orchard Close
- To review feedback from engagement with stakeholders, including service users.

Exclusions:

It is not possible for the HASC to recommend a course of action which fetters the professional discretion of Officers to perform their professional roles, or which fetters the discretion of the County Council to take action in future. When considering its recommendations, the Working Group may wish to seek legal advice.

Where the options under consideration include aspects relating to the Trust, decisions about this are not within the remit of the Executive Member for Adult Social Care and Health. Decisions on this would sit with the Executive Member for Policy and Resources. However, should the HASC wish to scrutinise these issues, with the agreement of the Policy & Resources Select Committee it can do so, and would need to make recommendations on these aspects to the Executive Member for Policy & Resources.

Outcomes:

- To provide updates to the wider HASC on the progress of considerations when appropriate.
- To make recommendations regarding proposals to the wider HASC
- To submit a report to the wider HASC when recommendations regarding the future of Orchard Close appear before the Committee for pre-decision scrutiny.

4. Method

The working group will meet with department officers to consider the evidence leading to recommendations for decisions on the future of

Orchard Close Respite Service. At each meeting, the group will provide oversight, scrutiny and comment on progress with the review of options.

Where the working group requires further information in order to pursue their purpose as outlined in the scope, such information will be requested.

5. Membership

The working group shall be a cross party group made up of four County Councillor Members of the HASC (*ideally proportional – 3 conservative and 1 liberal democrat*).

6. Meetings

The Working Group will hold an initial meeting to review their scope, understand the timeline for this work, and plan future meetings. After this meeting, it shall meet as often as required to satisfactorily explore this topic.

7. Code of Conduct

Elected Members of the Working Group shall comply with the Hampshire County Council Code of Conduct applicable to Members.

8. Reporting

The Working Group will make an update to the HASC on the progress of considerations when appropriate. It will provide comment to the wider HASC when recommendations regarding the future of Orchard Close appear before the Committee for pre-decision scrutiny.

The Working Group will cease to exist once its purpose has been fulfilled.

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