



Cabinet
27 July 2015

**Report from the Strategic Director
Adults**

For Action

Wards Affected:
ALL

Adult Social Care Transforming Day Care - Direct Services

1.0 Summary

- 1.1 In February 2015 the Council's Cabinet committee agreed to consult with service users, carers and stakeholders on the proposal to close Kingsbury Resource Centre and re-provide day opportunities services in the voluntary and independent sector.
- 1.2 Cabinet also agreed for Council Officers to consult and work up proposals to ensure the future financial viability of New Millennium Day Centre and that this would be done co-productively working with service users, carers and staff.
- 1.3 The consultation and co-production process is now complete and this report sets out the results of both, the options for change and a recommended course of action for the future of Kingsbury Resource Centre and New Millennium Day Centre.
- 1.4 Consultation was carried out over three months; March, April and May 2015. In each month separate service user, carer and staff meetings were held. In total, there were 26 consultation meetings over a period of 90 days. An additional 17 Co-production meetings were held where the council officers carers and users worked together to develop alternative day opportunities solutions to ensure the future viability of the service. A summary of the consultation and co-production meetings and outcomes is attached at Appendix A.

2 Recommendations

- 2.1 Cabinet are asked to note the responses received during the consultation and co-production meetings held in March, April and May 2015 on the council proposals to close Kingsbury Resource Centre and remodel services at New Millennium Day Centre.

- 2.2 Cabinet are asked to agree the closure of Kingsbury Resource Centre following a comprehensive and inclusive reassessment and support planning process for current service users. Cabinet are also asked to note that any closure will be subject to a further statutory 45 day staff and union consultation.
- 2.3 Cabinet are asked to agree to the remodelling of services at New Millennium to create a social enterprise. A full business case, including detailed financial implications and an implementation plan will be brought back to Cabinet in the autumn for further discussion and agreement.

3.0 National and Local Policy Context

- 3.1 Recent social care policy has focussed on the need to develop more personalised services for adults which will provide greater choice for individuals, help to promote their independence and enable them to improve their quality of life.
- 3.2 This philosophy is central to the values and principles advocated in *Putting People First: a shared vision for the transformation of adult social care* (2007) and other recent policy such as *Our Health, Our Care or Say* (2006); *Living Well with Dementia: A National Dementia Strategy* (2008) and *Valuing People Now: a new three year strategy for people with learning disabilities* (2009). In addition, the *Care Act (2015)* advocates that people who receive care and support from the council will have more say over what sort of help they get and how that care is provided. The proposals within this paper further promote this right of choice and control within care provision.
- 3.3 Local policy also supports the delivery of more personalised services. The Day Opportunity Strategy 2010, which was implemented for people with learning disabilities in 2010, focuses on supporting people to be independent and giving more choice and control in how they spend their day. This strategy is still relevant today and the principles of personalisation apply equally to older people and people with physical disabilities.
- 3.4 In addition, the Local Account 2013/14, agreed at Cabinet January 2014, set out the financial challenges the Council and the department faces due to Central Government cuts and the need to build a new relationship with communities and families to ensure we are clear not only about what the council can do, but also what we expect people to do themselves, hence the focus in this paper on co-production. The Local Account also set out the Council's commitment to support people to remain independent and prevent or reduce the need for publicly funded care and support services, but if someone needs publicly funded services to ensure there is a choice of high quality and appropriate services and support that meets the needs of our diverse community.
- 3.5 In line with national and local policy, the Council would like to develop a wider range of options for individuals who require support to access day opportunities, such as further developing a wider range of commissioned services and supporting service users to access existing community facilities through greater use of direct payments and personal budgets, so that people can decide where

they want to go and what they want to do instead of the Council directly providing care and support.

4.0 Kingsbury Resource Centre

4.1 Kingsbury Resource Centre provides day care services to older people age 65+. The service is located in Stag Lane, which is in the north of the borough. It is a council owned site which adjoins a Pupil referral Unit.

4.2 Currently the service supports an average of 60 service users with maximum daily attendance of 25 individuals (including 4 wheelchair users). 8 service users have a learning disability. The majority of service users are frail, physically or mentally disabled and have an age related illness and experience social isolation.

4.3 The current service is provided Monday to Friday with operating times from 9.00am to 4.00 pm. Service users attend on average six hours per day, three days per week. There is currently 8 staff (7.2 FTE)

5.0 New Millennium Day Centre

5.1 This Centre is a purpose built day centre situated in close proximity to Willesden Centre for Health and Care. The building and site is owned by Health and the Council hold a 90 year lease.

5.2 The Centre provides day care services to 87 people who have a physical disability, 28 people who have a learning disability, of which 8 are between the ages of 55 and 77 and could be considered eligible for older people and dementia services. On average 35 people use the day centre on any given day. Some of the service users have been attending for up to 30 years and have become very attached to the centre.

5.3 The current service is provided Monday to Friday with operating times from 9.00am to 4.00 pm. Service users attend on average six hours per day, three days per week. There is currently 14 full time staff.

5.4 The focus at this centre was to explore the opportunity to support users to access alternative existing provision and to involve them in a co-production process to develop new services which will not only meet existing needs but will also support greater independence

6.0 Consultation and Co Production Overview

6.1 As agreed by Cabinet in February 2015, the Council began a statutory 90 day consultation process with users and carers at Kingsbury Resource Centre. The consultation process followed statutory guidelines and consisted of a series of supported and facilitated meetings where the proposal to close Kingsbury Resource Centre was discussed in depth with the people likely to be most affected by it. The purpose of these meetings was to allow users and carers to share their views on the proposals, and to give them the opportunity to make sure that the impact of the proposed closure was captured. It is important that users and carers are given the opportunity to share the impact of the proposal with officers and elected members in their own words, and the purpose of these meetings was to gather and collate these views to allow members to make a fully informed decision.

6.2 Alongside the statutory consultation process, the Council worked with service users, carers, the voluntary and independent sectors and other local partners to co-design future options for the delivery of day opportunities at New Millennium Day Centre. Co-production is a collaborative, non-statutory process. The council believe that co-production is the right thing to do, and that better quality services can be created through a co-productive process. Therefore, the Council chose to begin a co-production process in order to develop options which would make the New Millennium Day Centre more sustainable and personalised for both current and future users. The co-production process consisted of a series of meetings with users and carers, both in small and larger groups, where the focus was to identify what changes and improvements could be delivered through the existing centre, and what other opportunities to deliver new services, to new users groups might exist.

A more detailed summary of both the consultation and co-production processes are set out below:

6.3 Consultation Kingsbury Resource Centre

6.4 The statutory 90 day consultation programme commenced in March 2015. 18 Meetings were held in total with service users, carers and staff. There were 9 specific service user meetings. All discussions were captured by a note taker. Key workers, advocates, translators and a Makaton signer were also available to assist service users to express their views. There were 9 carers meetings. All discussions were captured by a palentypist which provided a verbatim record of what had been discussed. Translators were also present.

6.5 The consultation process raised a number of concerns, questions and comments in response to the proposal to close Kingsbury Resource Centre. A summary of the key points raised is set out below:

- Users do not want to lose the day centre as a meeting place and they value and do not want to lose the friendship groups they have formed at the centre.
- People expressed a fear of having to stay home and being socially isolated.
- Some people, both users and carers, were apprehensive about the assessment process and whether this would lead to a reduction in service.
- Service users do not want to lose the relationships they have with their key workers.
- The need for transport because of frailty and mobility problems was highlighted as a key concern. However, some groups also identified that they were travelling a long distance to get to the day centre and if there was a similar resource they could access locally, that would be good
- People felt that there were not enough day care alternatives in the community.
- Some people expressed that the repeated focus on day centres made them feel like a burden to the council and did that they did not feel valued.
- Many people said that they wanted a more cultural specific centre which would better meet their needs.

Carers concerns focused on the following;

- Carers raised the view that the changes are driven by the need to save money rather than to drive improvements to the service.
- Concerns were expressed about the quality and relevance of current assessments, and the need for future high quality, transparent assessments and support plans was highlighted.
- Carers wanted to know why the cost was higher for Kingsbury Resource Centre than the associated cost within the independent sector.
- People raised concerns about the timescale for any changes.
- A suggestion was made to consolidate the services provided at Kingsbury with other local services.

6.6 None of the concerns raised were unexpected, and were based on understandable confusion at the start of the process and fear for the future. Council officers were able to reassure both users and carers by clarifying that the consultation was about providing services in different ways, not reducing or removing services. Officers were also able to reconfirm that reassessments would be clear and transparent, personalised and focused on individual need. It was also confirmed that assessments would be person centred, would involve people important to the user, such as friends, families and key workers, and that every effort would be made to take into account existing friendships groups as part of transitional arrangements. The detailed responses to the points raised above are set out in the consultation and co-production report at Appendix A.

6.7 Co-production New Millennium Day Centre

- 6.8 The co-production process commenced on 19th March and ended on 20th April. The focus was to work with service users and carers to develop options that might make the centre more sustainable. The aim was to look at alternative care solutions working closely with stakeholders to develop a range of more personalised options and to offer service users a way to be truly in control of the services they receive and to work in genuine partnership to deliver the best outcomes. 16 Meetings were held in total with service users, carers and staff.
- 6.9 13 service user and carer meetings were held, and the discussion, responses and questions were captured by a note taker. Key workers, advocates, translators and British Sign Language (BSL) signers were also available to assist service users to express their views. A further 3 carers meetings were held, and responses and questions were captured by a palentypist which provided a verbatim record of what had been discussed. Translators were also present.
- 6.10 3 initial meetings took place, mapping out local community resources and looking at ways of rationalising the number of services. One of these meetings involved a visit to Thurrock Council to review a service model based on a social enterprise organised and managed by learning disabilities service users. This model was discussed and built on in the 4th co-production meeting which concluded by pulling information together from all of the meetings to share with the wider service user and carer groups. Then 12 smaller co-production group meetings were held to inform all service users what had been happening in the previous co-production meetings and to get their opinion on the suggested care service models for the future.
- 6.11 For some service users the concept of a social enterprise was difficult to understand. However, in the main service users were supportive of a service model which they had control over, and they were enthusiastic about improving services and having control over who supports them and how that support is provided. A smaller but significant number of service users wanted the existing staff to own and manage the social enterprise because of their knowledge of the exiting staff and the quality of care that they provide. However, discussions with staff showed that this was not an option that staff are interested in.
- 6.12 A number of useful points and some concerns were raised through the co-production process. A summary of both key comments and concerns raised are set out below:
- Users were worried about the centre closing, and felt that the changes to their service seem to be a continuous process and have been ongoing for at least the last 6 years. They felt the change needed to stop. However, through discussion users were confident that a co-produced solution would be the best way to ensure that they had more control over changes to their services, and they were clear that the aim of co-production was to

develop a more sustainable service which would hopefully mean that there would be less need for a change to the service in the future.

- People raised issues about lack of trust in the Council. Discussions showed that this was primarily as a result of many users having been through changes to in house day services in 2012 and some issues with this process. Through the co-production process people were able to separate their feelings about previous experiences and the need to bring a positive attitude and open mind into discussions about the future of the service.
- There was a perception that there is a lack of alternative provision in the borough, which was quickly cleared up through discussions. Council officers were able to demonstrate the breadth of provision available, and GIS maps were created showing the many and varied community resources near the existing centre. Some people attending the meeting were surprised by the variety of community resources which were available in the area and participants were interested in discussing how better use could be made of such facilities.
- Some users wanted the Council to come up with alternative options and not leave it to users or relatives to come up with ideas for keeping the centre open. The co-production meetings were an opportunity to discuss why co-production is important, and to explain that the process was not about users and carers needing to come up with ideas, but instead was an opportunity for officers to present ideas that have worked elsewhere in the country for users and carers to discuss and test.
- All users and carers spoke in strong terms about how much they valued their day centre. Users were clear that the centre is special and that they feel like one big happy family. The meetings were an opportunity to explain that the aim of co-production was to keep the aspects of the centre that people valued and that worked well, but also to enhance other aspects of the centre that could be improved. The need to open the centre up to other people who may benefit was also discussed, and meeting participants were keen that other people who may benefit from their centre were given the opportunity to do so.
- Many users raised concerns that they do not want to lose the relationship they have with staff.
- Many carers were concerned that the Council understand how important the centre is to allow them to carry on their own lives. The meetings were an opportunity to discuss the potential for the centre to offer more support to carers, for example, to offer respite or a timebanking service.
- Carers were clear that assessments needed to include carers in order to be genuinely person centred and staff were able to reassure them that this was a necessity under the requirements of the Care Act.
- Most carers understood the need to focus on making the service sustainable, and were helpful in supporting service users to understand that their service needed to change and evolve.
- Many carers were enthusiastic about the potential of the model to deliver better services and to provide other types of services that are currently difficult to access, such as personalised respite and personal assistants.

- 6.13 Council officers facilitating the meetings were able to address most concerns, and the meetings were ultimately positive and open forums for sharing ideas. Although it was acknowledged that a certain amount of mistrust in the Council would likely remain, all meeting participants agreed that it was important to move on from past experiences and that for co-production to work we would all need to focus on the future.
- 6.14 Openness and transparency was an important aspect of all meetings to ensure trust and confidence in the process. Continuous and effective communication was maintained across all stakeholder groups and delivering and sharing key messages in a timely way helped to rebuild trust.

7.0 Options for Change

7.1 Kingsbury

As a result of the outputs of the consultation meetings, and after further work with relevant council officers, including finance, commissioning and operational social care, this report sets out the benefits and disadvantages of two potential options for both the future of Kingsbury Resource Centre and the best way to provide day opportunities for current users.

These options, including potential benefits and disadvantages, are set out in detail below. All options were considered within the context of the need and desire to implement the Day Opportunities Strategy which sets out the Brent vision of supporting people to be fully integrated into their communities and for services to be more personalised to the individual. They were also considered in the context of existing market capacity and the need to ensure that services offer the best value for money.

7.2 Option 1: To develop Kingsbury Resource Centre into a community based multi-purpose centre

Feedback from the consultation meetings with carers and service users suggested that there was a strong desire and appetite to explore whether the centre could be developed and sustained through working in partnership with the voluntary and community sector. Meetings focused on exploring this option further by testing the practicalities of how this might be achieved. Detailed options considered included:

- a) Asking the voluntary and community centre to take over the running of Kingsbury Resource Centre
- b) The Council working in partnership with another organisation to share the risk and jointly manage the centre
- c) The council continuing to own and run the centre, but to develop services further to make KRC a specialist dementia care service

These options were carefully considered, but are not recommended for the following reasons:

- a) The current market for day services in Brent, including services provided by the voluntary and community sector, is over saturated. Day services commissioned by the Council are operating at a utilisation rate of 60%, and new customers are less likely to choose a building based day care option, which means that unless services are better used in the future they are likely to prove unsustainable. Therefore, there is a need to reduce the amount of day care provision currently available and funded in Brent, not to increase it or sustain it at current levels. Further, discussions with potential providers have shown that current users can be accommodated within existing provision.
- b) Discussions and investigations by the commissioning department have shown that there is no appetite for a risk share or a joint management delivery model within the market. Because existing day opportunities are under-utilised, most providers in this market space are already in possession of viable buildings to use for the delivery of services and they do not see any commercial benefits to taking on or sharing the running costs of another building. Demand is not high enough for the centre to be commercially viable and providers are therefore not interested in this option.
- c) Demographics show that the incidence of dementia is rapidly increasing and is likely to continue to increase in the population. Discussions were had about the need for a specialist dementia centre to meet this need now and in the future. However, there are already a number of specialist dementia services available in Brent, and there is spare capacity within these providers which can meet the need for day opportunities for people with dementia. Additionally, national best practice and the agreed day opportunities strategy for Brent both state that the preference is to support individuals with dementia through services which support people to remain in and are embedded in their communities. A number of specific dementia projects and initiatives, such as the Community Action Dementia project are focused on developing and joining up these services. Therefore, it was felt that a separate dementia day opportunities services was not necessary or desirable.

Due to the ready availability of capacity in the day opportunities market, the likelihood that the costs of the existing service and building would make it commercially unviable in the medium to long term and the desire to support people to access more individualised services, the option of keeping the centre open through any of the ways set out above is not recommended.

7.3 Option 2: To Close down Kingsbury Resource Centre, spot purchase placements within the voluntary/independent sector and release the building to be either sold or transferred as part of a community assets transfer project.

A number of key factors make this the preferred option:

- a) Existing market capacity – work by the commissioning team shows that existing day opportunities providers are operating at 60% utilisation rates.

Therefore, unless utilisation is increased amongst these providers, it is likely that some of them will prove unsustainable. The vision in Brent for day opportunities, as set out in the Day Opportunities strategy, is that individuals will be able to access a range of different day opportunities options. Therefore reducing the number of providers in the market would be undesirable and would lead to decreased choice and control for service users and carers. It is also clear that existing service users would be able to be supported within existing voluntary and independent sector services.

- b) Sustainability - Kingsbury Resource Centre is not likely to prove a sustainable service in the medium to long term. Because of the number of other providers and options that exist in the market in Brent, the service is not likely to prove sustainable or cost effective.
- c) Alignment with Brent Day Opportunities Strategy – Kingsbury Resource Centre is a building based services which means that it does not support the agreed vision for day opportunities in Brent. Best practice and research shows that people benefit more from individually tailored services, based within their own communities, which have the flexibility and responsiveness to be reactive to people's changing needs and goals. The nature of a building based service is that it is less able to be responsive and flexible due to the fixed cost of operating.
- d) Potential efficiencies - closing Kingsbury Resource Centre would generate a potential saving of £150k on the current base budget and a potential capital receipt if the building is sold.
- e) Supporting choice and control for service users - in order to safely and seamlessly re-provide services for existing users within commissioned provision, all existing users will need to be reassessed. The assessment will make clear the impact of any changes on the individual and will enable the council to support users to better understand the range of options available to them. A person centred approach will be used to ensure that users have maximum choice and control over the services they eventually receive, and to ensure that the most appropriate support is secured to achieve the outcomes individuals want. This process will be supported by care management and will involve service user's families and friends, an independent advocate or someone from the Independent Mental Capacity Advocacy Service for people who lack mental capacity and have no one to support them as appropriate to ensure a holistic approach to meeting and supporting need. Consideration will be given to existing friendship groups and the aim will be to ensure service users are able to access new services and activities together with the friends they have made at their current day centre. It is also likely that existing service users who have requested a more culturally appropriate service would have their needs better met through this approach.

Therefore, closure of the existing service and re-providing for current service users within existing commissioned services after an individual assessment of need is the recommended option.

7.4 New Millennium

7.5 As a result of the outputs of the co-production meetings, and after further work with relevant council officers, including finance, commissioning and operational social care, this report sets out the benefits and disadvantages of the development of a social enterprise model at New Millennium Day Centre.

Potential benefits and disadvantages to a social enterprise model are set out in detail below. This model was considered within the context of the need and desire to implement the Day Opportunities Strategy which sets out the Brent vision of supporting people to be fully integrated into their communities and for services to be more personalised to the individual.

7.6 What is important to the service users at New Millennium Day Centre is having a good quality service that supports their needs and is sustainable for the future. They want services that enable them to have a quality of life and choices, and they understand that this could be at the centre as well as within the community they live. Ultimately, service users want continuity and longevity of service and they are anxious to avoid continued uncertainty around their services. In light of this, co-production meetings concluded the social enterprise model is the best solution for a sustainable future and will best support their needs and continued well-being. Meetings therefore focused on discussing what a social enterprise model based at New Millennium Day Centre could deliver and how this would support the centre to become sustainable for the future. A summary of the options discussed is set out below.

7.7 There has been a growth within the social enterprise market across the UK, largely driven by central government policy changes and funding arrangements within the public sector. There is a general recognition that social enterprises provide greater organisational autonomy for those who use the services and that this type of model allows more freedom over how services are run. There is also evidence that social enterprises are often managed more efficiently and effectively because those involved in running them have a personal interest in the success of the operation.

Discussions with service users, carers and providers focused on utilising New Millennium Day Centre as a base and having a range of services provided from that base. Services and benefits of an enhanced social enterprise model would likely include:

- Day opportunities being delivered through the centre, but using the centre as a meeting point, hub or base, and supporting users to access the community more.
- Making better use of the building through extended operational hours, potentially including evenings and weekends.
- Using the centre to offer different and more personalised respite support for carers as well as service users. For example, the centre could support people to use, pool and co-ordinate their individual budgets so that groups of users with similar interest could access respite through a

supported holiday arrangement at Centre Parks or elsewhere. Or the centre could facilitate the creation and management of a timebank system, where carers traded respite arrangements and supported each other. This could include more flexible, shorter periods of respite, for example, an afternoon or evening, and would allow carers to build up a network of trusted individuals who could provide support to each other.

- Individual and personal budget co-ordination and management. Evidence has shown the users have far better outcomes when their services are personalised, but that many users and carers are wary of the perceived administration and bureaucracy that comes with an individual budget. The centre could offer a way for users and carers to support each other to access, arrange and manage individual budgets.
- Personal Assistant registration and co-ordination. Many users and carers use personal assistants as a way to manage their needs. Personal assistants allow people to develop a relationship with their carer (s), and allow carers to offer personalised and flexible support. However, as with individual budgets, many users and carers are unsure how to arrange and manage a personal assistant. The centre could offer a way to match potential personal assistants with people who need them, and support users and carers to manage the process. Personal Assistant support could also be purchased using the existing staff group and paid for from individual service user's personal budget allocations.
- Opportunities to work more in partnership with individual voluntary and independent organisations can be realised. An example of this could be sharing or expanding transport arrangements and routes therefore putting in reach more day services opportunities across London.
- Support for people to live independently in the community. Either through supporting the development of a personal assistants network, or through being able to support people to access care in a more individualised way.
- Training and development for disabled people and to source opportunities for individual personal development. The centre already offers some IT classes which help users to become training assistants and therefore provide a train the trainer model. Users at co-production meetings spoke with enthusiasm about how they would like to develop those skills further and in other areas, and how they would like to expand access to such classes to other members of the community who may benefit, for example, older people or people with mental health issues.
- Supporting young disabled people in the transition from school to adult life including to include further educational support. Many users and carers were clear that in order for the centre to be sustainable, they would need to offer services that attracted younger users. A popular suggestion was that older or more independent users would like to offer peer support to younger people to support them to become more independent. This could be in a variety of ways, for example, supporting younger people to be able to use public transport with confidence, or supporting younger people to access training and educational opportunities.
- Supporting people into employment, including volunteering. Many users were very vocal about the fact that they want their skills and strengths to be recognised and used. Many people stated strongly that they felt they

had a lot to offer the community, as well as needing some support themselves. Users and carers were clear that they would want a social enterprise to support users to have more access to employment and volunteering opportunities.

- Brokerage support to help people understand the care market maze. With the implementation of the first phase of the Care Act, users and carers recognised that they could have an important role to play in offering support to other people, including self funders and older people, to navigate what is often a confusing and daunting system. Suggestions included being able to offer advice, but they were also interested in offering a more comprehensive 'brokerage' service where they could support people to identify, commission and manage their care.

7.11 Through the creation of a social enterprise, a wide variety of services could potentially be provided which meet with current and future community needs and enable people to have the lifestyle of their choice, either at the centre or in the community. Users and carers also discussed the challenges to the creation of a social enterprise, and these are set out below:

- A strong and committed Management Board will need to be developed made up of current service users, relatives and individuals who have the appropriate business and financial skills. Currently there is a management committee, however it is likely that a new structure and a revised membership will be required to ensure that the committee is clear about their role and has the requisite skills to deliver a social enterprise model.
- Other social enterprise models have taken a significant amount of time to set up and develop. The Thurrock model originally had a 5 year service level agreement with Thurrock Council with a budget of £1.5m. This funding structure could be replicated for the New Millennium Day Centre social enterprise model and service user's personal budgets could support the revenue stream required to sustain the service. It is envisaged that as the enterprise matures the ties with the Council will begin to diminish and the operation will become an independent entity.
- A detailed business case, project plan and implementation plan would need to be developed. It is likely that in order for the social enterprise model to be successful, it would require some up-front investment from the council in project management costs and resource and that potential efficiencies from the model would not be realised until much later in the process.
- The delivery of the social enterprise model will need to be based on effective planning, investment and a supportive commissioning. In particular it will be essential to involve legal professionals and people with business skills and financial skills to develop and grow the business. Continued engagement with service users, carers, staff and others will be crucial to the successful implementation of all these changes.

7.12 Users, carers and staff, in consultation with and supported by officers from across Adult Social Services were clear that a social enterprise model would be

the most sustainable approach and would deliver the best outcomes for service users in the medium to long term. Therefore, it is recommended that officers bring a full business case to cabinet in the autumn to include details on structure, governance, finance, risk, timescales and other potential implications.

8.0 Financial Implications

- 8.1 The 2015/16 base budget for Kingsbury Resource Centre is £550,700. This report has two options proposed for the future of the centre.
- 8.2 Section 7.2 of this report outlines the issues and considerations associated with Option 1. It should be noted that this options offers limited opportunities for savings and could potential add costs pressures it terms of under utilisation of the service.
- 8.3 For Option 2 the financial implications are clearer as the current building would no longer be required. The exact saving against the current net budget is dependent upon the mix of clients opting for alternative spot purchased provision and those whom will be given a direct payment. Modelling that has been undertaken suggests a saving of £150,000. Section 7.3 of this report outlines the issues and considerations associated with this option.
- 8.4 The two options for Kingsbury Resource Centre form part of the wider transformation of direct services initiative that has a full saving requirement of £755,000 over 2015/16 (£432,000) and 2016/17 (£323,000). The saving generated through Option Two is at a sufficient level to indicate that the full saving for the service can be fully met. These savings are monitored as a part of the council's budget monitoring process.
- 8.5 If neither option were to be agreed, the department would need to develop alternative saving options within the service.
- 8.6 In both options there is also a possibility of one-off redundancy costs being incurred that would need to be contained within the council's general fund.
- 8.7 The financial implications for the social enterprise model for the New Millennium Day Centre would be assessed as part of the business case development. This would recognise the long term challenges for the council so any community enterprise would be seeking to reduce operating costs.

9.0 Legal Implications

- 9.1 An underpinning principle of the Care Act 2014 is the promotion of health and wellbeing to prevent, reduce or delay the need for care and support focusing on keeping people as independent as possible through prevention and early intervention. Comprehensive information and advice will enable individuals to make early informed choices about their care and support.

- 9.2 As the Council puts actions into place to deliver the Day Opportunities Strategic Plan, there is a need to be clear and precise about processes and to ensure we act in accordance with our duties under the Equality Act 2010.
- 9.3 Cabinet members are reminded that they are under a duty to have due regard to protect and promote the interests of persons with protected characteristics, to consider and analyse how the decisions they make are likely to affect those with protected characteristics and to remove any unlawful discrimination, or other protected conduct and to consider whether practical step should be taken to mitigate or avoid any adverse consequences. In addition Cabinet members must also take into account the necessity of providing cost effective and good quality services and these or other requirements may mean that those types of considerations ultimately justify a decision which does to some extent adversely impact on people with protected characteristics.
- 9.3 The impact assessments, including feedback from consultation or engagement where appropriate, will also be made available in compliance with the 2010 Act.

In addition to the legal implications outlined above, we must also ensure that the Council is satisfied that the needs of the service users are being met and that the enterprise model is sustainable before the Council's ties diminish, so that we are not in breach of our statutory duties.

10.0 Diversity Implications

- 10.1 All options presented in this report will ensure that all people who are eligible for a service continue to receive one. It is important to note that any of the proposed options for consideration in this paper will be considered on the basis that the council has a statutory duty to provide an appropriate service for those people who are assessed as eligible to receive one.
- 10.2 The proposed options and social enterprise model for consideration and assessment as set out within this report will create a more positive approach to diversity, ensuring that individual needs, whatever they may be, are addressed in a more personalised manner. It will also provide people with more control over the way they live. This is reflected in the focus on person centered planning as the foundation of the implementation of any major changes to the service.
- 10.3 The Consultation and Co-production processes ensured that a diverse range of issues has been discussed, included all the protected characteristics highlighted within the Equalities Framework.
- 10.4 Following on from the Consultation and Co-production meetings the Equalities Impact Assessment has been updated to take into account the comments made and the associated impact and mitigation. This is attached as Appendix 2 and will inform any plans for future day opportunities provisions.

11.0 Staffing Implication

- 11.1 **Kingsbury Resource Centre Option 1:** *To take forward the ideas from the co-production sessions and work with the Voluntary Sector.*
- 11.2 Subject to consultation and further consideration by the Cabinet, any outsourcing of the management and operation of the Kingsbury Resource Centre would have significant staffing and accommodation implications. TUPE will apply to approximately 8 council staff working in the centre likely to transfer to the voluntary organisation. Pursuant to TUPE the new provider will be required to meet obligations under the legislation. The procurement process will require that the preferred provider must operate consistently with Brent TUPE processes to protect the rights and benefits of Brent employees.
- 11.3 A requirement will be imposed on the provider to permit former council staff to continue to access the Local Government Pension Scheme (“LGPS”) if they wish by the provider becoming an admitted body under the LGPS. An admitted body under the LGPS will generally bear liability for any pensions’ deficit that may accrue. It is not considered to be in the council’s interest to place 100% of all pensions’ risks on the provider as the provider has no real control over such risks. Where the provider has to bear full pensions risks, its bid will generally be more expensive. As the council is setting a funding envelope for the contract, placing 100% of risks on the provider will instead translate into the provision of fewer services or a lower quality service. In the circumstances, officers sought bids on the basis that a pensions’ risk share agreement will be offered, with the standard form of pensions risk share agreement, agreed by the General Purposes Committee, issued with the Invitation to Tender.
- 11.5 **Option 2:** *To Close down Kingsbury Resource Centre, purchase spot placement within the voluntary/independent sector and release to building to be either sold or transfer as part of a community transfer project.*
- 11.6 The implication of this preferred option would mean that all the staff would be entitled to compulsory redundancy in accordance with the council Managing Change policy.
- 11.7 Within the consultation process 3 staff meetings were held. Staff actively put forward their suggestions on the proposal which included looking at working with other organisations to rationalise resources.
- 11.8 Staff were also quite concern about the future of their jobs and asked many questions related to this. However it was acknowledge that many of these questions could not be answered in isolation.
- 11.9 Trade Unions will be briefed prior to the start of any formal HR consultation process and we will work with trade unions to ensure staff understand the range of support that is on offer to them during the process.
- 11.10 Subject to consultation and further consideration by the Cabinet, any outsourcing of the management and operation of the New Millennium Centre

would have significant staffing and accommodation implications. TUPE may apply to approximately 14 council staff working in the centre likely to transfer to the social enterprise. Pursuant to TUPE the new provider will be required to meet obligations under the legislation. The procurement process will require that the preferred provider must operate consistently with Brent TUPE processes to protect the rights and benefits of Brent employees.

- 11.11 A requirement will be imposed on the provider to permit former council staff to continue to access the Local Government Pension Scheme (“LGPS”) if they wish by the provider becoming an admitted body under the LGPS. An admitted body under the LGPS will generally bear liability for any pensions’ deficit that may accrue. It is not considered to be in the council’s interest to place 100% of all pensions’ risks on the provider as the provider has no real control over such risks. Where the provider has to bear full pensions risks, its bid will generally be more expensive.

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