

Call-in Notice

To be completed by Members of the Public, as per the provisions of Overview and Scrutiny Procedure Rule 22.2(b).

To: **The Chief Executive**

1. **NOTICE OF CALL-IN OF EXECUTIVE DECISION**

In accordance with Overview and Scrutiny Procedure Rule 22, we, the ⁵⁹⁷150 signatories to this call-in notice (see numbered continuation sheets overleaf), being members of the public registered on the electoral roll of the London Borough of Harrow, hereby give notice that we wish to call-in the Executive decision detailed in section 2 below.

(ATTACHED).

2. **DETAILS OF EXECUTIVE DECISION**

The details of the Executive decision are as follows:-

Decision: Agenda item 788 of the Cabinet (25 July): Outcome

Made by: of Spring 2007 statutory consultation on Community Services - Fair
(Cabinet/relevant Portfolio Holder) Cabinet 25th July 2007 Access to Care Services

Published On: 30th July 2007
(Date)

3. **GROUNDINGS FOR CALL-IN**

(Please specify below the grounds for the call-in, in accordance with Overview and Scrutiny Procedure Rule 22.5. Please note that, in the event that this call-in is referred to the Call-in Sub-Committee, the considerations of the Sub-Committee will focus on the grounds stated, and the Sub-Committee will seek evidence to support them. Please therefore also set out below details of the evidence to support the grounds for call-in, continuing on a separate sheet if necessary).

Grounds for CALL-IN ATTACHED.

PLEASE NOTE : POINT OF CONTACT

Anne Freeman - Harrow Rethink Support Group
020 8427 7737

DEVEN PUNJ - HARROW MENCAP
0208954 8444

Once completed, please forward this form to Michelle Fernandes in Room 143, Civic Centre or send it by fax to 020 8424 1557 WITHIN 5 WORKING DAYS OF THE DATE OF PUBLICATION OF THE DECISION.

To: The Chief Executive

NOTICE OF CALL-IN OF EXECUTIVE DECISION

In accordance with Overview and Scrutiny Procedure Rule 22, we, the undersigned, hereby give notice that we wish to call-in the Executive decision detailed in section 2 below:-

Name(s)

Signature

**PLEASE SEE
ATTACHED LIST**

PLEASE SEE ENCLOSED LIST

2. DETAILS OF EXECUTIVE DECISION

The details of the Executive decision are as follows:-

Decision: **Agenda Item 7 & 8 of the Cabinet (25 July): Outcome of spring 2007 statutory consultations on Community Care Services – fair Access to Care Service**

Made by: **Cabinet on 25 July 2007**

Published On: **30 July 2007**

3. GROUNDINGS FOR CALL-IN

Please specify below the grounds for the call-in, in accordance with Overview and Scrutiny Procedure Rule 22.5 (the grounds on which an Executive decision may be called in are set out overleaf). Please note that the considerations of the Call-in Sub-Committee will focus on the grounds stated, and the Sub-Committee will seek evidence to support them. Please therefore also set out below details of the evidence to support the grounds for call-in, continuing on a separate sheet if necessary.

- (a) Inadequate consultation with stakeholders prior to the decision.**
- (b) The absence of adequate evidence on which to base the decision.**
- (c) The decision is contrary to the policy framework of the Council.**
- (d) The action is not proportionate to the desired outcome.**
- (e) A potential human rights challenge.**
- (f) Insufficient consideration of legal and financial advice.**

Grounds for Call-In

a. Inadequate consultation with stakeholders prior to the decision

The consultation process undertaken by the Council was flawed in a number of ways:

- The consultation was not genuine as the council had effectively made up its mind to implement its proposal prior to the cabinet's decision of 25th July.

The consultation only offered one option, namely that only those with critical needs should be supported hence offering no other real choices. It is worth noting that the draft consultation document had other options but was later withdrawn.

The leader of the council in a statement made relating to the single option proposal said ' It is the only way I can make the books balance'. A clear indication that this was a fait accompli.

Additionally in reaching its decision the council failed to take into account the overwhelming number of respondents against the proposal, clearly demonstrating that it did not go into the process with an 'open mind' or be prepared to change its position and take into account the outcome of the consultation. All essential aspects of a genuine and 'lawful' consultation process.

- The consultation document was misleading and confusing.

The FACS consultation ran practically simultaneously to the Day Care charges consultation process. These documents were virtually identical in colour, size and layout, which left the frail, elderly and disabled individuals and carers confused and unable to be properly consulted.

More significantly the FACS consultation document states that;

'If you live in a residential or nursing home or sheltered housing or have supporting people services your right to continue to live there would not be affected by any proposed change.' (page 4 Portfolio Holders introduction)

Yet there are numerous examples where individuals have been hurriedly assessed without the appropriate support from families or carers and services reduced or changed.

b. Absence of adequate evidence on which to base the decision

The decision taken is not reasonable as the council has not demonstrated how it will achieve its stated aim of containing costs. The council makes a number of suppositions, which it obviously cannot substantiate.

The council own assessment contradicts its stated position.

The councils Outline impact assessment states;

'It is not possible to predict accurately to how many people this might apply, or estimate accurately what the financial implications may be over the medium to long term.'

'In some of these cases, that delay may eventually mean that more and/or more expensive services have to be provided than would have been the case had services been made available at an earlier point'

The council maintains that it will continue to meet the needs of the vulnerable yet its decision to restrict services to those assessed as critical contradicts this statement.

The council in its Outline Equalities Impact Assessment states;

'By definition, all people to whom this proposed change applies are considered vulnerable.'

The cabinet paper (page 6 section 2.4) refers to the Voluntary sector supporting people who have services withdrawn. However it fails to provide any evidence of the capacity or adequacy of the sector to respond to these specialist needs.

Furthermore whilst there are references to carers needs no assessment of their respective needs have been undertaken as is required under the Carers(Equal Opportunity) Act 2004.

The consequences of the councils decision on Individuals and families are to cause unnecessary detriment and suffering (as evidenced by the Council's own outline impact assessment); Therefore the decision cannot be said to be reasonable fair or proportionate.

c. The decision is contrary to the policy framework of the Council

The decision to restrict services to those deemed critical only is in direct conflict to the Council's Vision and stated Corporate Priorities.

- The Corporate Plan 2007-10 was agreed at Cabinet on 21 June 2007 and adopted by Full Council on 12 July. In this document under Vision and Corporate Policies it says

'The Council's vision is to be recognized as one of the best London Councils by 2012 in a borough that is cosmopolitan, confident and cohesive.'

This vision is supported by more specific aspirations and lists 11 including

'V5 - listen to and care for people who need our help'.

The document continues and lists 11 corporate priorities over the next three years. These include the following:

'5. Improve care for adults and children who most need our help'
and

'10. Build on our existing strong and cohesive community'.

Under Flagship Actions for 2007-8 by Corporate Priority it states

'5. Improve care for adults and children who most need our help

Ref 5.1 Independence and Choice (Adults): Modernise our home care services for adults in need so that they have greater control and choice over the way in which services are delivered'

Ref 5.4 Abuse is a crime, Break the Silence and Report It (Adults): Enhance Safeguarding Adult Services using a multi-agency approach to protect the most vulnerable members of our community from abuse, harm or exploitation'.

Under

'10. Build on our existing strong and cohesive community

Ref 10.2 Meeting your needs (Strategy and Business Support): Our new Comprehensive Equalities Scheme means we will ensure that each of our services caters for all Harrow's communities'

Ref 10.3 Community Success (Community and Cultural Services): Adopt a Community Development Strategy to help communities come together, decide their needs and help to ensure that they are met'.

The Cabinet's decision will have a detrimental impact on the independence, choice and subsequently the ability or capacity of the elderly and disabled individuals and their carers to engage and feel part of the wider community. This will lead to isolation and severely impact on their health and emotional wellbeing (as stated in the Council's own Equalities Impact Assessment).

Additionally the decision not only disproportionately affect the most vulnerable in comparison to able bodied residents in Harrow BUT also in comparison to all citizens in London given that Harrow Council is the only one to have taken this course of action.

d. The action is not proportionate to the desired outcome

The decision by the cabinet is based solely on the desire to save money in the immediate term without due regard to the impact on the most vulnerable residents in the subsequent, medium and long term.

It also fails to recognise the impact on the carers and families who provide a wealth of informal support.

It is widely recognised that intervention and preventative measures are the most cost effective, financial as well as in human terms, for supporting the most vulnerable in our communities.

The council has through its own Outline impact assessments recognised the potential negative and detrimental effects of this proposal.

Harrow's vulnerable citizens will be disproportionately affected in comparison to those in other London boroughs.

The contingency (£250,000) outlined by the council in the absence of any rationale for this amount or plans or criteria for its use again demonstrates the lack of any substantive evidence for the council to base its decision on.

The action cannot be proportionate to the desired outcome.

e. A potential Human rights Challenge

The council whilst making reference to the Human Rights Act does not appear to have given this its full consideration.

The Act places the council as a public authority with the responsibility and duty to ensure that when it is formulating policy it considers and takes account of the risks facing people.

The decision taken will undoubtedly impact on people's family and private lives and ultimately affect their right to live independently. This would be a breach of the Human Rights Act.

f. Insufficient consideration of legal and financial advice

The decision taken does not appear to have given due consideration to the Disability Discrimination Act.

The fact that the council intends to refuse to provide services to those with a disability and assessed as having substantial needs is in itself discriminatory.

The council under the Act is also obliged to take account of a persons disability in carrying out its functions hence carry out impact assessments focussing on the direct adverse impact on people with disability and to minimize or eliminate those adverse impact.

The Council has failed to carry out this duty.

Additionally people with Learning disabilities are currently subject to discriminatory practice from the council.

From the point of referral to assessment takes 6 months whilst other groups are assessed within the Council's standard of 28 days.

The Council has failed to consider its legal obligations under The Carers(Equal Opportunities) Act 2004 and Carers & Disabled Children Act 2000.