



Executive
13 December 2010

**Report from the Director of
Housing and Community Care**

Wards affected:
ALL

Adult Social Care Direct Services Review

1.0 Summary

- 1.1 In July 2010 the Executive agreed to consult with service users, carers and stakeholders on the draft Day Opportunities Strategy as a precursor to the transformation of all buildings-based, directly-provided adult social care day services. It also agreed to consult on a number of specific proposals which were set out in the Learning Disabilities Information Sheet, an appendix to the strategy.
- 1.2 The consultation process is now complete and this report sets out the results of the consultation, the options for transformation and a recommended course of action.
- 1.3 The consultation process was carried out in three waves in August, September and October. In each wave separate service user, carer and staff meetings were held in the 11 directly provided Day Services. In total, there were 42 consultation meetings. A summary of the consultation process and outcomes is attached at Appendix A.
- 1.4 The consultation responses across all client groups were broadly supportive of the principles underpinning the strategy: personalisation and a greater focus on community activities. However, users and carers also wanted to retain the consistency of a building base service. The main concerns raised were focused on implementation of the strategy.
- 1.5 The consultation responses raised a number of significant concerns in response to the specific proposals in the learning disability information sheet, which was an appendix to the strategy. The concerns were wide ranging, but they focused on:

- wanting to stay with friends and maintain current relationships
- feeling vulnerable in the community
- capacity and accessibility of a reduced number of Day Services
- quality and relevance of the current assessments for people currently using directly provided services.

1.6 Most service users did not want to see the closure of any day centres. Carers also stressed how much they value the respite the day services provide them and were not convinced that there were enough services in the community for the people they care for to access.

1.7 The fact that the consultation was organised in three waves meant there were opportunities in later waves to address issues raised earlier in the process. Significant concerns remain, but real examples of the benefits of Direct Payments, a commitment to tackle those concerns (e.g. recognising the importance of friends and maintaining relationships wherever the service is delivered) and concerns about the physical condition of the buildings meant that there was more appreciation of some of the specific proposals outlined in the learning disability information sheet.

1.8 The other factors that will inform the Executive's decision on the draft Day Opportunities Strategy and the learning disability information sheet proposals were also discussed at each of the consultation meetings. The key factors that were highlighted in consultation meetings were:

- national policy (which has a clear focus on personalisation, promoting service user choice and control to increase independence and lead to a more fulfilling life)
- experience in other parts of the UK (where a focus on personalisation and community based activity have led to greater independence for service users and improved financial sustainability)
- the practical implications of the condition of the current buildings (current health and safety concerns)
- the current financial context and the potential impact of the Comprehensive Spending Review on the council's budgets.

2.0 Recommendations

2.1 The Executive agrees the final version of the Day Opportunities Strategy attached at Appendix B.

2.2 The Executive agrees implementation of Option 4 where implementation is built on a comprehensive and inclusive reassessment and support planning process for every current service user, and is subject to staff and union consultation.

3.0 Day Opportunities Strategy

3.1 The draft Day Opportunities Strategy reflects national policy, focused on the need to develop more personalised services for adults in order to promote

independence and help people to lead fulfilling lives, and the work that has already been done locally as part of the Adult Social Care Transformation programme. It also reflects the One Council Improvement and Efficiency Strategy, which stresses the need to develop innovative services with local people to deliver improved outcomes in a cost effective way given the current financial pressures on the council.

- 3.2 The strategy outlines proposals for the future design of day opportunities across all client groups in adult social care. The principles underpinning the strategy are:
- a move away from services delivered in buildings to a large number of people at the same time and towards the delivery of personalised services
 - service users will be supported to access services provided within the community – leisure, employment, learning and social activities - to enable them to contribute to the local economy and their local communities
 - we will work with partners to ensure that these services meet the needs of people with a learning disability
 - the role of staff will change to support the delivery of the personalisation agenda.
- 3.3 The 12-week consultation process has been broadly supportive of the principles underpinning the strategy but not necessarily the specific practical implications of the strategy. Some of the outcomes, such as greater use of Direct Payments were supported by some service users, but a number of general concerns have been raised about implementing the strategy. For example, some service users and carers feel:
- choice and community activities are better suited to younger people
 - service users are vulnerable in the community
 - they may lose touch with their friends in the centres
 - there will be less respite for carers if activities are community based
 - personalised services will be more expensive
 - private providers may be more expensive
 - the strong relationships with workers in the centre will be broken.
- 3.4 Therefore, it is crucial whichever option is taken forward that we continue to improve communication and engagement over the coming months to ensure that we can address these and other concerns while also delivering improved outcomes for service users and carers. This is particularly important in the current financial context, which will make implementation more challenging.

4.0 Implementing Changes to Learning Disability Day Opportunity Services

- 4.1 The learning disability information sheet was an appendix to the draft Day Opportunities Strategy presented to the executive in July. It set out a draft plan for the transformation of all directly provided Learning Disability services in line with the draft Day Opportunities Strategy.
- 4.2 The draft plan built on the significant amount of work carried out within Learning Disability Services over the last three years, including previous service reviews,

reassessments and skills audits. It reflects the fact that teams within the service, service users and carers are expecting change to happen following this preparatory work, and it is desirable that this work begins as soon as possible given the uncertainty regarding day services. It also incorporates the existing commitment to a new facility, the John Billam Resource Centre, which will replace Albert Road and ASPPECTS, and the current financial pressures on the council.

- 4.3 The draft plan was focused on bringing the six directly provided Learning Disability day services (Stonebridge, Projects, Strathcona, Albert Road, ASPPECTS and CASS) together into one purpose-built facility, the John Billam Resource Centre. This would be achieved through increasing levels of independence among service users and changing the operating model to focus on activities based in the community. Currently these six services provide support to 295 service users (177 per day).
- 4.4 The 12-week consultation process has raised a number of significant concerns in response to the specific proposals in the draft plan highlighted in the learning disability information sheet.
- 4.5 Service user concerns were wide ranging. For example, they:
- do not want to lose the day centres as meeting places, where they have friends
 - do not want to lose the relationship they have with their key workers
 - are concerned about travel arrangements which could become more difficult if services are based in the community
 - did not think there was enough space in Strathcona
 - feel vulnerable in the community.
- 4.6 Carers concerns focused on the following:
- changes are driven by the need to save money rather than improvements to the service
 - the capacity of John Billam to accommodate all Learning Disability day service users
 - the quality and relevance of the current assessments, and the need for future high quality, transparent assessments and support plans to be focused on the needs of individuals if the changes are to happen
 - the capacity of Strathcona and John Billam Resource Centre to meet the needs of those requiring a building based service
 - the need to demonstrate what a person centred plan would look like
- 4.7 In light of these concerns, this report outlines four options for taking forward the Day Opportunities Strategy for directly provided Learning Disability day services.
- 4.8 **Option 1: No change – current service users, current service model in the same buildings.** The current revenue cost of the six directly provided Learning Disability day services (£3.7 million) would not change. However, capital investment of £150k is required in Stonebridge to tackle immediate structural problems with subsidence.

- 4.9 There would be no impact on service users in any of the six directly provided services in this option as services would continue in the current service model. Therefore, there was support for this option from service users and carers. However, even if immediate structural problems are addressed, Stonebridge would remain unfit for purpose, and so the service would not improve. Option one is not aligned to the draft Day Opportunities Strategy because it would have little or no impact on the levels of independence and any increase in services delivered in the community would lead to excess capacity in directly provided services, which would reduce value for money.
- 4.10 **Option 2: Improve Stonebridge – current service users, current service model in the same buildings, but with significant investment in Stonebridge.** The current revenue cost of the six directly provided Learning Disability day services service (£3.7 million) would not change. However, in addition to the £150k capital investment in Stonebridge to tackle immediate structural problems, a further £850k would be required to ensure the building is fit for purpose for the medium term.
- 4.11 Only service users at Stonebridge would be affected by this option. There would be a temporary negative impact while the building works were carried out, but there would be a positive medium term impact as the building would then be fit for purpose. Therefore, there was support for this option from service users and carers. Option two is not aligned to the draft Day Opportunities Strategy because it would have little or no impact on the levels of independence and any increase in services delivered in the community would lead to excess capacity in directly provided services, which would reduce value for money.
- 4.12 **Option 3: Buildings based, community focused service – increase levels of independence by 10 per cent and close Stonebridge but retain Strathcona.** This option would reduce the revenue cost of the service by £635k (17 per cent) as well as releasing £1.3 million (capital) from the sale of Stonebridge. This option ensures two learning disability, buildings-based, day services (Strathcona and John Billam) are retained in the medium term. It has been developed to reflect concerns raised in the consultation, in particular the importance of day centres as a key meeting place, which allows service users to maintain important relationships in a safe environment.
- 4.13 In this option eligible service users from Stonebridge and Projects would move to the Strathcona site. There would be no reduction in service for eligible service users. Currently, 232 service users are supported by these three services, but only 114 service users per day access a buildings-based service. The ‘per day’ figure reflects the fact that a significant number of service users either do not attend every day or access employment on a daily basis, but it does not reflect the fact that some service users may not be eligible for the service any more. The Strathcona facility has a capacity of 130. There would also be minimal impact on service users at ASPECTTS because their service is currently provided on the Strathcona site, but in a different building.

- 4.14 If this option is agreed, implementation would be built on a comprehensive and inclusive reassessment and support planning process for every current service user. The process would be aligned to the principles underpinning Valuing People and co-designed with service users and carers. It would be based on current unmet needs, a transparent application of eligibility criteria and reflect service user aspirations. The outcome would be a personalised package of support for eligible service users focused on outcomes that support people to lead independent and fulfilling lives. This would be delivered through a Personal Budget that may or may not include directly provided day services as appropriate. This process would also be designed to ensure that service users and carers have more information about any changes. Therefore, there was support for this option from service users and carers.
- 4.15 This option is aligned with the draft Day Opportunities Strategy because of the focus on person centred planning and increased levels of independence and community based activity. It would also deliver improved value for money because the reduction in overall capacity in directly provided services would ensure that excess capacity is minimised. The potential, identified in the consultation, to use other Council buildings more flexibly to provide additional capacity, for example New Millennium, also offers additional service options to ensure value for money.
- 4.16 **Option 4:** *Implement the draft plan as set out in the Learning Disabilities Information Sheet – increase levels of independence by 30 per cent and create a community based service model.* This option would reduce the cost of the service by £1.068 million (29 per cent) as well as releasing £2.9 million (capital) from the sale of Stonebridge and Strathcona. This option reflects the original draft plan set out in the learning disability information sheet.
- 4.17 In this option Strathcona will close when John Billam Resource centre is completed which is likely to be early 2012. Service users will move to Strathcona following the closure of Stonebridge in early 2011. All service users will receive a comprehensive and inclusive reassessment and support planning process and this option is dependent on the successful shift to alternative community based services.
- 4.18 In this option the John Billam Resource centre would provide the buildings base for those who need it although, as outlined above, the consultation has identified the potential to use other council buildings more flexibly to provide additional capacity and improved value for money, for example New Millennium. All service users of directly provided service would be affected by this option.
- 4.19 Significant concerns were raised about this option during consultation. The two key concerns were the capacity of John Billam, which as a buildings-based service has a capacity of 60, and the fact that planning for this option is based on reassessments done over the last two years, which may no longer be valid. These are genuine issues, which have been addressed in three ways in the planning:

- As in Option 3, implementation would be built on a comprehensive and inclusive reassessment and support planning process focused on the individual needs and outcomes of service users
- The capacity of the John Billam Resource Centre will be greatly increased if the service becomes a community based service and service users are only there for a part of the day
- The consultation identified, as stated above, the potential to use other council buildings more flexibly to provide additional capacity and improved value for money, for example New Millennium.

4.20 This option is completely aligned to the draft Day Opportunities Strategy because it would be implemented through person centred planning, it would increase levels of independence significantly and would make the service predominantly community based. It would also deliver improved value for money because the reduction in overall capacity in directly provided services would ensure that excess capacity is minimised.

5.0 Co-production, continuing communication and engagement

5.1 Continued engagement with service users, carers, staff and other stakeholders will be crucial to the successful implementation of any of the options outlined above. As outlined above a co-designed process of reassessment and support planning would be central to this, but the communications plan, which has been revised and is attached at Appendix C for information, outlines the full breadth of communication activity which will be delivered.

6.0 Financial Implications

6.1 This report considers four options for taking forward the Day Opportunities Strategy for directly provided learning disability day services. The details of these options are set out at section 4 of this report.

6.2 The current revenue costs of the six directly provided Learning Disability Day Services is £3.7m per annum.

6.3 The capital and revenue impact of each option, together with the estimated capital receipt(s), are set out in the following table:-

Option	Description	Revenue £000	Capital £000	Capital Receipt £000
1	No change but address subsidence	20	150	0
2	No change, Stonebridge fit for purpose	71	1,000	0
3	Close Stonebridge	-635	0	-1,300
4	Close Stonebridge and Strathcona	-1,068	0	-2,900

Options 1 and 2 will both require capital investment that is not currently in the Council's budget. As this capital investment is unfunded, there will be a revenue

impact (not budgeted) arising from the associated debt charges (interest and principal repayment). It should be noted that the costs of financing are based on the Council's current estimate of 5% annuity, and this is subject to change. Options 3 and 4 both generate revenue savings for the Adults Social Care Budget, and will also generate a useable capital receipt for the Council. The savings are the full year effect, and take account of staffing, running costs and redundancy costs where applicable.

- 6.4 The estimated timing and cumulative impact on the revenue budget for each option is set out in the following table:-

Option	Description	2011-12 £000	2012-13 & ongoing £000
1	No change but address subsidence	20	20
2	No change, Stonebridge fit for purpose	71	71
3	Close Stonebridge	-635	-635
4	Close Stonebridge and Strathcona	-635	-1,068

7.0 Legal Implications

- 7.1 Guidance issued by the Department of Health requires that the Local Authority "provide, whether at centres or elsewhere, facilities for occupational, social, cultural and recreational activities and, where appropriate, the making of payments to persons for work undertaken by them" to those who qualify for services under s29 of the National Assistance Act 1948 or s2 CSDPA 1970. The Local Authority also has a power to provide such services where necessary to promote the welfare of older people under s45 of the Health Services and Public Health Act 1968. The Local Authority will need to demonstrate that the chosen option does ensure sufficient facilities will be available for occupational, social, cultural and recreational activities to both current and future services users and that these can be accessed by individual services users. The move towards personalisation of adult social care does not affect the duties set out in legislation; however the increased use of existing community resources rather than specialized separate provision is not prohibited by legislation or government guidance.
- 7.2 The Executive is reminded that they are required to approach the outcome of any consultation objectively and in a fair manner. Care should be taken to ensure that all groups with protected characteristics as defined by the Equality Act 2010 are consulted and their concerns given due regard. The proposals should set out how these concerns will be addressed.
- 7.3 As a public authority, the Council has general duties to promote equal opportunities relating to race, disability and gender and to remove discrimination. These duties are set out in the:

- Disability Discrimination Act 2005 (DDA 2005);

- Equality Act 2006;
- Equal Pay Act 1970;
- Race Relations (Amendment) Act 2000 (RRAA 2000);and
- Sex Discrimination Act 1975.
- Equality Act 2010

Currently the DDA 2005 requires public authorities, when considering disabled people, to promote positive attitudes towards disabled people and take positive steps, even if that involves treating disabled people more favourably than others.

To provide guidance on the duty there is a Statutory Code of Practice. The general duty is not absolute but it does require authorities in respect of all their functions to give due regard to disability equality.

The core general duties are similar for race and gender i.e.:

- To promote equality of opportunity; and
- To eliminate harassment and unlawful discrimination.

From April 2011 part 11 of the Equality Act 2010 will be in force requiring that the local authority remove or minimise disadvantages suffered by those with a protected characteristic under the Act. It must also take steps to meet the needs of persons with a protected characteristic. In particular for disabled persons this includes taking steps to take account of their disabilities (s149(4)) and to encourage persons with a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. The increased reliance on existing community based services rather than separate specialist services should meet these objectives provided there is evidence that the community resources do adequately take into account the disabilities of the various services user groups in such a way that they can readily access the facilities. The Executive will need to consider whether each option in line with the duties detailed within the DDA and Equality Act 2010. In demonstrating that due regard has been given to the duty to promote equality of opportunity and to eliminate harassment and unlawful discrimination that Executive must demonstrate a “substantial rigorous and open-minded approach” to the duty.

The local authority’s Single Equality’s Scheme requires consultation and an impact assessment for this change in policy. This should focus not only on the number of people to be affected, but also consider the degree of impact on those actually affected.

At present the local authority must comply with the Equality Act 2010 when providing services. Under this Act age is now a protected characteristic and therefore particular care needs to be considered to the impact that the proposals will have on the elderly to access services if these are to be based primarily in the community rather than at the specialist centres. Carers are not a protected group but it is worth considering whether the impact on carers would have an adverse or

significant impact on those they care for and their ability to access facilities and services if these are to be based primarily in the community.

8.0 Diversity Implications

- 8.1 The Day Opportunities Strategy and the specific proposals for learning disability services are designed to deliver a more personalised service, which recognises individual needs and supports service users to access the support and services they need and want in the community. This will enable them to become participants in their local communities and develop networks and support as close to home as possible.
- 8.2 The Equality Impact Assessment (attached at Appendix D) that was written during the consultation confirms that the draft Day Opportunities Strategy will create a more positive approach to diversity, ensuring that individual needs, whatever they may be, are addressed to give people more control over the way they live. This is also reflected in the focus on person centred planning as the foundation of the implementation of any major changes to the service.

9.0 Staffing Implications

- 9.1 As the original Executive report highlighted, the draft Day Opportunities Strategy requires a significant change in working practices in all directly provided day services to create a clear focus on personalised support delivered in the community wherever possible. Staff are being supported in this change. For example, most staff have already undertaken the New Ways of Working training course. This change in culture and practice will continue over the coming months.
- 9.2 In each of the three waves of consultation, staff in all directly provided services have been consulted on the strategy and the draft plan outlined in the learning disability information sheet. However, they were not formally consulted on the impact on their posts. Therefore, they are aware of the strategy and the potential implications of the specific proposals outlined in the learning disability information sheet. While concerns were raised about the impact on jobs and the readiness for implementation, there was broad support for the direction of travel.
- 9.3 The options outlined above will have different impacts on the numbers, roles and skills required to deliver personalised services in directly provided services. If the Executive decides to close services (options three and four), there will be an impact on staff and this will be subject to full consultation.

Background Papers

Putting People First: DH policy December 2007

Living Well with Dementia: a national strategy for dementia services, Department of Health, February 2009

Valuing People Now: a new, three-year strategy for people with learning disability, Department of Health 2009

Duty to Promote Disability Equality: Statutory code of Practice (England and Wales)

Appendices

- A. Summary of Consultation response and outcomes
- B. Draft Day Opportunities Strategy
- C. Direct Services Communication Plan
- D. Equalities Impact Assessment

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