

Public Document Pack



Helen Barrington

Director of Legal and Democratic
Services
County Hall
Matlock
Derbyshire
DE4 3AG

Extension

Alisha.Parker@derbyshire.gov.uk

Direct Dial 01629 538324

Ask for Alisha Parker

PUBLIC

To: Members of Improvement and Scrutiny Committee - People

Wednesday, 18 May 2022

Dear Councillor,

Please attend a meeting of the **Improvement and Scrutiny Committee - People** to be held at **2.00 pm** on **Thursday, 26 May 2022** in Committee Room 1, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

Helen Barrington

Director of Legal and Democratic Services

A G E N D A

PART I - NON-EXEMPT ITEMS

1. Apologies for absence

To receive apologies for absence (if any)

2. Declarations of Interest

To receive declarations of interest (if any)

3. Minutes (Pages 1 - 2)

To confirm the non-exempt minutes of the meeting of the Improvement and Scrutiny Committee – People held on 4 May 2022

4. Public Questions (30 minute maximum in total) (Pages 3 - 4)

(Questions may be submitted to be answered by the Scrutiny Committee, or Council officers who are attending the meeting as witnesses, on any item that is within the scope of the Committee. Please see the procedure for the submission of questions at the end of this agenda)

5. Learning Disabilities Day Opportunities Service Redesign (Pages 5 - 30)

PUBLIC

MINUTES of a meeting of **IMPROVEMENT AND SCRUTINY COMMITTEE - PEOPLE** held on Wednesday, 4 May 2022 at County Hall, Matlock, DE4 3AG.

PRESENT

Councillor T Kemp (in the Chair)

Councillors C Dale, R George, S Burfoot, A Griffiths and J Woolley.

Also in attendance was Carol Cammiss, Executive Director – Children’s Services and Alison Noble, Director (Early Help and Safeguarding).

Apologies for absence were submitted for Councillor J Wharmby and D Taylor.

9/22 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

10/22 MINUTES

RESOLVED – to confirm the non-exempt minutes of the meeting of the Improvement & Scrutiny – People held on 9 March 2022.

11/22 PUBLIC QUESTIONS (30 MINUTE MAXIMUM IN TOTAL)

There were no public questions.

12/22 THE EARLY HELP TRANSITION TEAM - FUTURE MODEL OF DELIVERY WORK PROGRAMME

Carol Cammiss gave an update on the progress towards developing an Early Intervention and Prevention Strategy, and short-term implications for the Transitions Team and Early Help Development Service.

The current model had delivered some significant success however, due to the COVID pandemic and the Team’s deployment to supporting partners, acute delivery and addressing its effects, it was recognised that more work was needed to develop a sustainable partnership model. It also enabled continuity of support to strategic partners, provision of statutory support to Employment, Education and Training, Early Help advisers to model Team Around the Child meetings and Community Directory Development to strengthen services.

The Team had generated income, through the Supporting Family

Programme with £3.7m in reserve, some of which would be drawn down to support the extension of the Transitions Team to July 2024. The next steps included delivery of the new model and development of the Strategy over the next 12-18 months. Opportunities to explore further as the Strategy developed were effective, aligned, strategic partnership approaches to early help and early help assessments, working with schools and developing information, advice and guidance.

Committee members asked a number of questions regarding the work already done, particularly around work with schools and youth work. There was a more joined-up approach with partners and improvements in the understanding and response of the Police to domestic abuse and exploitation issues. Cllr Julie Patten informed members that robust mechanisms were in place to challenge police accountability. Work is taking place with the safeguarding board to identify what families need and to predict demand across the partnership.

Committee members were invited to meet with officers away from the meeting to discuss what advice and support was available to families experiencing difficulties in accessing the help they needed.

RESOLVED – that the Executive Director of children Services return to update the Committee in February 2023.

13/22 DRAFT WORK PROGRAMME 2022/23

The Chair introduced the report, which was circulated in advance of the meeting, informing Members of the proposed work programme for the Committee. A draft work programme for 2022/23 was given at Appendix two.

RESOLVED to agree the 2022/23 work programme and note that it was a flexible document that additional issues could be added throughout the year.

The meeting finished at 3.16 pm

Procedure for Public Questions at Improvement and Scrutiny Committee meetings

Members of the public who are on the Derbyshire County Council register of electors, or are Derbyshire County Council tax payers or non-domestic tax payers, may ask questions of the Improvement and Scrutiny Committees, or witnesses who are attending the meeting of the Committee. The maximum period of time for questions by the public at a Committee meeting shall be 30 minutes in total.

Order of Questions

Questions will be asked in the order they were received in accordance with the Notice of Questions requirements, except that the Chairman may group together similar questions.

Notice of Questions

A question may only be asked if notice has been given by delivering it in writing or by email to the Director of Legal Services no later than 12noon three working days before the Committee meeting (i.e. 12 noon on a Wednesday when the Committee meets on the following Monday). The notice must give the name and address of the questioner and the name of the person to whom the question is to be put.

Questions may be emailed to democratic.services@derbyshire.gov.uk

Number of Questions

At any one meeting no person may submit more than one question, and no more than one such question may be asked on behalf of one organisation about a single topic.

Scope of Questions

The Director of Legal Services may reject a question if it:

- Exceeds 200 words in length;
- is not about a matter for which the Committee has a responsibility, or does not affect Derbyshire;
- is defamatory, frivolous or offensive;
- is substantially the same as a question which has been put at a meeting of the Committee in the past six months; or
- requires the disclosure of confidential or exempt information.

Submitting Questions at the Meeting

Questions received by the deadline (see **Notice of Question** section above) will be shared with the respondent with the request for a written response to be provided by 5pm on the last working day before the meeting (i.e. 5pm on Friday before the meeting on Monday). A schedule of questions and responses will be produced and made available 30 minutes prior to the meeting (from Democratic Services Officers in the meeting room).

It will not be necessary for the questions and responses to be read out at the meeting, however, the Chairman will refer to the questions and responses and invite each questioner to put forward a supplementary question.

Supplementary Question

Anyone who has put a question to the meeting may also put one supplementary question without notice to the person who has replied to his/her original question. A supplementary question must arise directly out of the original question or the reply. The Chairman may reject a supplementary question on any of the grounds detailed in the **Scope of Questions** section above.

Written Answers

The time allocated for questions by the public at each meeting will be 30 minutes. This period may be extended at the discretion of the Chairman. Any questions not answered at the end of the time allocated for questions by the public will be answered in writing. Any question that cannot be dealt with during public question time because of the non-attendance of the person to whom it was to be put, will be dealt with by a written answer.



Agenda Item

FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

IMPROVEMENT & SCRUTINY COMMITTEE - PEOPLE

26 MAY 2022

Report of the Executive Director – Adult Social Care & Health

Consultation and Engagement of the Learning Disability Day Opportunities
Service Redesign

1. Purpose

1.1 The purpose of this report is to consider the current public consultation, including consultation with the current Learning Disability Day service users, on two options concerning the future delivery of day opportunities for people with a learning disability and/or who are autistic

2. Information and Analysis

2.1 Please see attached Cabinet Report: Appendix 1

3. Consultation

3.1 Please see attached Cabinet Report: Appendix 1

4. Alternative Options Considered

4.1 Please see attached Cabinet Report: Appendix 1

5. Implications

5.1 Please see attached Cabinet Report: Appendix 1

6. Background Papers

6.1 None

7. Appendices

7.1 Appendix 1 – Cabinet Report 10th March 2022: Learning Disability Day Opportunities Service Redesign

8. Recommendation(s)

That Committee:

- a) Notes that public consultation began on the 28th of March 2022
- b) Notes that the public consultation will last for 12 weeks ending on the 19th of June 2022
- c) A further report will be available once results from the consultation have been collated

9. Reasons for Recommendation(s)

9.1 A further report following the conclusion of a consultation is recommended to ensure that the Scrutiny Committee is fully informed of the outcome of the consultation

Report Author: Linda Elba-Porter

Contact details: Linda.Elba-Porter@deerbysshire.gov.uk

Appendix 1

Implications

Financial

1.1

Legal

2.1

Human Resources

3.1

Information Technology

4.1

Equalities Impact

5.1

Corporate objectives and priorities for change

6.1

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1

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FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

10 March 2022

Report of the Executive Director for Adult Social care and Health

**Learning Disability Day Opportunities Service Redesign
(Adult Care)**

1. Divisions Affected

1.1 County-wide

2. Key Decision

2.1 This is a Key Decision because, if the proposed changes are made, it is likely to:

- a) result in the Council incurring expenditure which is, or making savings which are, significant having regard to the budget for the service or function concerned; and
- b) be significant in terms of its effect on communities living or working in an area comprising two or more electoral areas in the County.

3. Purpose

3.1 Cabinet is asked to approve the undertaking of a public consultation, including consultation with the current Learning Disability day service users, on two options concerning the future delivery of day opportunities for people with a learning disability and/or who are autistic.

4. Information and Analysis

- 4.1 This report outlines two options for consultation on the future delivery of day opportunities for people with a learning disability and/or who are autistic. This does not affect older adult's day services and all references to day services throughout this report relate to those services for people with a learning disability and/or who are autistic.

Background and context

- 4.2 Our aim is to support Derbyshire people with a learning disability and/or who are autistic to live the lives they want to live – safe, fulfilled lives in their local communities.
- 4.3 The proposed new approach is based on feedback from people who we support who told us they wanted to live safe, fulfilled lives as independently as possible in their communities with equal access to opportunities and services such as social and leisure, housing, jobs, health and transport. The proposals are also informed by the recent White Paper 'People at the heart of care' which sets out a vision for adult social care that has people and families at its heart.
- 4.4 Our emphasis is on future planning for independence including helping people to gain valuable daily living skills and confidence so they can explore options for how they might want to live and be supported.
- 4.5 We will continue to involve those with learning disabilities and/or who are autistic, their families and carers in creating solutions that reflect their individual strengths and needs.
- 4.6 This will be around sustainable models of support that recognise people with disabilities have the potential to be an active part of their community.
- 4.7 By working with people and their families, we aim to help them to achieve their ambitions, progress and develop, leading to:
- Better informed choice
 - Increased employment rates
 - Increased community and digital inclusion
 - Recognition that people are the experts of their own experience
 - Effective contingency planning
- 4.8 Alongside the principles of the Care Act 2014, the recent White Paper 'People at the heart of care' is driven by people with experience of Adult

Care and promotes the approach we wish to take in Derbyshire in terms of person-centred support, co-production, independence and enabling people to live as part of their community.

- 4.9 In Spring 2020, a team of Social Work practitioners (The Hub) started to reassess all people with a learning disability and/or who are autistic who attended a Council-run day centre prior to the COVID-19 pandemic.
- 4.10 Since then, the Hub Team has worked with everyone living in the community who previously attended a Council day service. The Hub has completed outcome focussed assessments, exploring a range of opportunities for people to build support plans that provide a variety of activities (a blended support plan).
- 4.11 Examples of activity that people are now undertaking include voluntary work, direct payment support, work placements, digital inclusion, private, voluntary, and independent sector day opportunities and inclusion into community groups. One family member of a person who previously had a five day building-based service and is now receiving alternative opportunities that maximise her independence and involvement in the community in the form of a work placement in a local children's nursery said, *"the opportunities being provided are really good, it feels like she is finally leaving school after all these years, she is moving into the world"*.
- 4.12 A summary of the outcome focussed assessments completed since 2020 is as follows:
- **190 people** are now accessing alternative activities to a Derbyshire County Council day centre through the form of a blended support plan approach.
 - **28 people** are now accessing some alternative activities alongside an average of two and a half days attending a Derbyshire County Council day centre.
 - **111 people** have returned to a Derbyshire County Council day centre, although capacity remains constrained due to the current infection control procedures due to COVID- 19.

New Model – Option One

- 4.13 Our findings from the assessment process referred to above show that two thirds of people who historically attended a Derbyshire County Council (DCC) day centre have chosen completely, or in part, alternative opportunities and activities – moving away from a DCC building-based traditional service. We have very little demand for a

building-based service for new people coming into Adult Care such as through transition from Children's Services to Adult's Services. Currently there is no waiting list for new people to attend the day centres, although we do recognise that we have people currently attending who would wish to increase their number of days. Young people and their families want to be included in communities, live as independent a life as possible and seek employment opportunities. We are confident that we can support people to fulfil their aspirations and be active participants in their communities with the following model of working. We know that for some people with complex needs a building-based service needs to be part of their care and support plan. This would be determined through an outcome focused assessment under the Care Act 2014.

- 4.14 **Enhancing the Community Connector Service** we have a team of 18 full-time community connectors who cover the county and support people with a learning disability and/or who are autistic to use all opportunities available to them. These can include travel training, employment opportunities, social activities, direct payments, private voluntary independent sector, voluntary work, digital support, relationship building, community groups, education and learning, work experience.
- 4.15 The new model would increase the Community Connectors team to 25 full time practitioners and an additional deputy manager alongside the existing management structure. We propose to stabilise this team by having permanent posts rather than temporary/fixed term. There is a huge demand for this service from Adult Social Care Teams and Children's Services transition referrals – with a current waiting list of approximately 150 people. Anyone requesting support from Adult Social care who has a learning disability and/or who is autistic would go via the Community Connectors service as well as the team having availability to work with anyone currently known to Adult Care, for example those that accessed a DCC day service previously. This would also provide redeployment opportunities for any Day Service Workers affected by other elements within the new model.
- 4.16 In addition to the Community Connector Service, we recognise that people who have returned to a DCC day centre as their only provision need some additional support due to practical barriers in the community or the confidence of the person and/or their carers. We are therefore proposing a new **Support Service Team** alongside the Community Connectors to provide more intensive support to people and their families to navigate these changes. This would be for up to two years to support people through the transition to alternative opportunities in

addition to their DCC day centre. The Chesterfield Resource Team and Southcroft support teams would also be included in this service design as they currently support working age adults in the community.

- 4.17 The Community Connectors and Support Service would also be heavily involved in influencing development of service provision, community activity and form links with employers and education to enhance the offer and opportunities for people with a learning disability and/or who are autistic across the whole of Derbyshire. Taking this approach will embed a progression model within the new offer, support independence and improve contingency planning reducing the likelihood of residential care when carers are no longer able to support.
- 4.18 **Dynamic Commissioning** we are being proactive with identifying gaps in provision for day opportunities for people with a learning disability and/or who are autistic. We have a new support request form which captures demand and types of opportunities people are requesting along with the area of preference. We are then meeting with providers to feed back and encourage tenders to meet the needs of people assessed. We are working closely with the private, voluntary, and independent sector to align their models and encourage the development of creative ideas. As part of this we are encouraging micro providers and people using pooled budgets through direct payments to access local, shared support where appropriate. We are linking in with community groups and initiatives such as Thriving Communities to build connections and opportunities for people.
- 4.19 **Practitioner Support** - The Hub Team would continue on a smaller scale to support with the transition of this new model. The practitioners will support people, their families, and carers to achieve independent outcomes. The practitioners will also re-assess those people in residential and supported living who previously attended DCC building-based services. These people have been found alternatives by their area Social Worker however we are keen review to ensure this is sustainable long-term support. We will also review anybody affected by the proposed changes.
- 4.20 **Building-based day services.** The following proposals for building-based services would be implemented through a phased approach over a twelve-month period as set out below. This would be achieved with the development of the aforementioned services and the expected reduction of infection prevention control measures which will significantly increase building-based capacity.
- 4.21 **Phase one**

- Discontinued use of four building-based day services - Ashbourne and Waltham (Derbyshire Dales), Oxcroft (Bolsover) and Renishaw (North East Derbyshire) due to lack of demand.
- People who have been attending these services have already been supported to access alternative provision either in the community or at another DCC or private, voluntary, or independently (PVI) operated day centre.
- There are thirteen PVI providers operating across Derbyshire Dales and nine operating across Bolsover and North East Derbyshire.
- This activity would take place over a three-month period.

4.22 **Phase two**

- People attending Whitemoor (Amber Valley) would have their service transferred to Parkwood (Amber Valley). This is a more suitable building as it has significantly more facilities for example a café, training rooms and an IT suite.
- Coal Aston (North East Derbyshire), Carter Lane and Whitwell (both in Bolsover) day services would be discontinued for use. People accessing a service from these centres would be referred into the Community Connector service to identify alternative community-based opportunities or another DCC building-based offer. There are also nine PVI providers that operate across Bolsover and North East Derbyshire.
- Newhall Day Centre (South Derbyshire) would cease provision of a building-based service. People attending the service would be referred to the Community Connector service to identify alternative community-based opportunities or another DCC building-based offer. Additionally, there are ten PVI providers of day opportunities that operate across South Derbyshire.
- This activity would take place over a three-month period following phase one.

4.23 **Phase three** would be implemented over a six-month period. This will be a consolidation of the remaining building-based day services across four centres:

- Alderbrook (High Peak)
- No Limits (Chesterfield)
- Outlook (Erewash)
- Parkwood (Amber Valley)

The transition to the new model would take twelve months from any decision being made.

4.24 A total of **139 people currently access a day centre** as part of their support plan.

- **48 people** would be affected by these proposals.
- **91 people** would not be affected by these proposals as they attend one of the four-day centres, which will remain open, though the proposed new model would also open up alternative opportunities for this cohort.
- The majority of people with complex needs live in the locality of these day centres.

4.25 It is proposed, as part of the new model, that DCC would provide transport to anyone where their DCC day opportunity service is relocated as part of the proposals should they wish to continue to access it.

4.26 Whilst alternatives activities and support have been found for the 151 people who live in residential care or supported living who attended building-based day services prior to March 2020, the intention is to re-assess to ensure all opportunities have been explored for their long term future. The expected reduction of infection prevention control measures which will significantly increase building-based capacity, will ensure opportunity for those who would benefit from this service could return.

Option Two available to the Council

4.27 The alternative to the proposed new model is that the Council continues as at present with twelve traditional building-based services. It should be noted that in doing so, we would be unable to free up investment for the proposed new model of community-based support. This would have implications for the long-term financial sustainability of both Adult Social Care services and the wider Council, as demand for this type of service is reducing. The Council would continue to provide services that are out of line with many other local authorities and national guidance such as the recent Social Care Reform White Paper 'People at the Heart of Care', and "The impact of the COVID pandemic on adults with learning disabilities and / or autism, their family carers and service provision" report by the Association of Directors of Adults Social Services.

Previous Consultation

- 4.28 The proposals for a community-based offer build on work undertaken by the Council between 2018-2020 as part of the 'My Life, My Way' engagement programme. They are not a reflection of temporary measures that have been put in place to Learning Disability day services arising from the Covid-19 pandemic.
- 4.29 Learning Disability Procurement Review: Following approval by Cabinet on 20th December 2018, formal engagement commenced with attendees of Derbyshire County Council Learning Disability Day Centres and family carers on proposals for the future model of support and service delivery for day opportunities. This engagement started on 2nd January 2019 and closed on 31st March 2019, with a final report presented to the Council's Cabinet on 6 June 2019.
- 4.30 The outcome of this engagement was the introduction of a progression model to support more people to access training, skills and opportunities for volunteering or employment, where appropriate, via a Community Connector service. The new eligibility criteria came into effect in November 2019 and applied only to new referrals into the service. It was intended that those already attending a service would have a review to determine their level of support moving forwards and whether the options proposed through the progression model would be appropriate.
- 4.31 These reviews commenced in January 2020 in the High Peak (Alderbrook), Amber Valley (Parkwood initially) and South Derbyshire areas. Significant work had been completed across the service to understand people with a learning disability and/or who are autistic could be supported to gain independence and work towards volunteering or employment. A series of networking events for employment related services and social care professionals i.e. Community Connectors, CVS, and DWP had started and were being well received.

Analysis of the current position

- 4.32 The Council currently operates twelve building-based day centres for people with a learning disability and / or who are autistic:
- Alderbrook, Chinley - High Peak
 - Ashbourne and Wirksworth (combined service), Derbyshire Dales
 - Carter Lane, Whitwell - Bolsover
 - Coal Aston, Dronfield – North East Derbyshire
 - Newhall, Swadlincote - South Derbyshire
 - No limits, Chesterfield

- Outlook, Long Eaton - Erewash
- Oxcroft Lane, Bolsover
- Parkwood, Alferton – Amber Valley
- Renishaw, Eckington – North East Derbyshire
- Whitemoor, Belper – Amber Valley
- Whitwell, Bolsover

4.33 Prior to the temporary decision taken by the Cabinet Member for Adult Care, on 13th January 2022, to consolidate Learning Disability Day Services on a needs-basis in response to reasons relating to covid-19, there were nine building-based day centres open with Infection Prevention Controls in place:

- Alderbrook, Chinley - High Peak
- Carter Lane, Whitwell - Bolsover
- Coal Aston, Dronfield – North East Derbyshire
- Newhall, Swadlincote - South Derbyshire
- No limits, Chesterfield
- Outlook, Long Eaton - Erewash
- Parkwood, Alferton – Amber Valley
- Whitemoor, Belper – Amber Valley
- Whitwell, Bolsover

The Oxcroft Lane service (Bolsover) has joined with Carter Lane to become one service. Renishaw has joined with Coal Aston.

4.34 Currently there are 111 people in total who are only attending a DCC service across the nine day centres open, some of whom would wish to increase the number of days they attend. There are no centres operating a waiting list for new referrals.

Centre	Location	Number of Attendees
Alderbrook	Chinley	11
Carter Lane	Bolsover	3
Coal Aston	Dronfield	5
Newhall	Swadlincote	9
No Limits	Chesterfield	11
Outlook	Long Eaton	18
Parkwood	Alfreton	22
Whitemoor	Belper	26
Whitwell	Bolsover	6
Total		111

The current budget for the learning disability day centre provision is £6.7m with a projected spend of £6.2m, which excludes transport costs.

5. Consultation

- 5.1 If this report is approved, it is proposed that formal public consultation will commence on 28 March 2022 and last for 12 weeks ending on 19 June 2022. A public consultation exercise would be carried out seeking people's views on the two options being presented.
- 5.2 We will support current individual day centre users and their carers to understand and engage with the consultation process and the potential implications for them by offering support to participate in the consultation via a one-to-one interview, where requested, and creating an easy read information pack to ensure the relevant information is presented in an accessible and clear format.
- 5.3 Adult Social Care's Stakeholder Engagement Team (SECT) will arrange and coordinate, subject to risk assessments and any COVID restrictions and advice from Public Health and Health and Safety at the time, a series of face-to-face consultation meetings for current individual day centre users and their carers. In the event that restrictions prevent face to face meetings taking place then arrangements will be made to replace them with virtual meetings via Microsoft's Teams platform.
- 5.4 The SECT will arrange and coordinate three virtual public consultation meetings. Interested parties and members of the public will be invited to book a place on one of the three virtual public meetings via publicity and communications.
- 5.5 The SECT will develop an easy read version of a questionnaire for participants to complete. The questionnaire will be reflective of the proposal/s and give opportunity for participants to comment and give feedback on their views. The questionnaire will be placed on DCC's Have Your Say webpage where consultees will be encouraged to visit and complete a questionnaire.
- 5.6 All Stakeholders will also be given the opportunity to give their views by sending a letter, via email to ASCH.Tell.AdultCare@derbyshire.gov.uk or via telephone contact for SECT. Stakeholders will be given the opportunity to either email a message or leave a telephone voice mail requesting a call back from a member of SECT. SECT members will then record any feedback via telephone interviews and/or assist participants to complete an online questionnaire

- 5.7 Subject to this report being approved and the consultation exercise undertaken it is anticipated that, once the consultation responses have been considered and an Equality Impact Analysis completed, a further report will be presented to Cabinet regarding the proposed next steps in August 2022.

6. Alternative Options Considered

- 6.1 In the formulation of the new model being presented in this report additional options have been considered but are not being consulted upon. These options are outlined below.

- 6.2 Close fewer building-based day centres. However, the centres being proposed as part of the proposed new model have been considered most appropriate to be so based on:

- Locality – ensuring we have sufficient geographically accessible day services; and
- Sufficient capacity – the proposed configuration of buildings would provide the expected capacity to meet future demand.

It is, therefore, considered that other configurations from those proposed in the proposed new model would not meet these criteria.

- 6.4 Close all building-based day centres. This would see a move to a fully community-based offer with no directly provided building based services by the Council. It is recognised that this option would pose serious challenges to those people who experience barriers to accessing community services, alongside a lack of alternative building-based provision across the County.

7. Implications

- 7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

- 8.1 Cabinet on 20 December 2018 - Reshaping the learning disability day care offer and commencing consultation on the future service model for all other services for people with a learning disability.

- 8.2 Cabinet on 6 June 2019 - Outcomes from the consultation on reshaping the council's day care offer for people who have a learning disability and/or Autism
- 8.3 Department of Health and Social Care (2021), *People at the Heart of Care: adult social care reform white paper*.
- 8.4 The Association of Directors of Adult Social Services (2021), *The impact of the COVID pandemic on adults with learning disabilities and / or autism, their family carers and service provision*.

9. Appendices

- 9.1 Appendix 1 – Implications.
- 9.2 Appendix 2 – Private, Voluntary, and Independent providers of day opportunities for people with a learning disability and / or who are autistic.

10. Recommendation(s)

That Cabinet:

- a) Approves the programme of formal public consultation for a period of 12 weeks on the two options concerning the future of Day Opportunities for people with a learning disability and / or who are autistic.
- b) Receives a further report following the conclusion of the consultation process, including a full Equality Impact Analysis and Staffing Report.

11. Reasons for Recommendation(s)

- 11.1 Proposals to make significant changes in service provision require consultation with the public and those directly affected, including people who use the service, staff and carers and relevant stakeholders to ensure that their views can be taken into account when a final decision is made. Consultation for 12 weeks is proposed to ensure the Council complies with its legal obligations.
- 11.2 A further report following the conclusion of a consultation is recommended to ensure that Cabinet is fully informed of the outcome of

the consultation and Equality Impact Analysis when it makes a decision on the future of the Day Opportunities.

12. Is it necessary to waive the call in period?

12.1 No

Report Author:
Lisa Redington

Contact details:
lisa.redington@derbyshire.gov.uk

Implications

Financial

- 1.1 The gross budget available as a result of the proposed closure of the eight building-based day centres would be in the region of £3.454m. However, an estimated £1.552m would be required to fund alternative support options for clients along with £0.272m for the creation of a Support Service Team. This would result in a cost reduction of £1.630m which would contribute to the budget savings target allocated to Adult Social Care & Health. These figures don't include provision for potential redundancy costs and site clearance/security costs. Also, potential receipts from sale of land/property are not included.

Legal

- 2.1 Section 1 Care Act 2014 imposes a general duty on the Council to promote an individual's well-being whenever exercising any function under Part 1 Care Act 2014.
- 2.2 'Well-being' is not defined within the Care Act 2014 and is a broad concept. Section 1(2) lists nine individual aspects of well-being as follows:
- (a) personal dignity (including treatment of the individual with respect);
 - (b) physical and mental health and emotional well-being;
 - (c) protection from abuse and neglect;
 - (d) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
 - (e) participation in work, education, training or recreation;
 - (f) social and economic well-being;
 - (g) domestic, family and personal relationships;
 - (h) suitability of living accommodation;
 - (i) the individual's contribution to society.

Although the well-being principle applies specifically when the local authority makes a decision in relation to an individual, the Care and Support Statutory Guidance is clear that the principle should also be considered by the Council when it undertakes broader, strategic functions.

- 2.3 Section 5 Care Act 2014 places a separate duty on the Council to promote an efficient and effective market, with a view to ensuring that any person in its area wishing to access services in the market:
 - a) has a variety of providers to choose from who (taken together) provide a variety of services;
 - b) has a variety of high quality services to choose from; and
 - c) has sufficient information to make an informed decision about how to meet the needs in question.
- 2.4 Section 18 Care Act 2014 provides that where an adult is assessed as having eligible needs, the Council is under a duty to meet those needs; one way of meeting those needs is by attending a day centre. Should an individual's current day centre close, alternative arrangements to meet those eligible needs must be made. Where a care plan is to be altered, the Council must have regard to, amongst other things, the outcomes the individual wishes to achieve and the impact on a person's well-being. The report details steps which would be taken to support individuals to navigate these changes and identify alternative opportunities to DCC day centre provision.
- 2.5 Proposals to make significant changes in service provision require consultation with the public and those directly affected, including service users, their family/carers, staff and relevant stakeholders.
- 2.6 Case law has established minimum requirements of consultation, which are:
 - a) Consultation must be at a time when proposals are at a formative stage;
 - b) Sufficient information must be given to permit a person to "give an intelligent consideration and response";
 - c) Adequate time must be given for consideration and response; and
 - d) The results of the consultation must be conscientiously taken into account in finalising any proposal and provided to the decision maker to inform their decision
- 2.7 In assessing these proposals, the Council should also have regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010.

2.8 The PSED requires public authorities to have "due regard" to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 (*section 149(1) (a)*).
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (*section 149(1) (b)*). This involves having due regard to the needs to:
 - remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it (*section 149(4)*); and
 - encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it (*section 149(1)(C)*).

2.9 Preliminary consideration has been given to the impact of the proposals on persons with protected characteristics in drawing up these proposals. In particular it is recognised that the methods and content of the consultation will need to be designed so as to fully reflect the needs of the relevant protected groups, in particular older people and disabled people.

2.10 In addition, regard has been paid to the Equality Impact Analysis (EIA) carried out in respect of the care pathway redesigns as is referred to in the report. A full EIA will be prepared during the consultation process reflecting issues that are raised during the consultation process. This will be reported in full to Cabinet and a full copy of the EIA made available to Members in order that any adverse impact along with any potential mitigation can be fully assessed. Cabinet members will be reminded at that time of the need to have careful regard to the conclusions of the EIA.

Human Resources

- 3.1 Any workforce implications arising from the proposals will be the subject of further reports on the conclusion of public consultation. Staff will be included in the public consultation and as mentioned in Section 5 of the report, separate engagement with, and support for, all staff of the day services that are the subject of this report will be carried out as part of any consultation exercise.

Information Technology

- 4.1 None directly arising.

Equalities Impact

- 5.1 The Council has a duty to recognise and mitigate the impact of any changes it proposes upon people in protected groups. The proposals in this report affect people with a learning disability and / or who are autistic currently accessing day services provided by Derbyshire County Council.
- 5.2 There are 111 people currently accessing day opportunities at a centre provided by Derbyshire County Council. Of these, 52% are men and 48% women; 98% are of working age with 2% aged 65 or over; 96% are White British with 4% from other backgrounds.
- 5.3 The Council will take account of the challenges which the people affected by the proposals in this report face, both in terms of participation in the consultation and in ensuring that the impact of any changes is mitigated if they are to be implemented. Family, and carers will be invited to participate in the consultation and advocacy services will be arranged for people who require them.
- 5.4 A full Equality Impact Analysis will be undertaken and this will be reported to Cabinet on the completion of the consultation on the proposals in this report, should a consultation exercise be approved by Cabinet.

Corporate objectives and priorities for change

- 6.1 In the Council Plan 2021 – 2025 the Council states that listening to, engaging, and involving local people to ensure services are responsive and take account of what matter most to people, as being a core value.
- 6.2 In the Council Plan 2021 – 2025 the Council states that as part of its actions to create Resilient, healthy, and safe communities it will work with people with learning disabilities and/or who are autistic to develop Council

services to ensure they are tailored to meet individuals needs and help people achieve their personal goals. By 2025 it is expected that the Council will have enabled more people with a learning disability in Derbyshire to work towards achieving their goals and aspirations with less reliance on public services

- 6.3 The Council commits to work together with its partners and communities to be an enterprising council, delivering value for money and enabling local people and places to thrive, and to spend money wisely making the best use of the resources that it has.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 As set out in the report.

Independent providers of day opportunities for people with a learning disability and / or who are autistic

Countywide:

- Derbyshire Autism Services Ltd.
- One to One Support Services Ltd

Amber Valley:

- Autism East Midlands - Mundy Street Day Service
- CCT Community Enablement Team Ltd
- Craftwood Community Interest Group
- Grow Outside C.I.C - Ripley
- Leonard Cheshire - Community Activity Group
- Lovehands Care Services Ltd
- Umbrella

Bolsover:

- CCT Community Enablement Team Ltd
- EMH Care and Support - Five Senses
- Freedom Centre
- New Roots Care & Education
- Rhubarb Farm

Chesterfield:

- Ability Ash Lodge
- Ability Victoria Street
- CCT Community Enablement Team Ltd
- Cygnet Healthcare Ltd. - Sheffield Day Service
- Edmund Street Activity Centre -
- Fairplay Independent Living Group
- Fairplay One to One Support
- Freedom Centre
- High Ashes Rural Project C.I.C - Building With Friends
- Leonard Cheshire - Community Activity Group
- Macintyre - Holmewood
- Macintyre - Queens Park
- Macintyre - Swanwick Memorial Hall
- New Roots Care & Education
- Rhubarb Farm

Derbyshire Dales:

- Beckside Care Farm
- CCT Community Enablement Team Ltd
- EMH Care and Support - Golding Grange
- EMH Care and Support - JT Project
- EMH Care and Support - Medway
- Freedom Centre
- Good News Family Care (Homes) Ltd - Good News Care Farm
- Greenaway Workshop - Craft Package
- High Ashes Rural Project C.I.C - Building With Friends
- Leonard Cheshire - Allotment/Gardening Group
- Little Canyon Outreach Service

Erewash:

- Cygnet Healthcare Ltd. - Long Eaton Day Service
- Leonard Cheshire - Community Activity Group
- Leonard Cheshire - Swimming/Spa
- Umbrella

High Peak:

- Bright Opportunities
- Connex Community Support - Care and Support
- Good News Family Care (Homes) Ltd - Good News Care Farm

North East Derbyshire:

- Derbyshire Stroke and Neuro Rehab Centre - Day Centre
- EMH Care and Support - Five Senses
- Freedom Centre
- High Ashes Rural Project C.I.C - Building With Friends
- New Roots Care & Education
- Rhubarb Farm

South Derbyshire:

- Cygnet Healthcare Ltd. - Long Eaton Day Service
- EMH Care and Support - JT Project
- Grow Outside C.I.C - Church Gresley
- Hickling House
- Leonard Cheshire - Community Activity Group
- Lovehands Care Services Ltd
- The Mixed Craft Workshop Derby Ltd
- Umbrella

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