



# **PORTFOLIO HOLDER DECISION MEETING**

**THURSDAY 22 MARCH 2007  
4.00 PM**

**COMMITTEE AGENDA**

**COMMITTEE ROOM 3  
HARROW CIVIC CENTRE**

**MEMBERSHIP**

**Leader**

**Issued by the Democratic Services Section,  
Legal and Governance Services Department**

**Contact: Daksha Ghelani, Senior Democratic Services Officer  
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**HARROW COUNCIL**  
**PORTFOLIO HOLDER DECISION MEETING**  
**THURSDAY 22 MARCH 2007**

**AGENDA - PART I**

**PROCEDURAL**

1. **Declarations of Interest:**  
To receive declarations of personal or prejudicial interests, arising from business to be transacted at this meeting, from:
  - (a) all Members of the Committee, Sub Committee, Panel or Forum;
  - (b) all other Members present in any part of the room or chamber.
  
2. **Minutes:** (Pages 1 - 2)  
That the meeting held on 30 November 2006, having been circulated, be taken as read and signed as a correct record.
  
3. **Petitions:**  
To receive petitions (if any) submitted by members of the public/Councillors under the provisions of Executive Procedure Rule 15 (Part 4D of the Constitution).
  
4. **Public Questions:**  
To receive questions (if any) under the provisions of Executive Procedure Rule 16 (Part 4D of the Constitution).  
  
(Note: Paragraph 16 of the Executive Procedure Rules stipulates that questions will be asked in the order notice of them was received and that there be a time limit of 15 minutes).
  
5. **Matters referred to the Executive Member (if any):**  
In accordance with the provisions contained in Overview and Scrutiny Procedure Rule 23 (Part 4F of the Constitution).
  
6. **Reports from the Overview and Scrutiny Committee or Sub-Committees (if any):**

**PEOPLE FIRST**

7. **Consultation on possible changes to Adult Community Care Services:**  
(Pages 3 - 18)  
Report of the Director of Adult and Community Care Services.
  
8. **Any Other Urgent Business:**  
Which cannot otherwise be dealt with.

**AGENDA - PART II - NIL**

**Local Government (Access to Information) Act 1985:** In accordance with the Local Government (Access to Information) Act 1985, this meeting is being

called with less than 5 clear working days' notice by virtue of the special circumstances and ground for urgency stated below:-

**Special Circumstances/Ground for Urgency:** Under Access to Information Procedure Rule 5.2, where a meeting is convened at shorter notice than set out in Rule 4, copies of the agenda and reports shall be open to inspection from the time the meeting is convened.

To respond to concerns expressed by a senior Councillor and to allow the planned consultation to proceed within timescale for report back to July 2007 Cabinet. Any delay would result in reporting to September 2007 Cabinet with the consequent financial impacts.

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PORTFOLIO HOLDER DECISION MEETING

30 NOVEMBER 2006

Councillors: \* Chris Mote

\* Denotes Member present

**PART I - RECOMMENDATIONS - NIL**

**PART II - MINUTES**

8. **Declarations of Interest:**

**RESOLVED:** To note that no interests were declared in relation to the business to be transacted at this meeting.

9. **Minutes:**

**RESOLVED:** That the minutes of the meeting held on 25 July 2006 be taken as read and signed as a correct record.

10. **Petitions:**

**RESOLVED:** To note that no petitions were received under the provisions of Executive Procedure Rule 15 (Part 4D of the Council's Constitution).

11. **Public Questions:**

**RESOLVED:** To note that no public questions were put at the meeting under the provisions of Executive Procedure Rule 16 (Part 4D of the Council's Constitution).

12. **Matters referred to the Executive Member (if any):**

**RESOLVED:** To note that no matters had been referred to the Executive Member for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rule 22 (Part 4F of the Council's Constitution).

13. **Reports from the Overview and Scrutiny Committee or Sub-Committees:**

**RESOLVED:** To note that no reports had been received.

14. **Key Decision - Building Schools for the Future - One School Pathfinder:**

It was noted that the meeting had been convened at short notice for the reasons set out in the agenda.

The Leader considered the report of the Director of Strategic Services (People First), together with the report considered by a cross-party Member Panel on 27 November 2006, which related to Harrow's One-School Pathfinder project, and involved the taking of an urgent key decision.

The reports referred to the invitation from the Department of Education and Skills (DfES) to participate in the second phase of the Government's Building Schools for the Future One-School Pathfinder (OSP). An application and selection process had been undertaken to determine which of Harrow's schools should be selected for the Pathfinder project. It was noted that the Member Panel had unanimously recommended that Whitmore High School be selected for the Pathfinder project.

The Leader noted that there was a requirement from the DfES for a detailed proposal in relation to the school selected by Harrow to be submitted by 30 November 2006. The meeting was informed that, in accordance with paragraph 16 – Special Urgency - of the Access to Information Procedure Rules of the Council's Constitution, the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision could not be reasonably deferred until Cabinet on 14 December 2006 had been obtained. She had also agreed that the decision in relation to this matter was urgent and as a result would not be subject to the call-in procedure.

**RESOLVED:** That Whitmore High School be selected for Harrow's One-School Pathfinder project.

**Reason for Decision:** In order to advise the DfES of Harrow's selection of Whitmore High School for Harrow's One-School Pathfinder project, in accordance with their deadline of 30 November 2006.

(Note: The meeting having commenced at 1.03 pm, closed at 1.05 pm)

(Signed) COUNCILLOR CHRIS MOTE



Ref: PHD 081/06

Subject:	Consultation on possible changes to Adult Community Care Services
Responsible Officer:	Penny Furness-Smith, Director of Adult & Community Care Services
Portfolio Holder:	Cllr Mote: Leader of the Council
Key Decision:	Yes
Urgent/Non Urgent:	Urgent
Power to be exercised:	Para 3 Appendix 4d of the Executive Procedure Rules
Exempt:	No
Enclosures:	Report to Cabinet dated 15 <sup>th</sup> March 2007 with 2 Appendices

## SECTION 1 – SUMMARY AND RECOMMENDATIONS

### **RECOMMENDATIONS:**

To determine whether to amend the decision of Cabinet on 15<sup>th</sup> March to consult on two options.

In the event that the decision is varied, to instruct officers to consult only on the option: "To meet only 'critical band' assessed needs and to stop paying for any assessed needs at 'substantial band' or below."

### **REASON:**

To respond to concerns expressed by a senior Councillor and to allow the planned consultation to proceed.

## **SECTION 2 – REPORT**

### Background

Cabinet on March 15<sup>th</sup> 2007 agreed a series of recommendations in relation to the planned consultation on Community Care Services – copy attached.

Subsequent to the meeting a Senior Councillor expressed concern about consulting the public on the option of leaving the access criteria as they are, given that it was very unlikely that this option would be adopted. He noted that other authorities who were/had undergone a similar exercise had consulted only on the proposed change. They had not given consultees the 'status quo' option.

### Issue

The decision to consult on leaving things as they are was based on feedback from the pre-consultation scoping exercise done with stakeholders as set out in the Cabinet report. Consultees were clear that they wanted this included (see appendix 2 page 2). While their views are not binding, the Council may be criticised for engaging them in scoping out how the consultation should look, and then not reflecting their views.

There is no explicit legal or professional requirement to consult on the status quo option, but failure to do so, given the stakeholder response, may form part of any challenge or complaint should Cabinet decide to vary the access criteria in the Summer.

### Timescale

In order that Cabinet can consider the results of the planned consultation in July, the consultation document needs to be with the printers by Thursday 22<sup>nd</sup> March. This can of course be slipped, but it will delay consideration by Cabinet, which may have budgetary implications.

### Governance

Cabinet made a decision on 15<sup>th</sup> March, which has now been made public. There is nothing in the Constitution to prevent Cabinet reconsidering its decision, and agreeing to vary 1 element of it. Given that the matter is considered urgent, the Leader can take such a decision on behalf of Cabinet. Before doing so he should determine whether the importance of the matter warrants the calling of a special meeting of the Executive, and he should consult the relevant Portfolio Holder, here Cllr Eric Silver. Taking the decision is conditional upon the Chairman of the Overview & Scrutiny Committee waiving call in and agreeing that the decision can be taken as it is not on the forward plan.

### Decision Required

The Leader is asked to indicate whether he wishes to effect a variation of the Cabinet decision on 15<sup>th</sup> March.



**SECTION 3 - STATUTORY OFFICER CLEARANCE**

Chief Financial Officer	<input type="checkbox"/>
Signature.....	Date 22 <sup>nd</sup> March 2007
Name (print)...Myfanwy Barrett.....	
Monitoring Officer	<input type="checkbox"/>
Signature.....	Date 22 <sup>nd</sup> March 2007
Name (print)...Hugh Peart	

**SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS**

**Contact:** Mark Gillett  
Group Manger Plus – Commissioning, Strategic Planning and Health Integration  
[Mark.gillett@harrow.gov.uk](mailto:Mark.gillett@harrow.gov.uk)  
020 8424 1911

**Background Papers:**

None

Signature: .....

Position Director of Adult Community Care Services

Name (print) Penny Furness-Smith

Date: 22<sup>nd</sup> March 2007

**FOR PORTFOLIO HOLDER/LEADER**

- \* I do agree to the decision proposed
- \* I do not agree to the decision proposed
- \* Please delete as appropriate

Notification of personal interests (if any):

(Note: if you have a prejudicial interest you should not take this decision)

Additional comments made by and/or options considered by the Portfolio Holder

Signature: .....

Portfolio Holder

Date:

Meeting:	Cabinet
Date:	15 March 2007
Subject:	Consultation on proposed changes to Adult Community Care Services – Spring 2007
Key Decision: (Executive-side only)	Yes
Responsible Officer:	Penny Furness-Smith, Director of Adult Community Care Services
Portfolio Holder:	Cllr Silver – Adult Community Care Services and Issues Facing People with Special Needs
Exempt:	No
Enclosures:	Appendix 1 – List of groups invited to pre-consultation event. Appendix 2 – Notes of pre-consultation event held on 12 February 2007

## SECTION 1 – SUMMARY AND RECOMMENDATIONS

### Summary

This report sets out the views expressed by invited stakeholders who participated in a formative process prior to commencing a formal consultation. It also asks Cabinet to confirm the options on which it wishes to consult.

### Recommendations

Cabinet is requested to:

1. Confirm the options on which they wish to consult, as set out in sections 2.2 and 2.3 of this report.
2. Delegate authority to the Portfolio Holder for Adult Community Care Services and Issues Facing People with Special Needs to approve the final consultation document.

### Reason (for urgency)

To enable the 12 week formal consultation to commence by 26 March.

## SECTION 2 - REPORT

### 1. Background

1.1. At its meeting on 14 August 2006 Cabinet considered the report of the Director of Financial and Business Strategy on the Revenue Budget 2007-08 to 2009-10.

1.2. It was resolved that: 'In addition to the general consultation with stakeholders, officers be instructed to commence specific consultation on the following proposals, as detailed in the report of the Director of Financial and Business Strategy

1.2.1. Access to Care Eligibility Criteria

1.2.2. Day Care Charging'

### 2. Recommended Options for Consideration by Cabinet

2.1. Stakeholders attending the pre-consultation event held on 12 February put forward a number of proposals for inclusion in the formal consultation document. Each of these suggestions are identified in Appendix 2 and have been considered and annotated accordingly. Members are asked to review these suggestions and consider whether the formal consultation process should contain the options set out at 2.2 and 2.3 below.

2.2. Proposed changes to the Eligibility Criteria under Fair Access to Care Services:

**Option 1:** To continue the existing policy to meet assessed needs at both 'substantial and critical bands'

**Option 2:** To meet only 'critical band' assessed needs and to stop paying for any assessed needs at 'substantial band' or below.

2.3. Proposed introduction of charges for attendance at Day Centres:

**Option 1:** To continue the existing policy of not charging for attendance at a day centre.

**Option 2:** To introduce a charge for attendance at a day centre and to set this charge at **either**

a) £6 per day (£3 per half-day) **or**

b) £12 per day (£6 per half-day) **or**

c) £20 per day (£10 per half-day)

### 3. Resources, costs and risks associated with the proposals

3.1. None at this stage

### 4. Staffing/Workforce Considerations

4.1. None at this stage.

## 5. Consultation

5.1. The Cabinet Code of Practice on Consultation suggests that it is good practice to undertake informal consultation with stakeholders to allow their engagement while proposals are still at the formative stage. It is felt that this leads to a more informed consultation exercise and ensures that stakeholders are engaged early and have a better understanding of the proposals.

5.2. 42 key stakeholders (Appendix 1) were identified and invited to a pre-consultation event held on 12 February.

5.3. A total of 27 individuals representing 17 organisations attended the event. A summary of the contributions and views expressed by participants is attached at Appendix 2.

## 6. Equalities Impact

6.1. Impact assessments on the proposed changes will be undertaken during the consultation process and reported back to Cabinet with the outcome of the formal consultation.

## 7. Key Performance Indicators

7.1. None at this stage.

## 8. Section 17 Crime and Disorder Act 1998 Considerations

8.1. None at this stage

### SECTION 3 - STATUTORY OFFICER CLEARANCE

Chief Finance Officer	<input checked="" type="checkbox"/>	Name: Donna Edwards Date: 28 February 2007
Monitoring Officer	<input checked="" type="checkbox"/>	Name: Helen White Date: 26 February 2007

### SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact:

Mark Gillett  
Group Manager Plus – Commissioning, Strategic Planning and Health Integration  
[mark.gillett@harrow.gov.uk](mailto:mark.gillett@harrow.gov.uk)  
020 8424 1911

**Background Papers:**

1. Harrow Code of Practice on Consultation
2. Cabinet Office (Better Regulation Executive) – Code of Practice on Consultation

**IF APPROPRIATE, does the report include the following considerations?**

1.	Consultation	YES
2.	Corporate Priorities	YES
3.	Manifesto Pledge Reference Number	1

**List of Groups invited to pre-consultation event**

Age Concern  
Advocacy Voice  
Brahmin Society North London (BSNL)  
Carers Reference Group  
Carer's Support Harrow  
Citizen's Advice Bureau  
Community Link-Up  
Confederation of Indian Organisations  
Harrow African- Caribbean Association  
Harrow Association for the Blind  
Harrow Association for the Disabled  
Harrow Association of Somali Voluntary Organisations  
Harrow Association of Voluntary Services  
Harrow Community Transport  
Harrow Consortium  
Harrow Council for Race Equality  
Harrow Crossroads  
Harrow Elderly Group  
Harrow & Hillingdon Alzheimers Society  
Harrow Kuwaiti Community Association  
Harrow Partnership with Older People (POP)  
Harrow Pensioners' Action Association  
Harrow Shopmobility  
Harrow Talking Newspaper for the Blind  
Harrow Tamil Association  
Harrow Women's Aid  
Hindu Council Harrow  
Horn Community Development Association  
Indian Association of Harrow  
Loud & Clear  
MENCAP  
Mind in Harrow  
Pakistani Welfare Association  
Partnership Boards user and carer reps  
Rastafarian Community  
Samaritans of Harrow  
Sikh Cultural & Welfare Society of Harrow  
Sri Lanka Islamic (UK) Association  
Sangat Centre  
Sikh Women's Association  
The Association of Senior Muslim Citizens  
The Disability Foundation (based at RNOH)

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## Adult Community Care Spring 2007 Pre-Consultation Event 12 February 2007

## Notes of Meeting

## Attendance

Organisation	Number attending	Organisation	Number Attending
Carers Support Harrow	2	Harrow Mencap	2
Citizen's Advice Bureau	1	Harrow Older People Partnership Board	1
Crossroads	1	Harrow Rethink	4
Elliott Hall Medical Centre Carers Group	1	Harrow User Group	4
HCRE	1	Harrow User Group/MIND in Harrow	2
Harrow Association of Disabled People	1	Loud and Clear	1
Harrow Association of Somali Voluntary Organisations	1	Middlesex Association for the Blind	1
Harrow Learning Disability Partnership	2	Somali Cultural and Education Association	1
Harrow Mental Health Partnership Board	1		
		Total	<b>27</b>

Apologies received from Age Concern, who had attended a previous briefing offered to advocacy services. HCRE also wrote providing comments. 1 attendee has also emailed further comments.

In attendance: Portfolio Holders 2; Officers 7

NOTE: Attendees were often involved with/representing more than one group. 42 groups were invited including carer/user representatives from Harrow's Partnership Boards.

## Options which could be included in the consultation.

## Proposed Changes to who qualifies for ('accesses') social care services (FACS)

Proposed Option	Notes	Comments/response/implications
To meet only 'critical band' assessed needs.	<i>This was the option highlighted in the Budget report to Cabinet on 14 Dec 2006 and put forward by one of the task groups</i>	Members are asked to agree that this should be one of the options put forward in the consultation document.
To continue to meet both 'substantial and critical band' assessed needs.		Members are asked to agree that this should be one of the options put forward in the consultation document.
To re-write the FACS criteria to be more specific with additional guidance		These are statutory national criteria
To offer those who are not assessed as having 'critical band' needs the opportunity to buy a service		Individuals have the right to purchase any services from the private/independent sector

## Proposed Introduction of charges for attending day centres

Proposed Option	Notes	Comments/response/implications
To charge £12 per day (£6 per half-day) for attendance at a day centre and to review charges each year.	<i>This was the option highlighted in the Budget report to Cabinet on 14 Dec 2006 and put forward by one of the task groups</i>	This proposed charge would place Harrow in the median of London current rates (for those charging). Members are asked to agree that this should be one of the options put forward in the consultation document.
To continue the current policy of not charging for attendance at a day centre		Members are asked to agree that this should be one of the options put forward in the consultation document.
To charge £20 per day (£10 per half-day) for attendance at a day centre		Although this would generate additional income, this would represent a significantly higher cost to service users.
To charge £10 - £12 per day (£5/6 per half-day) for attendance at a day centre		This is similar to the original proposal, but a charge of £10 would reduce income by 16%.
To reduce the number of Day Centre Places		Members have already agreed to the merger of Anmer and Milmans Day Centres. This proposal would create

## Appendix 2

		additional pressure on places potentially leading to unmet needs. This would require separate consultation.
To make Direct Payments to enable people to access community based activities.		This option is already available to individuals.

### What needs to be included in the document(s)?

Content	Notes	Comments/response/implications
Impact Assessments	<p>Participants wanted information included in the pack about the impact on:</p> <ul style="list-style-type: none"> <li>Carers</li> <li>Voluntary Organisations</li> <li>Other Agencies</li> <li>Equalities</li> <li>Health</li> </ul>	<p>The formal consultation document will contain basic information about the potential impact on these categories.</p> <p>A full impact assessment will be carried out during the consultation process and reported back to Cabinet together with the results of the formal consultation.</p>
Information for individuals	<p>How assessments are carried out</p> <p>How are the needs of carers reflected in an assessment</p> <p>Whether an individual falls within 'critical' or 'substantial' bands and at what stage they move between them</p> <p>Review dates</p> <p>How will changes be phased</p> <p>Implications for those in receipt of benefits</p> <p>Financial Impact assessment – Fairer Charging including clarity about who would not pay to avoid raising anxiety</p> <p>Will there be Means Testing</p> <p>Are Direct Payments available</p> <p>Do day care charges include lunch, transport and other extras?</p>	<p>We will set out as much information as possible within the formal consultation document, but we will need to balance this against our desire to provide an accessible document.</p> <p>Additional information can be made available via the web-site, and we can also work with partners including voluntary, community and faith organisations to ensure that information is accessible.</p>

## Appendix 2

Rationale for change	<p><i>Cost/benefit analysis of different options</i></p> <p><i>Benchmarking of charges including numbers of councils with nil charge</i></p> <p><i>Unit cost of provision (day centres) v proposed charges</i></p> <p><i>Anticipated income/saving</i></p> <p><i>What Harrow is doing to lobby for more funding from central government</i></p>	<p>We will set out as much information as possible within the formal consultation document, but we will need to balance this against our desire to provide an accessible document.</p> <p>Additional information can be made available via the website, and we can also work with partners including voluntary, community and faith organisations to ensure that information is accessible.</p> <p>We are actively lobbying central government in relation to the low grant position of the Council.</p> <p>We commission a range of services already including some from the voluntary and community sector.</p> <p>We are examining how we might make available information about the full range of services.</p>
Alternative services	<p><i>Would it be cheaper to buy services in the voluntary sector?</i></p> <p><i>What alternative services are available to people?</i></p>	
Frequently asked questions		

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<b>Format</b>	<b>Notes</b>	<b>Comments/response/implications</b>
Separate Documents for each consultation	<i>Short, black and white only</i>	We are considering how best to achieve a consultation document which is accessible, contains all the relevant information without being too long.
Simple Summary Document with more detailed version available	<i>Executive Summary</i> <i>Plain english</i> <i>Comprehensive information included</i> <i>savings/impact on related services</i>	RNIB recommend yellow background, black Arial Font 14 to assist people with visual impairment. We are considering how best to achieve a consultation document which is accessible, contains all the relevant information without being too long.
Accessible version of consultation document (pictorial)	<i>Assists low literacy</i>	We have received offers to develop an easy read version and we are considering how we can progress this.
Braille version		We will make available a Braille version on request
Verbal communication not just written	<i>Staff available to speak at groups</i>	We can make staff available to speak at meetings by negotiation.
Trial draft documents with service		We propose to circulate a draft of the formal consultation

## Appendix 2

users/organisations			document to enable pre-consultation stakeholders to comment on it before it is finalised.
Publicising Consultation	<i>As early as possible Anaphone message while waiting for Access Harrow Press/posters</i>		The formal consultation will be publicised widely as soon as details are finalised.
Dissemination	<i>Users <b>and</b> carers Residents associations – all residents Voluntary Sector Local press Public meetings Posters Reach the oldest/sick Provide extra copies of the feedback sheets and ask voluntary groups etc to contact their elderly members seeking views</i>		The formal consultation document will be circulated widely to current service users, and will be made available to organisations as well as downloadable from the web-site. Other individuals will be able to request that a copy of the consultation document be sent to them. Copies of the consultation document will be made available via GP surgeries, libraries and other public venues.  Additional copies of the feedback sheets can be provided on request
<b>Responding</b>		<b>Notes</b>	<b>Comments/response/implications</b>
Different feedback sheets for service users and organisations, and for different consultations		<i>Seek evidence from groups about how many they were responding for</i>	We will take account of this in designing the feedback sheets.
Opportunity on form for people to state how the proposed changes will affect their lives		<i>And that of carers</i>	We will take account of this in designing the feedback sheets.
Information about different methods to feedback e.g. telephone, e-mail		<i>Consider sending specific researchers out in the community</i>	We will continue the arrangements made for the previous consultation to provide a wide range of means for people to communicate their views including dedicated telephone line, text phone, fax, e-mail, and post.
Public Meetings		<i>Additional public meetings/focus groups organised by voluntary organisations but attended by Officers/Members</i>	We plan to hold 3 public meetings in different locations and times during the consultation period.  By negotiation we would be happy to attend

## Appendix 2

	events/meetings organised by voluntary, community and faith groups to explain the proposals.	
Assistance from staff to help users feedback	e.g. day centres	This will be available.

**Other Comments:**

Work with local voluntary groups to access alternative funding streams. *Where appropriate we would be happy to do this.*

Consider alternatives to social care reductions elsewhere in the council. See [www.harrow.gov.uk/budget](http://www.harrow.gov.uk/budget)

Work with the PCT to resolve financial difficulties e.g. pool budgets. *The PCT is a key partner with whom we continue to work closely.*