

# REPORT

## Previous consultation on the future of care homes in Edinburgh

Edinburgh Integration Joint Board

16 November 2023

<b>Executive Summary</b>	The purpose of this report is to provide the Edinburgh Integration Joint Board with the outcome of the investigation undertaken by the City of Edinburgh Council Chief Executive into changes made regarding the care home consultation agreed by EIJB in December 2022.
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<b>Recommendations</b>	<p>It is recommended that the Edinburgh Integration Joint Board:</p> <ol style="list-style-type: none"> <li>1. Note the findings from the Council Chief Executive's investigation;</li> <li>2. Note actions taken that will ensure a similar situation does not reoccur.</li> </ol>
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## Directions

Direction to City of Edinburgh Council, NHS Lothian or both organisations		
	No direction required	✓
	Issue a direction to City of Edinburgh Council	
	Issue a direction to NHS Lothian	
	Issue a direction to City of Edinburgh Council and NHS Lothian	

## Report Circulation

1. This report has not been circulated to any other committee. The findings from the Council Chief Executive's investigation, as outlined in this report, were circulated in a briefing to members of the City of Edinburgh Council Policy and Sustainability Committee.

## Main Report

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2. At the City of Edinburgh Council Policy and Sustainability Committee on 23 May 2023, a motion was received by Cllr McKenzie regarding the consultation on the future of the Council run care homes. Concern was expressed that the consultation approach, which was approved by the Edinburgh Integration Joint Board on 13 December 2022 to consult broadly on older peoples' care, has not been taken.
3. In response to the concerns raised, it was agreed that the City of Edinburgh Council Chief Executive would provide a briefing note to members on the process surrounding the consultation on the future of Care Homes and the EIJB Strategy. There were different versions of events being suggested and the Chief Executive undertook to provide the facts surrounding the process for the committee. A briefing was circulated to Committee members on 16 August 2023.
4. At the Policy and Sustainability Committee on 22 August 2023, an emergency motion was submitted by the Green Group, stating the following:
  - 4.1 Thanks the Chief Executive for his review of the process to consult on the future of our care homes following the request made at the Policy and Sustainability committee in May 2023.
  - 4.2 Welcomes the briefing note on his findings which was circulated to Committee and stakeholders (relevant officers, trade union representatives) on Wednesday 16 August 2023.
  - 4.3 Acknowledges the errors of governance, process and communication which were identified.
  - 4.4 Notes that committee members and stakeholders have questions arising from the briefing note and may wish to instruct additional actions.
  - 4.5 Calls for a short report in one cycle, summarising the review and the actions arising.
5. The Interim Chief Officer agreed to take a short report to the Edinburgh Integration Joint Board summarising the review.

### Findings from the investigation

6. The key points from the investigation undertaken by the Chief Executive are undernoted.

7. The investigation identified that the EIJB agreed a widely scoped consultation on the future of Adults and Older People's Care on 23 December 2022.
8. Advice was sought from the Consultation Institute as part of the development and scope of the consultation process. The Consultation Institute advised that the scope agreed by the EIJB was broad and there needed to be a narrowing of the scope. The consultation should concentrate on the future of the four care homes originally identified by the EIJB as requiring decommissioning.
9. A meeting was held on 17 February 2023 with the Chair and Vice Chair of the EIJB regarding the narrowing of the scope and a briefing note was drafted, explaining the issues to be discussed, including the future of the four care homes. It was agreed at that meeting to narrow the scope and that wider work should be undertaken as part of a review of the EIJB strategy. It was also agreed that a briefing note should be sent to the EIJB, explaining the rationale and actions, and that once the scope have been agreed to bring it back to the EIJB for final approval.
10. Due to an administrative oversight the briefing note was not circulated to the EIJB. The investigation also highlighted that all participants at the meeting on 17 February 2023 agreed that the consultation scope was to consider the future of the care homes with all options explored.
11. The investigation also identified that there was no further communication with the EIJB until the Unions contacted EIJB members expressing concern about the scope outlined in the Project Initiation Document (PID) for the consultation which had been shared with a steering group designed to shape the scope and implementation of the consultation.
12. This sharing of the PID took place on or about 10 May 2023. It is a fact that the PID did state that the purpose was consultation on closure of care homes and not a more general future of the care homes. This was confirmed with a union rep when it was queried. It is also a fact that the above PID was not checked and signed off by senior officers before issue, this was a clear error in process.
13. On 13 June 2023, the EIJB agreed a report to pause the consultation and that any future consultation should be based on the outcome of the strategic commissioning exercise.

### **Investigation conclusions**

14. It is unfortunate that members of the board found out about the change in scope from the unions. This would not have happened had a briefing note been sent out after the meeting on 17 February. It is also a failure of process that the PID scope was not checked and signed off by senior officers.
15. The EIJB Chair and the Vice Chair understood from the meeting on 17 February that there would be a briefing note to members and that the final scope for the consultation would come to the board for final sign off.
16. The sequence of events described above has led to a break down in communications regarding what was a significant change in scope of the agreed consultation and the proposed new scope should have been shared and signed off by the EIJB before proceeding to implementation. This occurred through a combination of officer error and a lack of communication of the potential change.
17. The EIJB officers and members will need to ensure that in future any significant change to decisions made by the board need to come back to the board for approval.

### **Revised governance arrangements for decision making**

18. In response to recent events, the Edinburgh Health and Social Care Partnership Executive Team has reviewed its membership and governance arrangements to ensure that there is improved engagement in decision making, improved escalation routes and that decisions made are better informed. This has included:
  - a. A revised structure and rotation of meetings has been created with the Executive Team meeting fortnightly and the new Change Board and Workforce Board both meeting monthly.
  - b. Trade Unions and NHS Partnership now sit on the above groups and are involved in discussions and decisions that impact directly on services and staff.
  - c. Professional leadership involvement has improved through the inclusion of the Chief Allied Health Professional, Principal Social Work Officer and Chief Social Work Officer on all these groups, in addition to the Chief Nurse and Clinical Director.
  - d. Council Human Resources and NHS Employee Relations are also members of these groups, ensuring that decisions are made following due process.

19. The Partnership Change Board, referenced in section 18a, will ensure that all Project Initiation Documents (PIDs) for major change workstreams are signed off at Executive Team level. Progress with project delivery and deviations from objectives agreed within the PID will be regularly reported at the Change Board. This will ensure any project deviation is formally captured and decision documented.
20. An action note will be produced for any formal briefings with the Chair and Vice Chair to ensure agreed actions are progressed.
21. There is regular scrutiny of business planning across the Partnership, EIJB and partner governance committees at the Executive Team. Discussion also occurs regarding governance pathways for key workstreams.
22. In addition to the above governance arrangements, a new Chief Officer report was agreed at EIJB in June. This provides opportunity for the EIJB to be updated/briefed on developments. Alongside this, a Chief Officer report is also presented to the Policy and Sustainability Committee providing updates on key EIJB workstreams.
23. While these governance and reporting arrangements are not foolproof in relation to human error, through active engagement in preparation for EIJB meetings and through a wider, more engaging executive level decision making process, this should help mitigate a similar scenario happening again.

## **Implications for Edinburgh Integration Joint Board**

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### **Financial**

24. There are no financial implications associated with this report.

### **Legal / risk implications**

25. There are no legal implications associated with this report.
26. The main risks associated with the findings of the investigation are relational and reputational. Due to the unapproved changes made to the scope of the consultation, Trade Union colleagues withdrew from the process. Active engagement with the Trade Unions has taken place and as confirmed at the EIJB meeting on 13 June 2023, Trade Unions are willing to work with officers regarding ongoing and future strategies. Officers within the EHSCP have fully engaged in the investigation and have been open and willing to improve

decision making and governance arrangements, as outlined in section 18 of this report.

### **Environment and sustainability impacts**

- 27. No Integrated Impact Assessment has been taken in relation to this report.
- 28. There are no environmental or sustainability impacts associated with this report.

### **Quality of care**

- 29. There are no impacts on quality of care associated with this report.

### **Consultation**

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- 30. As outlined in this report.

### **Report Author**

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**Pat Togher**

**Chief Officer, Edinburgh Integration Joint Board**

Contact for further information:

Name: Mike Massaro-Mallinson

Email: [mike.massaro-mallinson@nhslothian.scot.nhs.uk](mailto:mike.massaro-mallinson@nhslothian.scot.nhs.uk)

### **Background Reports**

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None

### **Appendices**

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None