



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

Thursday, 13 October 2022

Report of the Executive Director - Adult Social Care and Health

**Learning Disability Day Opportunities Service Redesign- Consultation
Responses and Recommendations**

(Adult Social Care and Health)

1. Divisions Affected

Countywide.

2. Key Decision

2.1 This is a key decision because it is likely to:

- a) result in the Council incurring expenditure which is, or savings which are significant having regard to the budget for the service or function concerned.
- 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 To inform Cabinet of the response to the consultation on the future delivery of day opportunities for people with a learning disability and / or who are autistic, including the possible redesign.

- 3.2 To inform Cabinet of the outcome of the Equality Impact Analysis.
- 3.3 To make recommendations about the preferred course of action.

4. Information and Analysis

Background and Context

- 4.1 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.
- 4.2 Our emphasis is on future planning for people with a learning disability and / or who are autistic which increases independence; including helping people to gain valuable daily living skills and confidence so they can explore options for how they want to live and be supported.
- 4.3 By working alongside 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.
 - Effective contingency planning.
- 4.4 In the Spring 2020 a team of practitioners (Hub Team) started to work alongside people with a learning disability and / or who are autistic who attended a Council or Private, Voluntary and / or Independent run day centre. The overarching feedback from this work is that people with a learning disability and / or who are autistic have told us they want 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.
- 4.5 At the time of writing, the Hub Team has worked alongside 459 people, of whom 379 accessed County run day centres prior to the pandemic. The Hub practitioners have completed person centred, outcome focused assessments in conjunction with people with a learning disability and / or who are autistic and their carers. This has included exploring a range of opportunities for people to build support plans that provide a range of activities (a blended support plan). This has ensured people with a learning disability and / or who are autistic have had the opportunity to meet their social care outcomes in ways that have connected them to their local communities, enabled them to

explore their interests, increase their social activities, and gain valuable skills.

- a) A summary of the outcome focused assessments completed for people who previously attended County run day centres since 2020 is as follows:
- **278 people** are now accessing alternative activities to a Derbyshire County Council day centre through the form of a blended support plan approach.
 - **21 people** are now accessing some alternative activities alongside attending a County run day centre.
 - **80 people** are now solely accessing County run day centres.
- b) Currently nine building-based centres have re-opened, further to closure due to the pandemic, with Oxcroft Lane joining with Carter Lane and Renishaw joining with Coal Aston. Attendance at a number of these centres has remained low despite further assessments having been completed for people with a learning disability and / or who are autistic living in supported living or residential care.
- c) Currently there are 101 people attending and there are no centres operating a waiting list. This is a further reduction in demand to earlier in the year (March 2022) when 111 people were attending the building-based centres.

Centre	Location	Number of Attendees
Alderbrook	Chinley	10
Carter Lane	Bolsover	2
Coal Aston	Dronfield	4
Newhall	Swadlincote	7
No Limits	Chesterfield	11
Outlook	Long Eaton	17
Parkwood	Alfreton	22
Whitemoor	Belper	22
Whitwell	Bolsover	6
Total		101

4.6 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:

- Five people who previously attended a day centre together and had formed a close friendship, have taken their personal budgets as direct payments. They pooled their budgets so that they were able to seek low level support from a Personal Assistant between them and plan the activities they do each week.
- Glossop community development, a range of activity and opportunities for people has been developed by local people/community leaders. This has involved developing activities and groups to become more inclusive and accessible so that people with a learning disability and/or who are autistic are now involved. The Glossop initiative has been created with involvement from the Private, Voluntary and Independent sector working together with the community and those with lived experience.
- An outdoor adventure service has been chosen by some of the people we have worked with and as a result has expanded. This is a day opportunity centred around outdoor activity and includes short breaks – weekends away. This has led to those people learning new skills and having new experiences with other people within a supportive team.
- An individual we worked with who chose to take a blended approach to support planning exploring a range of different interests and groups which led to a meaningful relationship outside of the activities, increased confidence accessing the community and led to more independence.

4.7 On 10th March 2022, Cabinet approved the following:

- a. Commencement of a 12-week public consultation, including consultation with current and previous attendees and their carers/families, on the proposal for a new offer of day opportunities from Derbyshire County Council.
- b. To receive a further report following the conclusion of the consultation process including a full Equality Impact Analysis.

4.8 The report to Cabinet on 10 March 2022 set out two viable options available to the council when considering the future of day opportunities for people with a learning disability and / or who are autistic.

- **Option 1: New Model**

- a) People are choosing alternatives to DCC day centre provision either for part or all of their services. The proposal is to support more people within the community to achieve greater independence and reduce the amount of building based traditional day service from DCC.
- b) Those with complex needs or where this is the preferred option could access building-based day centres where appropriate. We would consolidate our building based offer to four centres.
 - Alderbrook (High Peak)
 - No Limits (Chesterfield)
 - Outlook (Erewash)
 - Parkwood (Amber Valley)
- c) Enhancing the Community Connector service to help support people with learning disabilities and/or who are autistic to use all opportunities available to them; this may include travel training, employment opportunities, social activities, direct payments, private voluntary and independent provision, voluntary work, digital support, relationship building, community groups, education, learning and work experience. Increasing the team from 18 to 25 full time connectors as well as an additional manager.
- d) Introducing a new Support Service Team, who would work alongside Community Connectors to provide more intensive support to people and their families for up to two years.
- e) Dynamic Commissioning. Being proactive in identifying gaps in provision for day opportunities. Working closely with the private, voluntary, and the independent sector to encourage the development of creative ideas. Encouraging micro providers and people using pooled budgets through direct payments to access local, shared support where appropriate.

- **Option 2: available to the Council**

- a) The alternative to the proposed new model is to continue with the current twelve traditional building-based services.

4.9 The report set out that in light of the above, option 1 was perceived to be the preferred and most viable option.

The Consultation

- 4.10 Given the potential impact of any decision there was a clear requirement and need to consult all interested stakeholders and the general public about the proposals and to analyse all the responses before any decision could be made by the Council in relation to day opportunities for people with a learning disability and / or who are autistic.
- 4.11 The formal public consultation on the future of day opportunities for people with a learning disability and / or who are autistic ran for a 12-week period between 28 March 2022 to 19 June 2022.
- 4.12 Consultation was undertaken with current and previous attendees of County run day centres and their carers. This also included the carers of young people with special educational needs and private and voluntary organisations offering day opportunities across Derbyshire. Comprehensive consultation also took place with a wider group of stakeholders through written correspondence and virtual meetings.

Response to Consultation

- 4.13 In total, 831 people responded to the consultation either by attending and contributing to the debate during a face-to-face meeting, a virtual meeting or by completing a survey, writing a letter or email or by contacting the Stakeholder Engagement Team by phone. Of the surveys returned a significant number were received from people not directly impacted by the proposals as users of services. Of those not directly impacted (476):

- 300 were completed by interested members of the public.
- 124 were completed by an employee of Derbyshire County Council.
- 52 were completed by a member of another organisation.

Of those directly impacted as users/potential users of services (219):

- 40 were completed by a person with a learning disability and / or who are autistic.
- 179 were completed by carers or a relative of a person with a learning disability and / or who are autistic.

- 4.14 Detailed information about the consultation and the feedback received is set out at Appendix 2 and must be read alongside this report.

Analysis

- 4.15 The feedback received, which has been reviewed and analysed in detail, has been collated into key themes as set out at Appendix 3.
- 4.16 Having considered the feedback, the response to each key theme is also set out at Appendix 3, with specific responses relating to the comments and consideration received. The consultation responses have been very carefully considered and have helped shape the recommendations made in this report.

Recommendations

- 4.17 It is recommended that the new model of day opportunities as outlined in 4.8 is implemented. In the formulation of the new model being presented in the report to Cabinet 10 March 2022 additional options had been considered but were not consulted upon. These options are outlined below.
- 4.18 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.
- 4.19 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.
- 4.20 The reasons for the move to the new model as outlined in 4.8 are as follows:
- Use of the centres has significantly reduced due to people exercising choice and control following person centred outcome focussed assessments, with 278 people choosing to solely access other services. 101 now attend (with 21 of those accessing other services too).

- Young people transitioning to adult care are not choosing to access these services. The vast majority of young people who are eligible for care are choosing alternative available options.
- Work had begun, prior to the pandemic, through My Life, My Way and whilst this ceased initially during the pandemic, a number of people historically had already begun to choose alternatives.
- There is a waiting list for our Community Connection service and currently no young people transitioning from Children Services to Adult Services are opting to use County run day centres to meet their social care outcomes. Therefore, to meet current and future demand for community-based support we need to make changes to our significant investment into building based day centres.
- Whilst noted that a large number of responses were against the closures, the majority of respondents were not directly impacted as users of services or family carers. It is noted that most people who had been using these services have asked for and have chosen alternatives and the recommended model makes provision for 4 centres to remain open, for those for whom that is their preference, with a range of other offers available from the council and in the independent sector for people and family carers to receive support in the future.
- It is noted that for those who would prefer to stay attending a centre that is recommended for closure we would offer significant support for them and their carers. This would be from our highly experienced practitioners and the new support team. We have set out our pledges in Appendix 4 and have committed to transport costs and supporting those individuals to choose alternatives (as wished) that meet their needs. As such the council is satisfied any negative impact on those people will be relatively short-lived and can be minimised.

Next Steps

- 4.21 There would be a phased approach to the new model with the establishment of the larger Community Connector Service and new support service being in phase 1 to ensure robust, person-centred plans are in place for those impacted.
- 4.22 In total the new model will impact 41 people with a learning disability and / or who are autistic and their carers. 22 of these people who

currently attend Whitemoor Day Centre will be supported through robust planning to attend Parkwood Day Centre, approximately 7 miles away with a pledge of transport at no cost (Appendix 4: Pledges). The remaining 19 people who attend other day centres will have dedicated colleagues from the Support Team to plan activities and groups and develop links to utilise community provision in their local area to ensure friendships and relationships are maintained and with a pledge of transport at no cost (Appendix 2: Equality Impact Analysis, Appendix 4: Pledges).

- 4.23 Chesterfield Resource and Southcroft teams will be included as part of this redesign due to colleagues' expertise and knowledge into other essential services such as the Community Connectors and Prevention and Personalisation teams. Following a thorough review, support that these teams offered is now being met by the Private, Voluntary, and Independent sector.
- 4.24 In addition to the above, 4 Learning Disability and Autism Advisors posts are being established, and whilst not linked to the proposals, these are newly created roles to support the Council in our offer to people with a learning disability and/or who are autistic from those with lived experience. The roles for people with a lived experience will help to shape the way we approach the redesign roll out and the way we support people in the future by working closely with our Community Connectors and our Support Team. They will link with our Learning Disability Partnership Board for peer support.
- 4.25 The Support Service Team will also, focus on working alongside carers using a "Thriving Community" approach to explore how we ensure carers remain connected and have opportunities for peer support and breaks from caring.
- 4.26 As part of the consultation we have been approached by established local community groups, who are interested in working with us to create community spaces particularly our garden centres which would be inclusive and accessible to all. Using the "Thriving Community" approach we would look to see where this is viable.

5. Consultation

- 5.1 The Council conducted a public consultation exercise, including consultation with current attendees, their carers and families, previous attendees, their carers and families and the carers of young people with special educational needs. The consultation has enabled the Council to:

- Provide information on the options and seek views and concerns.
- Understand whether there are any other viable options the Council has not considered.

5.2 The Improvement and Scrutiny Committee – People also wished to consider the consultation and provide its views to Cabinet. On 7 September 2022, the Committee considered the public consultation undertaken and the key themes raised. The Committee was supportive of the way in which the public consultation was conducted.

6. Alternative Options Considered

6.1 The option of continuing with twelve traditional building base provision has been considered but is not recommended to be the best course of action for reasons set out in this report and in the report dated 10 March 2022.

6.2 Having worked alongside people with a learning disability and / or who are autistic and completed person centred assessments 278 of 379 people who were using the centres in early 2020 have chosen alternatives to building based to meet their social care outcomes. This has been in ways that have connected them to their local communities, enabled them to explore their interests, increase social activities, and gain valuable skills.

6.3 Young people transitioning to adulthood are not using this building based service

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report, including how the Council will fulfil its obligations under the Care Act 2014.

8. Background Papers

8.1 Cabinet 20 December 2018 – Report of the Executive Director for Adult Social Care and Health: 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 6 June 2019 - Report of the Executive Director for Adult Social Care and Health: Outcomes from the consultation on reshaping the council's day care offer for people who have a learning disability and/or Autism
- 8.3 Cabinet 10 March 2022- Report of the Executive Director for Adult Social Care and Health: Learning Disability Day Opportunities Redesign
- 8.4 Improvement and Scrutiny Committee – People 7 September 2022 – Report of the Executive Director for Adult Social Care and Health: Consultation and Engagement of the Learning Disability Day Opportunities Service Redesign

9. Appendix

- 9.1 Appendix 1 – Implications
- 9.2 Appendix 2 – Consultation Report on Day Opportunities
- 9.3 Appendix 3 – Analysis response to feedback and recommendations
- 9.4 Appendix 4 – The Council's Pledges to Existing Attendees
- 9.5 Appendix 5 – Indicative timeline for staff engagement
- 9.6 Appendix 6 – Equalities Impact Assessment

10. Recommendation(s)

- 10.1 It is recommended that Cabinet:
 - a) Following consideration of the full report on the consultation responses received at Appendix 2 to the report; the detailed analysis of the feedback at Appendix 3 and the response to that feedback on a thematic basis and the content of the Equality Impact Assessment approves the redesign of day opportunities in line with the new model outlined in the report.
 - b) Notes that a formal consultation with colleagues and trade unions representing colleagues affected by this redesign will commence and every effort will be made to assist employees in seeking alternative roles to minimise the number of redundancies.

11. Reasons for Recommendation(s)

- 11.1 The reasons for the recommendation to move towards the new model of day opportunities for people with a learning disability and / or who are autistic are:

- a) 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.
- b) We have now worked alongside 379 people with a learning disability and/or who are autistic who previously attended a County run day centre and over two thirds have taken up alternatives as all or part of their support planning to meet their social care outcomes. This has opened up many opportunities for people in terms of work, volunteering, education, social experiences, relationships, skills and independence.
- c) The Council will retain four building-based day centres recognising that for some people with a learning disability and / or who are autistic this building-based offer needs to be part of their support plan.
- d) Anybody who currently attends a County day centre who wishes to move to one of the four will be provided with transport at no cost to themselves.

11.2 To ensure the Council complies with its legal obligations under statute or guidance.

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

No

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Implications

Financial

- 1.1 The 22/23 gross revenue budget for the day centres earmarked for closure is £4.3M. The estimated cost of enhancing the offer in the remaining day centres, mainstreaming the Community Connector service, establishing the new Support Service Team and funding alternative care packages in the independent sector is £2.7M. The net budget reduction of £1.6M will contribute towards the Directorate's efficiency programme. It is anticipated that the re-provision of transport to day centres and day activities will result in further efficiencies of c. £0.650M. This is subject to further detailed decommissioning and re-procurement.
- 1.2 During the next phase, consideration will be given as to which of the closed day centres will be declared surplus. Any associated costs of site security, mothballing and potential sales costs will then be picked up by Property Services after formal transfer.
- 1.3 Further costs may accrue in relation to early retirement, redundancies etc– these will be met from corporate reserves.

Legal

- 2.1 The Care Act 2014 imposes a general duty on local authorities to promote an individual's well-being (section 1 Care Act 2014).

'Well-being' is a broad concept but particular reference is made to an Individual's control over day-to day life (including over care and support and the way in which it is provided) domestic, family and personal relationships and also the suitability of living accommodation (section 1(2)(d), (g) & (h) Care Act 2014).

Whilst the wellbeing principle applies when a local authority is exercising a function in an individual case, the Care and Support Statutory Guidance states that the principle should also be considered by the local authority when it undertakes broader, strategic functions and should be seen as the common theme around which care and support is built. The Care and Support Statutory Guidance also states that supporting people to live as independently as possible, for as long as possible, is a guiding principle of the Care Act.

Local authorities are also required to have regard to particular matters regarding well-being, including the importance of beginning with the assumption that the individual is best-placed to judge the individual's wellbeing: the individual's views, wishes, feelings and beliefs; and the importance of the individual participating as fully as possible in decisions relating to the exercise of the function concerned and being provided with the information and support necessary to enable the individual to participate (section 1(3)(a), (b) and (e) Care Act 2014).

Local authorities must promote diversity and quality in the provision of services. There is a duty to promote the efficient and effective operation of the market, which includes ensuring that there is a variety of high quality services and providers to choose from (section 5 Care Act 2014).

In the context of a local authority's market oversight duty, the Care and Support Statutory Guidance states that local authorities must ensure the wellbeing of individuals and that their outcomes are central to care and support functions. It highlights the emphasis which is to be placed on the importance of enabling people to stay independent for as long as possible. The Care and Support Statutory Guidance goes on to state that local authorities need to understand the outcomes which matter most to people in their area and demonstrate that these outcomes are at the heart of their local strategies and approaches.

An assessment of needs must be carried out where it appears to the local authority that a person may have needs for care and support. The assessment must identify whether the adult has any needs for care and support. If there are, the assessment must state what those needs are. (Section 9(1), Care Act 2014). A Local authority must also assess any carer (current or prospective) where it appears they may have need for support. (Section 10(1) Care Act 2014).

After assessing what the needs of an adult or carer are, a Local Authority must consider whether the needs meet the eligibility criteria for a provision or service (section 13(1), Care Act 2014). The criteria does not specify the types of care and support that a Local Authority must provide. to meet eligible needs.

The Care and Support Statutory Guidance emphasises that care and support planning should be person centred when deciding how to meet eligible needs, placing people in control of their care, providing every opportunity to take joint ownership of the development of the plan with the local authority if they wish. The guiding principle therefore is that the person be actively involved and is given every opportunity to influence

the planning and subsequent content of the plan in conjunction with the local authority, with support if needed.

Local authorities are also required by the Care Act to make information and advice available for all people and put in place universal services which are aimed at preventing, reducing or delaying care and support needs in the context of community wellbeing and social inclusion. Preventative approaches foster a holistic approach that includes accessing universal services, early intervention, promoting choice and control, and the development of social capital.

Proposals to make significant changes in service provision require consultation with the public and those directly affected, including service users, staff and carers and relevant stakeholders.

The Gunning principles set out the common law principles to be observed when undertaking consultation. R v London Borough of Brent ex parte Gunning [1985] 84 LGR 168 established these principles, which set out that a consultation is only lawful when these four principles are met:

1. Proposals are still at a formative stage - A final decision has not yet been made, or predetermined, by the decision makers.
2. There is sufficient information to give 'intelligent consideration' - The information provided must relate to the consultation and must be available, accessible, and easily interpretable for consultees to provide an informed response.
3. There is adequate time for consideration and response- There must be sufficient opportunity for consultees to participate in the consultation. In the absence of a prescribed statutory period, there is no set timeframe for consultation, though it is widely accepted that twelve-week consultation period is sufficient. The adequacy of the length of time given for consultees to respond can vary depending on the subject and extent of impact of the consultation.
4. 'Conscientious consideration' must be given to the consultation responses before a decision is made. Decision-makers should be able to provide evidence that they took consultation responses into account.

Following the consultation Members will now need to take careful account of the views expressed in arriving at their decision. In addition, any final decisions must also take into account the rights of service users

as set out in the Human Rights Act 1998, specifically Article 8, “Right to respect for private and family life”.

In coming to a decision, the Council should also have regard to its statutory duties under the Care Act 2014 set out above and the Public Sector Equality Duty (PSED) under the Equality Act 2010.

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(1a)*).

The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (*section 149(1b)*). 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 (*section 149(3)(a)*);
- 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(3)(b)*); 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 (*section 149(3)(c)*).

A full Equality Impact Assessment has been prepared during the consultation process reflecting issues raised during the consultation process and is appended to this report. Cabinet members must have due regard to this report to ensure that it is satisfied that any adverse impact and the proposed mitigation allows it to meet the legal obligations set out above.

The new model would meet the requirements of the relevant community care legislation.

Human Resources

- 3.1 Any resultant staffing changes will be considered/approved by the Executive Director for Adult Social Care and Health in conjunction with the Director of Organisation Development & Policy, Director of Finance & ICT and Director of Legal & Democratic Services.

- 3.2 For information, the proposal, if approved, will result in the net reduction of 63 staff (headcount) at a maximum. There would be a reduction in staffing within the day centres of 105 headcount and the creation of 42 FTE new roles in the wider service.
- 3.3 The Council will meet its legal obligation to reduce the number of compulsory redundancies and consider appropriate alternative employment in accordance with statutory requirements. An indicative timeline is outlined in Appendix 5.
- 3.4 Engagement has taken place with those employees affected and the joint trade unions and formal consultation will be undertaken on the proposals with both these stakeholder groups should this report be approved & formal agreement of the staffing structure through the delegated authority.
- 3.5 This formal consultation will be undertaken in accordance with section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and will be covered by the Council's corporate notification to the Secretary of State of potential redundancies under Section 193 of the Act.
- 3.6 Formal employee consultation, both group and individual, will be carried out and to facilitate this process it is proposed, subject to approval, that the report be released to affected employees and the trade unions

Information Technology

- 4.1 None directly arising.

Equalities Impact

- 5.1 The delivery of the proposals will have some implications for people with regards equalities, but the mitigations proposed have been designed to address these. It is not considered that anyone from a protected characteristic group(s) will be adversely impacted by the proposals. A full Equality Impact Analysis has been undertaken and is at Appendix 6.

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 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.