



MINUTES OF THE CALL IN OVERVIEW AND SCRUTINY COMMITTEE
Wednesday, 8 June 2011 at 7.30 pm

PRESENT: Councillor Ashraf (Chair), Councillor Denselow (Vice-Chair) and Councillors Mrs Bacchus, Gladbaum, Kabir, Lorber and Mistry

Also Present: Councillors Adeyeye, Arnold (Lead Member for Children and Families), Butt (Deputy Leader and Lead Member for Resources), Cheese, Chohan, S Choudhary, Mashari, McLennan and Mitchell Murray.

An apology for absence was received from: Councillor HB Patel

1. Declarations of personal and prejudicial interests

Councillor Kabir declared an interest in relation to item four, the call in of the Executive decisions in relation to restructuring short break residential provision in Brent for children with disabilities, as a governor of the Village School. However, she did not consider the interest to be prejudicial and remained present to consider and vote on this item.

2. Minutes of the last meeting held on 27 April 2011

RESOLVED:-

that the minutes of the last meeting held on 27 April 2011 be approved as an accurate record of the meeting.

3. Matters arising

None.

4. Call-in of Executive decisions from the meeting of the Executive held on 23 May 2011

Decisions made by the Executive on 23 May 2011 in respect of the report below were called in for consideration by the Call In Overview and Scrutiny Committee in accordance with Standing Orders 6 (b) and 18.

Restructuring short break residential provision in Brent for children with disabilities

The reasons for the call in were:-

- To consider in detail the implications of closing one of the two centres (in particular before the new Village School is completed).

- To consider what mitigating measures are being planned/developed to assist parents who currently use the centre.
- To explore in more detail the reasons for the closure of Crawford Avenue.
- To explore the impact on children and their families who currently use the Clement Close centre.

Suggested action for the Call In Overview and Scrutiny Committee to take:-

- To consider alternative proposals for Executive.
- To consider in further detail the implications for the young people and their parents who currently attend the centre.

The Chair invited Councillor Lorber, one of the councillors who had call in the decisions, to summarise the reasons for the call in. Councillor Lorber referred to the reasons for the call in as set out in the agenda and highlighted some additional points, emphasising the importance the service provided at Crawford Avenue and Clement Close short break respite centre units. He felt that the implications of closing Crawford Avenue needed further consideration. Whilst acknowledging that facilities for the service needed to be improved and the decision to relocate to the Village School had been made over a year ago, the original proposals had been to close the Crawford Avenue and Clement Close units only after the Village School was open and fully operational. Councillor Lorber therefore felt the Crawford Avenue closure was premature and suggested that alternative ways of achieving the improvement and saving objectives should be considered in view of the closure's impact on service users and carers.

Members had before them written representations submitted by Romana Bhatti, Noreen Scott and Fitzroy Lee for consideration. The Chair confirmed that he had received some requests from non-Members to address the committee. He then invited George Fraser, representing the General, Municipal, Boilermakers and Allied Trade Union (GMB), to address the committee. George Fraser explained that he was representing the views of GMB members who were staff members in this service area, and also concerned parents and councillors. He stressed the importance and value of the service that was provided and whilst acknowledging that savings needed to be made, he expressed concern that the closure of Crawford Avenue would affect a vital front line service, involving eight job losses and reducing respite care facilities for children and their parents. George Fraser suggested that accommodating the 67 users of Crawford Avenue in Clement Close would be impractical as Clement Close was not large enough, whilst there would also be the loss of emergency cover within the borough. Although the move to direct payments would afford greater flexibility, the ability to ensure quality of care and value for money was questioned, whilst most parents preferred that the service continued to be provided by the council. George Fraser commented that the report had not addressed redundancy costs or notice periods and he queried whether the £50,000 estimate for alterations to Clement Close would be exceeded. Members heard that the fewer hours provided by the service would mean more emergencies which would increase costs, whilst those parents on direct payments would frequently need to use services outside the borough which would similarly impact on costs. George Fraser suggested that more detailed costings be provided and that Crawford Avenue remain open until the Village School opens.

The Chair then invited Noreen Scott, a care worker representing staff's views at Crawford Avenue, to address the committee. Noreen Scott began by stating that the proposals' objective was to achieve savings and there had been no evidence to suggest that alternative proposals had been considered. Crawford Avenue also offered a safe haven for children in the event of 'lockouts' and Noreen Scott doubted that foster carers would be able to provide such a service at short notice. She commented that the report had not addressed what alternative provisions would be in place in such situations and this needed to be considered further. Members heard that many of the children had autistic spectrum disorders and they would find having to move to Clement Close very stressful which would be exacerbated by having to move to the Village School soon after. The double move over a short period would impact significantly on both parents and their children. Noreen Scott explained that Crawford Avenue had the necessary facilities for children with autistic spectrum disorders and she cited an example of where a child that had become severely agitated being calmed when they were placed in the sensory room, a facility that Clement Close did not have. In addition, Noreen Scott felt that Clement Close had neither the capacity nor the facilities to accommodate children from Crawford Avenue. She asked that Crawford Avenue remain open until the new accommodation was available at the Village School.

In answer to a query from the Chair concerning children with physical disabilities, Noreen Scott stated that wheelchair users were more vulnerable if mixed with children with challenging behaviour and she felt that Clement Close would be particularly unsuitable for them. Clement Close would also need to have more locks to the premises to ensure it met health and safety requirements which would restrict the children's movement and be psychologically damaging.

Mrs Misha, a parent of one of the children who attends Crawford Avenue, was invited by the Chair to address Members. Mrs Misha explained that her child had profound disabilities with complex needs and a move to Clement Close would be highly disruptive. Referring to the consultation response rate of 19%, she enquired what steps had been taken to obtain the views of ethnic groups, many of whom did not speak English as their first language. The loss of Crawford Avenue would mean a reduction in service and flexibility and emergency cover would need to be provided outside of the borough, whilst direct payments did not provide parents with the proper respite they so sorely needed. Mrs Misha enquired how Government funding for short break provision would be used and she asked that Crawford Avenue remain open until the Village School opens.

Fitzroy Lee, also a parent of a child who attends Crawford Avenue, was invited by the Chair to address the committee. He stressed that the needs of the children was paramount, however the measures being taken appeared to be driven by costs. Clement Close would not offer adequate facilities for children who had severe autistic spectrum disorder, whilst direct payments did not address respite needs. Fitzroy Lee explained that children benefitted from the stimulus provided by the environment at Crawford Avenue whilst giving parents a well-needed rest. He also felt that the report had not fully considered the cost implications of the proposals and he requested that Crawford Avenue be kept in operation until the Village School opened.

Romana Bhatti, a parent of a child attending Crawford Avenue, was invited to address the committee by the Chair. Romana Bhatti explained that the daughter

concerned sometimes becomes extremely agitated and aggressive which has resulted in her frequently needing to use Crawford Avenue for emergency respite care and this was the only centre available that had the necessary facilities and environment to calm her in such situations. Romana Bhatti added that the direct payments system was not an option for families in her situation.

Councillor Arnold (Lead Member for Children and Families) was invited to respond to the issues that were raised. Councillor Arnold began by acknowledging the importance of hearing the views of the families affected by the proposed closure of Crawford Avenue and the disruption that would be caused, especially in view that children with disabilities would find it hard to adjust to a change of environment. However, she confirmed that any child who received short break services would continue to do so and that the eligibility criteria would remain unchanged. Furthermore, although there was a national policy shift towards direct payments, parents were not compelled to use this system, however overall there would be a reduction in residential provision and an increase in flexible short break packages. Members noted that £300,000 had been allocated for short break provision and that the Village School was due to open in autumn of 2012. Councillor Arnold advised that the decisions made had brought forward the proposals to consolidate short break residential provision into one centre with the objectives of improving quality whilst protecting financial resources that were available.

Rik Boxer (Assistant Director – Achievement and Inclusion, Children and Families) added that the overnight emergency facility at Crawford Avenue had been underused and that future such cases would either be accommodated at Clement Close or a location outside the borough. The decision had been made to close Crawford Avenue on the grounds that the building was neither sufficiently suitable nor able to cater for the full range of needs and it had become impractical to continue to operate at the premises. For safety reasons, the committee noted that there would be staggered, separate sessions for those children with physical disabilities and those with challenging behaviour. The necessary health and safety works would also be undertaken at Clement Close.

The committee then discussed the item in depth. Councillor Denselow sought clarification and further details with regard to what savings would be made by the measures, giving notice to staff, the cost of leasing arrangements from Barnados in respect of Crawford Avenue, whether any alternative proposals had been explored and was the council in receipt of the Government's early intervention grant. He also asked what the implications of a delay in implementing the measures would be if the committee made an alternative recommendation to the Executive for its consideration. Councillor Kabir acknowledged the need to make savings, however she felt that more information was needed to provide assurances that an accessible and affordable service would be provided to the children and their parents. Further details were also sought as to how the staggering of provision between those users with physical disabilities and those with challenging behaviour would work at Clement Close. Councillor Mistry, in noting the relatively low consultation response rates, asked whether there had been any steps taken to encourage and help those of black or minority ethnic groups to respond. He commented that a need to make savings had not been identified when the Village School was first proposed and he asked whether the savings now being made would mean a reduction in hours that the service would be provided. However, Councillor Mistry expressed concern that delaying the implementation of the decisions made may lead to further costs, a view

that Councillor Bacchus concurred with and she added that she felt that every effort had been made to ensure the best possible outcome had been achieved from challenging circumstances.

Councillor Gladbaum felt that more evidence was needed to show that the networks-based system was sufficiently developed to enable direct payments to work effectively in the light of the reduced residentially based short break provision. She suggested it would be helpful if a list of out of borough providers and their associated costs was available. In respect of the additional care staff needed to look after children with challenging behaviour, she asked how many would be needed and at what cost, adding that there would also be training costs involved. Councillor Gladbaum commented that more details were needed with regard to the costs concerning Clement Close and how it would accommodate the additional users. Clarification was sought concerning an apparent £85 million funding from the Department for Education for short break respite care over the next four years. Councillor Gladbaum also asked whether it was feasible to delay the closing of Crawford Avenue until next year in view of the circumstances. She commented that the report lacked details of redundancy costs.

Councillor Lorber asked why it was proposed to vacate Crawford Avenue from 1 October when the rent for the building was to be paid until December and whether the landlords, Barnados, had been approached with a view to waiving the rent earlier. If this could not be achieved, he asserted that the £190,000 proposed savings would not be achieved whatever savings were made through staffing changes. Concern was expressed that the council may incur costs if the building deteriorated whilst not being in use. He also queried why Barnados had already been given notice of termination of lease whilst the decisions had been called in. Whilst the original decision to move to the Village School had been to improve service and increase efficiency, he felt the current proposals primarily focused on costs. Councillor Lorber sought clarification as to where emergency cases would be accommodated once Crawford Avenue closed. In noting that there was some spare capacity presently at Crawford Avenue, Councillor Lorber asked whether the opportunity to raise revenue by offering spaces to other London boroughs had been explored. In respect of the £50,000 costs to meet health and safety requirements, Councillor Lorber sought assurance that this would only relate to capital costs and not revenue costs too. Turning to the eight staff posts that would be lost, he enquired whether any further staff losses were envisaged before the Village School opened and how certain were the costs calculated in respect of redundancies. Councillor Lorber felt that there was a sufficient degree of uncertainty regarding costs, including those relating to staff and the costs of emergency provision outside the borough, to warrant the need to reconsider this issue. In addition, the requirement for two successive moves would be too disruptive for both the users and their parents and Clement Close would not be able to provide adequate service. He felt that the proposals should be reconsidered to see what the best way was to provide this service until the Village School opened.

The Chair acknowledged that personalisation was being promoted, however there were a number of parents who did not wish such provision and he asked whether facilities such as a sensory room could be provided through direct payments. He sought clarification as to whether there would be any further staff restructuring before the Village School opened. The Chair also felt that there was some uncertainty concerning the costs involved and commented that there could be

potential for Crawford Avenue to bring in revenue through allowing other boroughs to use spaces that were available. Although there were financial reasons behind the proposals, he stressed that Crawford Avenue was very popular with users, whilst the needs of their parents also needed to be taken into consideration. Furthermore, Crawford Avenue provided the facilities needed by those with learning and behavioural difficulties and the move to Clement Close would not be suitable for them.

With the approval of the Chair, Councillor S Choudhary addressed the committee. Councillor S Choudhary felt that it was imperative that the council provided emergency overnight accommodation for such users and he queried whether interest accrued from the council's reserves could be used to finance this. Councillor Adeyeye also addressed the committee with the approval of the Chair. Councillor Adeyeye commented that he had a disabled child and he appreciated the need for quality of life for both the user and parent. He felt that in order to ensure this, closure of Crawford Avenue should be deferred until the Village School opened.

In reply to the issues raised by Members and other councillors, Councillor Arnold stressed that the proposals made the best of the resources that were available. Once the works had been completed at Clement Close, the centre would have the capacity to provide for both its present uses and those who had been using Crawford Avenue. Members heard that Crawford Avenue would not have been able to accommodate both these users. With regard to the early years intervention Government grant, Councillor Arnold advised that this was allocated to the Aiming High programme and the Village School would help to achieve the programme's objectives. In respect of the £300,000 available for community-based short breaks, some 105 families currently had personal budgets for this from direct payments, with an additional ten families taking up direct payments since the consultation undertaken in respect of this item and there had been an eight per cent increase overall in uptake in the last year. It was acknowledged that more work was needed in expanding the market for potential providers of those on direct payments. Councillor Arnold explained that providing quality short break provision remained a high priority and the council aimed to provide continuous improvement in this area by using the available resources in the most effective way. The pressures on the budget meant that keeping both Clement Close and Crawford Avenue centres open was not feasible and Members were reminded that the resources available needed to provide for all services within Children and Families.

Krutika Pau (Director of Children and Families) advised that the changes to the staff structure would bring the relevant staff together and that consultation was being undertaken in respect of redundancies so precise costings were not currently available. There had been no specific guidance in respect of assisting black and minority ethnic groups in completing the consultation on the proposals, however it was expected that a larger response from such groups would have indicated support for continuing with the current arrangements. The decision to bring forward the closure of Crawford Avenue was unavoidable because of budget pressures and Children and Families was required to make overall savings of £12.5 million, meaning that many difficult decisions needed to be made. Krutika Pau advised that if the closing of Crawford Avenue was delayed, savings would need to be made elsewhere within the Children and Families budget.

Rik Boxer advised that the bulk of the savings would be made through staffing changes. In respect of direct payments providers, he explained that a network was in place although he acknowledged the need to expand the list of potential providers. Whilst there was to continue to be an overall shift to personalisation, the need to provide short break provision on a residential basis was recognised and for this reason a centre would remain in Brent to provide this. The impact on users and their parents of closing Crawford Avenue was appreciated, however Clement Close had been fully risk assessed and deemed fit for purpose to accommodate the users from Crawford Avenue. Rik Boxer confirmed that emergency cases were currently accommodated at Crawford Avenue or Clement Close. Future such cases could be accommodated in out of borough locations, whilst Clement Close may also be available for such provision. It was noted that out of borough emergency overnight costs were in the region of £400-£600. Crawford Avenue was presently operating under capacity and there had been some instances of it being used by other local authorities. Rik Boxer confirmed that the staffing budget for the Village School short breaks provision would remain and that any further re-structuring of staff for the move to the Village School was not anticipated. It was confirmed that six months notice was required to vacate Crawford Avenue and this had been given to Barnados after the proposals were agreed by the Executive.

Clive Heaphy (Director of Finance and Corporate Services) advised that the notice of termination of the lease for Crawford Avenue could be rescinded in the event of any decision not to leave the centre being made. Crawford Avenue was presently in a reasonable state although it would be the decision of Barnados, the landlord, if they felt that they should pursue claims for any costs. Discontinuing use of Crawford Avenue two months before the lease expired in December represented a very small cost to the council in the region of £6,000-£7,000 rent. In respect of raising revenue by providing space for other boroughs at Crawford Avenue, Clive Heaphy advised that such provision would need to be provided frequently and on a regular basis to offset the costs of renting the property and therefore it was unlikely that this would raise sufficient revenue. The year's worth of savings made through not paying rent for Crawford Avenue after December 2011 had already been included in the costings for the Village School. In addition, the overall £190,000 savings to be made from the proposals had already been taken into account in respect of the budget and deferring them would make it much harder to identify the savings from elsewhere, as being later in the financial year, a number of financial decisions would have already been made. Clive Heaphy emphasised that the vast majority of savings would be made through the staff restructuring. Whilst redundancy costs could not be estimated at this stage, calculating savings made from post deletions was straightforward through adding the total salaries that would be saved. The proportion of costs that could not be calculated at this stage was small in comparison to overall savings that would be made. It was noted that the £50,000 costs relating to Clement Close were all capital costs, although it was likely that these costs would ultimately be nearer £27,000. Funding in respect of short breaks provision had not been ring fenced but rather the Government had suggested areas to prioritise in.

The committee was advised that the proposals fully met the Breaks for Carers of Disabled Children Regulations 2010.

The committee then decided not to agree to a recommendation put forward by Councillor Lorber that Crawford Avenue remain open until the Village School opens

as had been originally proposed, in order to prevent the upheaval the users and their carers would experience in moving twice in quick succession.

Krutika Pau agreed to a request made by Councillor Gladbaum to provide users and their parents with information, including costs, of potential providers in respect of direct payments.

RESOLVED:-

that upon considering the report from the Director of Children and Families, the decisions made by the Executive be noted.

5. The Executive list of decisions for the meeting that took place on 23 May 2011

RESOLVED:-

that the Executive list of decisions for the meeting that took place on 23 May 2011 be noted.

6. Date of next meeting

It was noted that the next meeting of the Call In Overview and Scrutiny Committee was scheduled for Wednesday, 29 June at 7.30 pm, however it would only take place in the event of there being any call ins of decisions made by the Executive on 13 June 2011.

7. Any other urgent business

None.

The meeting closed at 9.30 pm

J ASHRAF
Chair