

## SUNDERLAND CITY COUNCIL

### The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 – Regulation 11

Notice is hereby given that the following Key Decision, which is not included in the current Notice of Key Decisions, has been taken by the Executive Director of Neighbourhoods on 9<sup>th</sup> November 2020:-

Matter in respect of which the decision was made	Documents submitted to the decision-maker in relation to the matter*	Reason(s) why compliance with Notice of Key Decisions was impracticable and reason(s) for urgency	Address from which copies of or extracts from these documents can be obtained
<p>Closure of Day Centres for Vulnerable Adults</p> <p>Having made an initial decision on 5<sup>th</sup> November 2020 to close the two day centres operated by Sunderland Care and Support Ltd on a temporary basis, in light of the national restrictions applied in England with effect from 5<sup>th</sup> November, to continue the closure of the day centres throughout the period of the restrictions and potentially for a short time thereafter, should it be considered to be appropriate.</p>	<p>Draft Record of Decision</p>	<p>The timing of the Government's decision to implement national restrictions and the need to close the day centres without delay, in the interests of public health considerations, meant that it was impracticable for prior notice of the proposed decision to be given.</p> <p>Details of the reason for urgency are set out in the Record of Decision (copy attached).</p> <p>The Chair of the Health and Wellbeing Scrutiny Committee and Scrutiny Co-ordinating Committee have agreed that the decision is urgent and cannot reasonably be deferred, as any delay in closing the day centres would seriously prejudice the public's interests, due to the public health implications.</p>	<p>Governance Services Civic Centre PO BOX 100 Sunderland SR2 7DN</p> <p><a href="mailto:committees@sunderland.gov.uk">committees@sunderland.gov.uk</a></p>

**\*Other documents relevant to the matter may be submitted to the decision maker and requests for details of these documents should be submitted to Governance Services at the address given above.**

Circulation:-

Chairs of the Health and Wellbeing Scrutiny Committee and Scrutiny Co-ordinating Committee

Cabinet Members

Members' Room

Scrutiny, Mayoral and Member Support Coordinator

General Office

Web Page

Elaine Waugh  
Assistant Director of Law and Governance

9 November 2020

Decision Record

(For use in the case of Decisions (including Key Decisions) made by Officers under Delegated Powers)

Name and job title of Delegated Officer with power under the constitution to make the decision:

Fiona Brown, Executive Director Neighbourhoods Directorate

Directorate: Neighbourhoods Directorate

Paragraph of Constitution relied upon: General Delegations to Chief Officers paragraph 2 (authority to take decisions on all matters regarding which the officer has professional or managerial responsibility)  
Delegations to Executive Director of Neighbourhoods paragraph 1 (exercise of functions of statutory Director of Adult Social Services).

Where the decision maker is an officer authorised by the Delegated Officer to make the decision (an Authorised Officer) the name and job title of the Authorised Officer and paragraph of Directorate delegation scheme relied upon:

Graham King, Assistant Director of Adult Social Care and Chief Operating Officer Sunderland Care and Support Ltd

Date of decision:

Initial decision for temporary closure of day centres: 05/11/20

In the case of the Key Decision to continue period of closure, date of decision and implementation: 9<sup>th</sup> November 2020 (Call-in not to apply)

Statement of decision made:

Having made an initial decision on 05/11/20 to close the two day centres operated by Sunderland Care and Support Ltd on a temporary basis, in light of the national restrictions applied in England with effect from 5<sup>th</sup> November, to continue the closure of the day centres throughout the period of the restrictions and potentially for a short time thereafter, should it be considered to be appropriate. .

Where applicable, Report(s) considered (state the title and author of the report(s) ) and list of background papers:

Reasons for the decision (including reference, where appropriate, to relevant impact assessments):

Sunderland Care and Support Ltd (SCAS) operates two day centres that support the most vulnerable adults with disabilities, complex needs and behaviours that challenge that live in the city. A number of the attendees are within the Clinically Extremely Vulnerable cohort. Many require the support of 1:1 and/or specialist equipment to remain safe and well when they attend the day services.

At the point the services reopened following the first closure and lock down, a process was followed to identify the people most in need of a buildings based service. The services reopened when the rate of community transmission was at its lowest and although they have been operational as the rate of transmission has increased, SCAS have been closely monitoring and reviewing the situation and the risk assessments that were completed to support the reopening process.

The implementation of the national lock down from 5<sup>th</sup> November 2020 has influenced the company's decision to keep the services open. The Government has recognised the severity of the community transmission rates that currently are not being controlled and taken what they deem to be appropriate measures. Senior Officers from the Council have discussed the Covid situation in Sunderland with SCAS and a joint decision was taken to temporarily close the day centres to protect the people who have been attending and their wider families.

In terms of community transmission, between 27<sup>th</sup> October to 2<sup>nd</sup> November there have been 837 new cases (an average of 120 per day). There have been 3,907 new cases in October compared to 1,775 new cases in September,

and 94 in August. In Sunderland there were 837 cases, a rate of 299.6 per 100,000 population, which is the third highest number in the region currently.

Robust risk assessments and stringent infection prevention control procedures have been in place in the day services centres. There has been a case of transmission in one of the day centres prior to the closure which was appropriately managed and controlled by the service with advice from Public Health. The risk of this happening on a more frequent basis is currently higher and the figures stated above about community transmission support this view.

Regard has been had to the impact of closure of the centres on service users and their families and carers. However, closure is considered appropriate in the interests of public health and health of the service users.

Contact will be maintained with all day centre services users and their families throughout the closure period and alternative support arrangements will be provided for those people where it is safe and appropriate to do so.

The decision will be formally reviewed by SCAS and the Council in the week commencing 23<sup>rd</sup> November with the aim that the day centres will reopen at the end of this current lock down period. However, should it be considered necessary, for example in the interests of public health and the health and safety of service users, the closure of the centres may be continued for a further short period.

It is considered that this decision is urgent given the necessity to manage risk appropriately and put in place suitable arrangements with families. It is considered appropriate for call-in to be blocked in accordance with Rule 17 (j) of the Overview and Scrutiny Procedure Rules, as any delay in closing the day centres would seriously prejudice the public's interests, due to the public health implications,

Alternative options considered and rejected:

Keep the day centres open throughout the 4-week period of national restrictions implemented as a consequence of the increasing rates of community transmission of Covid 19. This option was rejected because of the high risk to life if an outbreak did occur in the day centres.

Members/Officers/others consulted:

Geoff Walker – Portfolio Holder Public Health & Adult Social Care  
Patrick Melia – Chief Executive  
Ann Dingwall – Head of Commissioning and Market Oversight  
Gerry Taylor – Director of Public Health  
Lorraine Hughes – Public Health Specialist  
Fiona Brown – Executive Director of Neighbourhood Services

Where the decision was made under a specific express authorisation of Council, Cabinet, a Committee, Sub-Committee or Joint Committee, the name of any member who declared a conflict of interest in relation to the decision:

N/A

In respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service:

N/A

Is the decision a key decision as defined in the Constitution? Yes

Does the decision contain Confidential / Exempt Information? No

If applicable, ground on which information is confidential/exempt:

Have you provided Governance Services with a copy of this decision record and any reports, other documents or background papers considered YES

NOTE: Do not forward documentation for publication if it contains exempt or confidential information. If in doubt, take advice from Law and Governance Services

Signed: [REDACTED]

Name (print) Graham King  
(Officer making decision)

Dated: 09/11/20

Signed: [REDACTED]  
(Portfolio Holder/Chairman of Committee)

Name (print) Cllr Dr G Walker

Dated: 09/11/20

Counter Signed: [REDACTED]

Name (print) Fiona Brown

Position: Executive Director of Neighbourhoods

Dated: 09/11/20

For completion in respect of any decisions which have financial implications and regarding which consultation is required with the Executive Director of Corporate Services or his/her representative.

Signed: [REDACTED]  
(Executive Director of Corporate Services  
or his / her representative)

Name (print) D Lough

Position: Finance Manager

Dated: 05/11/20

Notes:

[1] Officers are reminded to follow the procedure set out in the Guidance on the Making and Recording of Decisions by Officers, in order to ensure compliance with the law. This is particularly important in the case of "key decisions."

[2] A "Key Decision" is an executive decision which is likely

(a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the City.

For the purposes of (a) above, "significant" means expenditure of £250,000 or more in relation to capital expenditure or £100,000 or 1% of the relevant net revenue budget head, whichever is greater.

[3] A key decision will come into force and may be implemented on the expiry of five working days after publication, unless it is "called in".

[4] It is a requirement of the Constitution that Chief Officers will consult the relevant portfolio holder and/or the Chairman of the relevant Committee prior to taking action where the action has policy or significant financial implications or where the portfolio holder or Chairman has given prior indication that he wishes to be consulted on the matter or type of matter. Ward members should also be consulted as appropriate.

**SUNDERLAND CITY COUNCIL**

**Constitution – Overview and Scrutiny Procedure Rules – Paragraph 17(j)  
Call-in Procedure**

**Councillor D Dixon, Chair of the Health and Wellbeing Scrutiny**

**Committee and Cllr D MacKnight, Chair of the Scrutiny Co-ordinating**

**Committee**, having considered the content of a draft Decision Record of the

Executive Director of Neighbourhoods in respect of a proposed decision

regarding the closure of day centres for vulnerable adults as follows:

*“Having made an initial decision on 5<sup>th</sup> November 2020 to close the two day centres operated by Sunderland Care and Support Ltd on a temporary basis, in light of the national restrictions applied in England with effect from 5<sup>th</sup> November, to continue the closure of the day centres throughout the period of the restrictions and potentially for a short time thereafter, should it be considered to be appropriate.”*

Councillors D. MacKnight and D. Dixon are satisfied that the decision is urgent and the call in procedure shall not apply, as any delay would seriously prejudice the public’s interests. It is agreed that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency having regard to the public health implications.

(Signed) D. MacKnight .....(Signed)...D. Dixon.....

(Date) 09/11/20..... (Date)... 09/11/20.....