

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 6 DECEMBER 2017

CALL-IN: ENGAGEMENT ON OPTIONS FOR FUTURE DELIVERY - CONNECT SHORT-TERM SERVICE AND COUNCIL - PROVIDED DAY SERVICES FOR ADULTS WITH A LEARNING DISABILITY

Summary

1. In accordance with the Constitution, the Overview and Scrutiny Performance Board (OSPB) is requested to consider a decision taken by the Cabinet on 2 November 2017 in relation to Engagement on Options for Future Delivery - Connect Short-Term Service and Council - Provided Day Services for Adults with a Learning Disability. This decision has been called-in by the required number of Members – see Appendix 1. The reasons given for the call-in are set out in Appendix 1.

Background

2. Non-Cabinet Members have the power to call in Cabinet decisions in exceptional circumstances and normally only when there is evidence to suggest that Cabinet has departed from the principles of decision-making, as set out in Article 7 of the Constitution - see Appendix 2. If a decision is called in, it cannot be implemented until the call-in process is completed.

3. The called-in decision is considered by the OSPB, who will decide the next course of action based on the options set out in paragraph 9.

Cabinet Decision

4. The details and context behind the decision are set out in the Cabinet Report linked at Appendix 3 and the Board is referred to that report.

5. On 2 November 2017, Cabinet **RESOLVED: that**

- a) **the continued effort to encourage a vibrant and varied range of day service provision across Worcestershire in order to maximise choice, independence and wellbeing for individual service users, and the related need to resolve the current issues regarding the ongoing financial sustainability of Council-provided day services for adults with a Learning Disability (Resource Centres, Connects and Leisure Link) and the Connect Short-term Service be noted;**

- b) **the intention to use a co-production approach to future service development and delivery, engaging with people using services, family carers and staff to gather ideas which will inform future proposals for how services are delivered be endorsed;**
- c) **the Director of Adult Services be authorised to carry out engagement with individuals using the Resource Centre service, family carers and staff to explore options to increase usage, options for income generation and ideas for more efficient operation of the services;**
- d) **the Director of Adult Services be authorised to explore the option and potential impacts of partially reducing or fully closing the Connect Short-term Service to new referrals, through engagement with partner organisations and staff, and detailed impact assessment;**
- e) **the Director of Adult Services be authorised to carry out engagement with individuals using the Connect Learning Disability day services and the Leisure Link service, family carers and staff to explore alternative delivery options for each of the services; and**
- f) **a further report, informed by the proposed engagement exercises and detailed impact assessments, be brought to Cabinet by April 2018, with proposals for future service delivery, including proposals for formal consultation where required.**

Invitations to Attend

6. In accordance with the Council's Overview and Scrutiny Procedure Rules and scrutiny practice (a copy of which are available on the County Council's website [here](#)) the following have been invited to attend the meeting:

- Signatories to the call-in
- Mr A I Hardman, Cabinet Member with Responsibility for Adult Social Care

7. The Director of Adult Services has also been invited to attend.

8. The Cabinet Member has been invited to provide a formal response to the call-in which is attached at Appendix 4.

Suggested Order of Business

9. The OSPB may wish to adopt the following order of proceedings:

- Presentation by Members of the reasons for calling-in the decision.

(Members are reminded that paragraph 17.10 of the Council's Overview and Scrutiny Procedure Rules states that "The first 3 members exercising the right of call-in and who are not either local members or members of the Overview and Scrutiny Performance Board, an Overview and Scrutiny Panel or Scrutiny Task Group established to consider a call-in, are entitled to attend any meeting of that Overview and Scrutiny Performance Board, Overview and Scrutiny Panel or Scrutiny Task Group respectively considering the call-in and

to speak but not vote.")

- Questions and Clarification
- Response by the Cabinet Member/officer
- Questions and Clarification
- Any closing remarks by the Cabinet Member/officer
- Any closing remarks by those Members calling-in the decision.

Options available to the OSPB

10. Having heard from all parties and considered the decision called-in, the Overview and Scrutiny Performance Board will either:

- a) accept the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet); or
- b) accept the decision (in which case it can be implemented immediately without being considered again by Cabinet) but with qualification or comment which the relevant Cabinet Member with Responsibility must consider and respond to; or
- c) propose modifications to the decision or require a reconsideration of the decision (in which case the implementation of the decision is delayed until the Cabinet has received and considered a report of the Overview and Scrutiny Performance Board); or
- d) in exceptional circumstances ask the Council to consider whether option (a) (b) or (c) is appropriate (in which case the implementation is delayed until after the meeting of the Council to which it has been referred and, if Council resolves option (c), the Cabinet has reconsidered the matter having regard to the Council's view).

(The Council has no power to make final decisions in respect of matters which are the responsibility of the Cabinet.)

11. Such exceptional circumstances referred to in d) above may be if the decision called-in is one which the Overview and Scrutiny Performance Board believes is one which:

- the Cabinet cannot in law take; or
- is reserved to the Full Council; or
- raises issues of such exceptional significance and public interest to justify reference to the Full Council, although the final decision will rest with the Cabinet; or
- is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

12. Members are reminded that the role of OSPB when considering a call-in is to debate and consider the reasons for the call-in as they relate to the principles of effective decision-making detailed within the Constitution. It is not the role of OSPB to debate the merits of the decision that has been taken.

Supporting Information

Appendix 1a: Copy of the call-in (received 3 November 2017)

Appendix 1b: Additional Information supplied by Callers-in

Appendix 2: Article 7 of the Council's Constitution – Decision Making available on the County Council Website [here](#)

Appendix 3: (a) Cabinet Agenda Report and (b) Minutes dated 2 November 2017 [here](#)

Appendix 4: Cabinet Member Response to Call-in

Contact Point for the Report

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda and Minutes of Cabinet held on 2 November 2017

Agenda and Minutes of the Overview and Scrutiny Performance Board held on 7 November 2017

[All agendas and minutes are available on the Council's website here.](#)