

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Adult Social Care and Health
Date:	29 March 2019
Title:	Recommendation to reconsider the decision of 27 February 2019 relating to respite services at Orchard Close
Report From:	Head of Law and Governance and Monitoring Officer and Director of Adults' Health and Care

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Purpose of the report

1. The purpose of this Report is for the Executive Member to consider the recommendation from the Health and Adult Social Care Select Committee on 14 March 2019 and to reconsider her decision taken on 27 February 2019 (the Original Decision) as set out in paragraph 1.2 of the decision record in Annexe 1 of Appendix 1 (the Decision).

Recommendation(s)

2. That the Executive Member for Adult Social Care and Health confirm the decision made on 27 February 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.

Contextual information

3. At the Call-In meeting of the Health and Adult Social Care Select Committee on 14 March 2019, The Committee considered the Report attached in Appendix 1. The Committee voted to refer the Original Decision back to the Executive Member for reconsideration (carried with 13 in favour and 1 against). The Committee also agreed the following wording as explanation for why they recommended the decision be reconsidered:

‘The Committee thanks the carers for their dignified and informed deputations and recognises the value of Orchard Close. The Select Committee urges the Executive Member, in the strongest possible terms, to rule out closure of Orchard Close as an option’
4. During the debate at the Call-In meeting, Members noted that the service users and carers who had made deputations had expressed that the Original Decision created stress for them, as it created uncertainty about the future of Orchard

Close until the autumn at the earliest. Committee Members took onboard this impact, and in their comments during the debate indicated that this influenced their decision to vote to ask the Executive Member to reconsider. Committee Members commented that it would be preferable to provide clarity to the service users and staff about the future of Orchard Close respite service. Committee Members commented that it would be their preference to find the required savings another way and keep Orchard Close open.

5. When reconsidering her decision, the Executive Member will recall that it is not possible to take a decision 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. This advice was given to the HASC on 14 March in paragraph 6.3 in Appendix 1.

Conclusion

6. That the Executive Member for Adult Social Care and Health is therefore asked to reconsider the Original Decision.

CORPORATE OR 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:	yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> Findings from the Consultation and recommendations on respite services at Orchard Close, Hayling Island	<u>Date</u> 27 February 2019
Direct links to specific legislation or Government Directives	
<u>Title</u> Section 9F of Part 1A of the Local Government Act 2000 ('the 2000 Act')	<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	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1. 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 under the Act;

Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;

Foster good relations between persons who share a relevant protected characteristic 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 characteristic connected to that characteristic;

Take steps to meet the needs of persons sharing a relevant protected characteristic 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 which participation by such persons is disproportionately low.

1.2. Equalities Impact Assessment:

No equality impact has been identified but full equality impact assessments will be carried out when any future proposals are considered.