



**FOR PUBLICATION**

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**Thursday, 14 November 2024**

**Report of the Executive Director - Adult Social Care and Health**

**Redesign of Day Opportunities and Short Breaks for People with a Learning Disability and / or who are Autistic - Consultation Responses and Recommendations**  
(Cabinet Member for Adult Care)

**1. Divisions Affected**

1.1 Countywide

**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 (this is currently defined as £500,000); 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 To inform Cabinet of the response to the consultation on the future delivery of short breaks and 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 Within Adult Social Care we are on a transformation journey “Best Life Derbyshire”. 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. This therefore requires a review of our current direct care offer to ensure, moving forwards, every offer of in-house care and support services has an enablement and reablement offer embedded within the package.
- 4.3 Since Spring 2020, we have completed significant transformation work redesigning our day opportunities for people with a learning disability and/or who are autistic. This work has shown us that people 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. We have explored 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 can 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.
- 4.4 We also recognise that short breaks remain an important offer for carers who are caring for their loved ones within the community. We have approximately 1000 people of working age with a learning disability and/or who are autistic who we support in Adult Social Care that live with family and 325 of these are cared for by people over the age of seventy. Our aim is to have short breaks for people and their carers that are planned, reliable and with a progression model to include long term plans, contingency planning, and the development of independent living skills. Following engagement with carers in January 2024, we know there is a shared concern about contingency planning, and it is a recognised priority to have a process in place to formulate plans with the person and their

family carers to prepare them for the most independent future possible. The Council have a contract with Derbyshire Carers Association which provides carers assessments and contingency planning support. We have contingency plans as part of our support plans which are produced collaboratively with people and their carers. Our area social work teams have conversations with people and their carers from the initial referral and refer to Derbyshire Carers Association at the earliest stage.

4.5 The Local Government Association recognise good practice is to “*support and value adults with a learning disability, and their families/carers, to live safe, well and fulfilled lives in communities*” and includes six elements as part of this vision that we aim to embed into our offer which are;

- Inclusion – support people to have good lives in their communities and to be treated with dignity and respect.
- Equal access – to opportunities and services for example contributing to community life, social and leisure opportunities, housing, banking, jobs, health, and transport.
- Person centred planning and support – involve people, families, and carers in solutions that respond to the individual strengths and needs.
- Safeguarding – be safe in communities and free from the risk of discrimination, hate crime and abuse.
- Sustainable models of support – a commitment to focus on developing.
- Progression – Recognising that people with a learning disability and / or who are autistic have the potential to progress and develop.

#### Day Opportunities

4.6 The Council offer for day opportunities is currently provided through the countywide Community Connector Service and provision of four building-based centres (Alderbrook, No Limits, Outlook, and Parkwood). At the time of writing this report, 54 people are currently attending across the four day centres and all were accessing a Council day centre prior to the last redesign in October 2022.

4.7 Community Connectors now work with young people from 14 years of age to support their transition to adulthood and 120 young people have been supported in the last twelve months. Connectors work as part of a multi-disciplinary approach, focussing on people’s strengths and the outcomes they want to achieve, exploring opportunities and support required. None of the young people supported have opted to attend a Council day centre as part of their support. The requirement for traditional building-based opportunities has reduced as people opt for community-based support. Instead, people have opted for employment, volunteering,

exercise, leisure, education, social activities, new life skills, community groups, health, and wellbeing.

- 4.8 The Council currently supports over 700 adults with a learning disability and/or who are autistic via a Direct Payment that allows people to arrange their own care giving them greater control over how they receive this through a Personal Assistant. The Council is working to improve access to Personal Assistants to encourage more people to utilise a Direct Payment to give them more flexibility, choice, and control.
- 4.9 Our emphasis is on future planning for people with a learning disability and/or who are autistic to increase independence; including helping people to gain valuable daily living skills and gain confidence by maximising their independence so they can lead the lives they want to and be equal members of their communities.

### Short Breaks

- 4.10 The Council's short break offer currently consists of five short stay residential services for people with a learning disability and/or who are autistic which offers short breaks in the form of residential respite at:
- The Newhall Bungalow, Swadlincote
  - Petersham, Long Eaton
  - Hadfield Road, Glossop (unused since 2020 due to the suitability of the building)
  - Morewood Centre, Alfreton
  - Victoria Street, Chesterfield
- 4.11 The Private Provider (PVI) offer for short breaks in Derbyshire operates through the Council's contract framework and consists of 85 residential providers who alongside longer-term admissions, also provide short breaks for people with a learning disability and/or who are autistic. At the time of writing, there are currently 38 bed vacancies within the PVI. The Council also has specific contracts with three providers that specialise in short breaks only for people with a learning disability and / or who are autistic.
- 4.12 As per Local Government Association guidance, it is important that we offer people with a learning disability and/or who are autistic the opportunity to progress and develop. Our aim is to support people to achieve their goals and aspirations, e.g., by working on independent living skills such as meal preparation and cooking.

4.13 Engagement with carers and people who use our short break services has not only indicated the importance of carer respite, but also the reliability of any planned short breaks. Our commitment as part of this proposal is to redesign the model to only provide *planned* short breaks for people and their carers to ensure reliability and consistency of the service.

4.14 Making the short break offer more sustainable is especially important for people with learning disabilities and/or autism living with older carers in the community to ensure contingency plans are in place and to prevent the need for crisis admissions into residential care.

The benefits of a planned short breaks model are:

- Reliable short break provision that is provided when planned.
- People and their family/carers feel confident that stays will be less likely to be cancelled because of a crisis admission for example and a person's stay can be confidently planned for.
- A workforce that is familiar with people using it, ensuring better engagement as part of outcome-focussed planning and progression.

4.15 At the time of writing this report, the demand for planned short breaks across the five residential services is for 54 people. As part of these recommendations, we have also considered projected potential future demand from young people transitioning from Children's Services to Adult Social Care support.

4.16 We must also take account of the fact that, like every Council up and down the country, Derbyshire is facing significant financial challenges that are outside its control. These include inflationary pressures, staff pay awards agreed nationally but paid locally and continuing increasing demand on our services, particularly in adult care and children's services. Demand for adult social care support has also risen dramatically with the cost of providing care and support accounting for 48% of the Council's overall spending. This means to set a balanced budget in 2024/25 as it is legally obliged to do, the Council must review how people's assessed needs are met under the Care Act 2014 and to what extent the Council provides a direct care service as a means of fulfilling those needs.

4.17 On 11<sup>th</sup> April 2024, Cabinet resolved to:

- Approve a programme of formal public consultation for 12 weeks on two proposed options concerning the future delivery of both the day opportunities and short breaks service, both of which are currently

provided directly by the Council for people with a learning disability and/or who are autistic.

- To receive a further report following the conclusion of the consultation process including a full Equality Impact Analysis.
- Associated with the five short break services are several supported living arrangements. For most people living within these, the proposed redesign would not have any impact on their accommodation, but they would require a care and support review. However, direct consultation did occur with people residing in supported living accommodation located within the grounds of one of the services (Petersham) as the ongoing provision of their accommodation would be affected if the proposed changes were implemented.

4.18 The report to Cabinet on 11<sup>th</sup> April 2024 set out the current offer provided by the Council and set out two proposals, considered to be the most viable options at that time when considering the future of day opportunities for people with a learning disability and / or who are autistic. The options consulted upon are set out below:

#### Day Opportunities – Option One

- 4.19 The first option was to discontinue use of all the remaining four day centres, recognising the growth and success of the Community Connectors, and to continue to support people to access alternative day opportunities within their local community.
- 4.20 This proposed option included a commitment that all people who currently used the four-day centres would have their care and support plans reviewed, by way of an outcome focussed assessment under the Care Act 2014, as well as undertaking updated assessments for any carers affected. Anyone affected would receive Community Connector input to find suitable alternatives to the current day centre provision.

Community Connectors work alongside our Social Work teams and Public Health to find meaningful, varied, and aspiring connections in the community for people with a learning disability and/or who are autistic. The range of connections include education, voluntary work, relationships, social activities, exercise, direct payment arrangements, PVI day services and they also provide travel training. Connectors take referrals from any source and can support young people from age 14 and play an important role in transition to adulthood, as well as meaningful activity for adults of any age including older adults.

Connectors have the knowledge, experience, and skills to work with people currently attending our day centres to find alternative and varied opportunities. They have already worked or are working with many of the people attending and have made connections for them that can be reviewed and expanded upon whilst also starting the journey with the remaining people.

By way of alternative provision, the Council currently holds contracts with 35 private providers of day opportunities across Derbyshire for people with learning disabilities and/or autism. These providers offer 124 different support opportunities which means there is both capacity and choice within the private sector to provide an alternative offer to that provided by the Council at the four day centres currently operational. The private providers are also able to cater for those people with more complex needs. The Council also has an expanding offer for day opportunities with our Shared Lives service, which currently supports 22 people.

#### Day Opportunities - Option Two

- 4.21 Option two was to retain two of the four day centres currently operational – No Limits in Chesterfield and Outlook in Long Eaton and discontinue use of Parkwood in Alfreton and Alderbrook in Chinley.
- 4.22 This proposed option included a commitment that all people who currently used the two-day centres would have their care and support plans reviewed, by way of an outcome focussed assessment under the Care Act 2014, as well as undertaking updated assessments for any carers affected. Anyone affected would receive Community Connector input to find suitable alternatives to the current day centre provision.
- 4.23 The report to Cabinet on 11<sup>th</sup> April 2024 set out the current offer provided by the Council and set out two proposals, considered to be the most viable options at that time two viable options available to the Council when considering the future of short breaks for people with a learning disability and / or who are autistic as set out below:

#### Short Breaks – Option One

- 4.24 Discontinued use of Petersham, Victoria Street, Hadfield Road and Newhall Bungalow. Morewood would be retained for planned short breaks.

## Short Breaks – Option Two

- 4.25 Discontinued use of Petersham, Victoria Street and Hadfield Road. Morewood and Newhall Bungalow would be retained for planned short breaks.
- 4.26 Both options propose the discontinued use of Petersham. As referred to in paragraph 4.42 below, people are residing in supported living which is adjacent to the centre and has shared utility arrangements, alternative accommodation and support would be required under both proposals as, due to this, the supported living accommodation would also close. Should the either proposal be implemented, alternative provision would be identified through a person-centred care and support plan review.

## The Consultation

- 4.27 Given the potential impact of any decision there was a clear requirement and need to consult all interested stakeholders and the public about the proposals and to analyse all the responses before any decision could be made by Cabinet in relation to day opportunities and short breaks for people with a learning disability and / or who are autistic.
- 4.28 The formal public consultation on the future of day opportunities for people with a learning disability and / or who are autistic ran from 24<sup>th</sup> April 2024 to 21<sup>st</sup> August 2024.
- 4.29 The consultation was undertaken with current attendees (and/or family representatives) of day opportunities and short breaks through service specific planned sessions. Comprehensive consultation also took place with a wider group of stakeholders through written correspondence, online/paper questionnaires, drop-in sessions in public libraries across the County and four virtual meetings which were held in the evenings. The Stakeholder Engagement and Consultation Team also took feedback from people via telephone, email and bespoke individual sessions when required.

## Response to Consultation

- 4.30 In total, 324 people responded to the consultation either by attending and contributing to the debate during a face-to-face meeting, a virtual meeting, public library session, by completing a survey, writing a letter or email or by contacting the Stakeholder Engagement Team by telephone.



4.31 Of the surveys returned a significant number were received from people not directly impacted by the proposals as users of services (101) and of these:

- 38 were completed by interested members of the public.
- 42 were completed by an employee of Derbyshire County Council.
- 21 were completed by a member of another organisation.
- 51 were directly impacted as users/potential users of services and of these, 13 were completed by a person with a learning disability and / or who are autistic.
- 103 were completed by carers or a relative of a person with a learning disability and / or who are autistic.

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

#### Analysis

4.33 The feedback received, which has been reviewed and analysed in detail, has been collated into key themes as set out at Appendix 3.

4.34 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.

4.35 The consultation responses have been very carefully considered and will help to shape future approaches to working with people with a learning disability and/or who are autistic and carers.

#### Recommendation – Day Opportunities

4.36 It is recommended that Option One relating to the redesign of day opportunities as outlined in 4.19 and 4.20 is implemented. This would mean day opportunities at all four day centres would be discontinued and 54 people would be affected.

4.37 The reasons for the recommendation to cease operation of all Council run day centres are as follows:

- 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.
- Use of the centres has significantly reduced due to people exercising choice and control following person-centred, strength-based assessments, with low numbers attending across all four operational centres.
- Young people transitioning to adult care are not choosing to access these services. Most young people who are eligible for social care are choosing alternative options. Therefore, it is not demand-led to continue with the current services as people choose community-based support.
- There are a range of options available to people to meet eligible social care needs such as Direct Payments, Shared Lives and the Private, Voluntary, and Independent (PVI) sector day opportunities. We are expanding the Shared Lives offer and supporting people to use Direct Payments to provide more choice, particularly for people who wish to explore alternatives to a building-based provision. We have a Personal Assistant register for people to find and recruit PAs and for people to register and find work as a PA. Alongside this we have a new enhanced support service to help with all aspects of managing a Direct Payment.
- For those currently attending a Council run day centre we would offer significant support to explore alternative options as part of Care Act duties and support carers as part of this process. A thorough review would be offered by our Adult Social Care practitioners to ensure all eligible care and support needs are met. Many people attending a Council-run day centre have already worked or are currently working with Community Connectors to explore alternative options as part of their support planning. The council understands the impact this proposal would have on families and would continue to fully support them through the process.
- This recommendation would enable the Council to make the efficiencies required to support financial sustainability and use limited resources to meet current and future needs in the best way possible, whilst ensuring people are supported with available quality services.

#### Recommendation – Short Breaks

4.38 It is recommended that option one for the redesign of short breaks as outlined in 4.24 is implemented which means only Morewood would be retained for planned short breaks. The remaining centres at Petersham, Victoria Street, Hadfield Road and Newhall Bungalow would be discontinued for use.

4.39 The reasons for the recommendation to retain only Morewood for planned short breaks are as follows:

- 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.
- Young people transitioning to adult care are not choosing to access these services. Most young people who are eligible for social care are choosing alternative options. Therefore, it is not cost-effective to continue with the current services as people choose community-based support.
- There are a range of options available to people to meet eligible social care needs such as Direct Payments, Shared Lives and the Private, Voluntary, and Independent (PVI) sector.
- The new model of ‘planned’ short breaks is in response to feedback from people and their carers.
- Morewood would comfortably meet the current demand of 56 people accessing short breaks with their 10 available beds, and an ability to respond to future demand. Retaining Morewood would provide 10 beds for planned short breaks, giving a total of 3600 nights per year. By way of example, if the average number of nights per year for people accessing short breaks is 36, this means that we would have the capacity to support 100 people and their carers with this option if utilised to its fullest. The staffing structure required to collectively meet the needs of people accessing short breaks would be considered if this recommendation is approved.
- Staff at Morewood would have the capacity to work with people and their family regarding longer term and contingency planning, for example by working towards independent living skills as part of the short break.
- We are working to expand the Shared Lives offer and Direct Payments usage for short breaks to provide more choice, particularly for those coming through transition who wish to explore

alternatives to a residential unit. We have a Personal Assistant register for people to find and recruit PAs and for people to register and find work as a PA. Alongside this we have a new enhanced support service to help with all aspects of managing a Direct Payment.

- We recognise that for many people living with family, in the event of unforeseen circumstances such as carer hospital admission, a non-residential offer of support is more appropriate. Reducing building-based provision would enable the Council to strengthen its support for people who are living at home with family, when extra support is needed. The contingency plan or response could include use of home-based support, short term enablement support, short term or one-off Direct Payments, Shared Lives, and digital solutions. This type of support aligns with our strategy to support people to live their lives well, safely, and comfortably, wherever possible in their own home, in their local community.
- The Private Provider (PVI) offer for short breaks in Derbyshire operates through the Council's contract framework and consists of 85 residential providers who alongside longer-term admissions, also provide short breaks for people with a learning disability and/or who are autistic. Although this is dependent on capacity, there are currently 38 bed vacancies within the PVI. The Council also has specific contracts with 3 providers that specialise in short breaks only for people with a learning disability and / or who are autistic.
- For those currently attending for Council run short break provision in one of the four operational services proposed to be discontinued for use, would be offered significant support to explore alternative options and we would also support carers as part of this intervention. A thorough review would be offered to everyone to ensure all their eligible care and support needs are met. The council understands the impact this proposal would have on families and would continue to fully support them through any changes.
- Carer support will also be offered with a focus on working alongside carers to explore how we ensure carers remain connected and have opportunities for peer support and breaks from caring.
- We have the capacity to meet the needs of people currently accessing a Council-run short break within Morewood if this was retained.

- This recommendation would enable the Council to make the efficiencies required in order to support financial sustainability and use limited resources to meet current and future needs in the best way possible.

### Proposed Next Steps

- 4.40 These recommendations to redesign services would affect 101 people with a learning disability and / or who are autistic and their carers. Everyone impacted by the discontinuance of the service they access would be offered a review of their care and support needs and a referral to the Community Connectors to explore alternative options. Carer support would also be offered with a focus on working alongside carers to explore how we ensure carers could remain connected and have opportunities for peer support and breaks from caring.
- 4.41 If the decision is approved to retain Morewood only for planned short breaks, we would be consulting with staff working in this service as part of a restructure, due to a change in remit going forward.
- 4.42 For the two people living in supported living properties which are located within the grounds of the Petersham service, unfortunately it would not be practicable for their tenancies to continue with the use of Petersham service discontinued. The retention of bungalows for supported living use would inhibit any alternative use, disposal, or redevelopment of the whole site. Alternative accommodation would need to be identified for these people via a care and support plan review including advocacy, regular communication, and a robust transition plan. The council understands the impact this proposal would have on these two individuals and as such would provide a dedicated Social Worker to work alongside them throughout the process and continue to fully support for as long as necessary.

## **5. Consultation**

- 5.1 The Council conducted a public consultation exercise, including consultation with people who use our services, their carers and families and residents of Derbyshire. 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 were given the opportunity to consider the consultation and provide its views to Cabinet. On 30<sup>th</sup> October 2024, the Committee considered and noted the public consultation undertaken and the key themes raised.

## **6. Alternative Options Considered**

- 6.1 The option of continuing with building-based provision for day opportunities has been considered but is not recommended to be the best course of action for reasons set out in this report.
- 6.2 Having worked closely alongside people with a learning disability and / or who are autistic and completed person centred assessments, most people who were using the centres since 2020 have chosen alternatives to Council-run building-based services 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 choosing a building-based service for their care and support. The recommendations enable the Council to continue to modernise and ensure limited resources are used to meet gaps in provision as well as taking a strength based and least restrictive approach to support. There are, however, alternative options within the PVI for those who do choose this type of provision.
- 6.4 Retaining Morewood as the Council run short break service will be able to meet current and allow for future demand
- 6.5 The recommendations in this report enable the Council to make the efficiencies required (as per Appendix 1) to support financial sustainability.

## **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
- 8.5 Cabinet 13 October 2022- Report of the Executive Director for Adult Social Care and Health: Learning Disability Day Opportunities Redesign – Consultation Responses and Recommendations
- 8.6 Cabinet 11 April 2024 - Redesign of Day Opportunities and Short Breaks for People with a Learning Disability and / or who are Autistic
- 8.7 Improvement and Scrutiny Committee – People 30 October 2024 –  
Report of the Executive Director for Adult Social Care and Health: Consultation and Engagement of the Redesign of Day Opportunities and Short Breaks for People with a Learning Disability and / or who are Autistic

## **9. Appendix**

- 9.1 Appendix 1 – Implications
- 9.2 Appendix 2 – Consultation report
- 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 staff consultation
- 9.6 Appendix 6 – Equalities impact assessment

## **10. Recommendation(s)**

- 10.1 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, it is recommended that Cabinet:

- 1) Approves the permanent closure of the four day centres - Alderbrook, No Limits, Outlook, and Parkwood on the basis that before proceedings with the permanent closure of any Day Centre alternative offers of support have been made to people currently using the services in accordance with the Council's obligations under the Care Act and any other relevant legislation or guidance.
- 2) Approves the permanent closure of four short break services - Hadfield Road, Newhall Bungalow, Petersham, Victoria Street on the basis that before proceedings with the permanent closure of any Day Centre alternative offers of support have been made to people currently using the services in accordance with the Council's obligations under the Care Act and any other relevant legislation or guidance.
- 3) Approves that once the day centres and short break services are closed, the outcomes for the buildings are considered and implemented by Property as business as usual in accordance with the Council's scheme of delegation and the limits set for disposal of freehold and leasehold interests therein.
- 4) Approves the delegation to the Director of Property in consultation with the relevant Cabinet Member to dispose of any of the properties named in the report where the freehold value exceeds £500,000 or where in the case of buildings being leased by the Council the value of the interest being surrendered is over £100,000.
- 5) Notes that a formal consultation with staff and trade unions representing staff affected by any closures will commence and every effort will be made to assist employees in seeking suitable alternative roles to minimise the number of redundancies.

## **11. Reasons for Recommendation(s)**

- 11.1 The reasons for the recommendation to move towards a redesign of day opportunities and short breaks 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) Use of the day centres has significantly reduced due to people exercising choice and control following detailed assessments, with low numbers attending across all four operational centres.
- c) Young people transitioning to adult care are not choosing to access these services. Most young people who are eligible for social care are choosing alternative options.
- d) It is not cost-effective to continue with the current services as people are choosing community-based support and it is no longer financially sustainable nor practicable for the Council to continue to operate the four day centres due to the reduction in the number of people attending them.
- e) There are a range of options available to people to meet eligible social care needs such as Direct Payments, Shared Lives and the Private, Voluntary, and Independent (PVI). We are expanding the Shared Lives offer and supporting people to use Direct Payments to provide more choice, particularly for people who wish to explore alternatives to a building-based provision. We have a Personal Assistant register for people to find and recruit PAs and for people to register and find work as a PA. Alongside this we have a new enhanced support service to help with all aspects of managing a Direct Payment.
- f) Morewood would comfortably meet the current demand of people accessing short breaks with their available beds, and an ability to respond to future demand.
- g) The new model of planned short breaks is in response to feedback from people and their carers.
- h) Reducing building-based provision would enable the Council to invest in enhancing the community response in the event of unforeseen circumstances, supporting people at home who are living with family. The contingency plan or response could include use of digital solutions, home based support, short term enablement support, short term or one-off Direct Payments and Shared Lives provision. This type of support takes a strength-based approach and aligns with our strategy to support people to live their lives well, safely, and comfortably, wherever possible in their own home, in their local community.

- i) Everyone impacted will be offered a review of their care and support needs and a referral to the Community Connectors to explore alternative options.
- j) Carer support will be offered with a focus on working alongside carers to explore how we ensure carers remain connected and have opportunities for peer support and breaks from caring. Adult Care continue to work alongside Derbyshire Carers to offer carers assessments and support.
- k) The recommendations in this report enable the Council to make the efficiencies required to support financial sustainability and use limited resources to meet current and future needs in the best way possible.

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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## Appendix 1

### Implications

#### 1) Financial

- 1.1 The 2024-25 Approved Revenue Budget includes efficiencies relating to Learning Disability day centres of £1.170m. For the four day centres in this report, estimated annual operating costs were £2.920m with an assumed re-provision cost of £1.750m.
- 1.2 The 2024-25 Approved Revenue Budget includes efficiencies relating to Learning Disability residential short breaks units of £1.169m. For the four short breaks units recommended to close in this report, estimated annual operating costs were £3.100m with an assumed annual re-provision cost and re-modelled staffing cost at Morewood of £1.800m.
- 1.3 Estimated one-off decommissioning costs for the four short breaks units which are proposed to be closed are £0.080m with estimated redundancy and early retirement costs of £1.600m. For the four day centres which are proposed to be closed, the estimated decommissioning costs are £0.066m with estimated redundancy and early retirement costs of £1.700m. A reserve of £2.254m is available to meet these one-off costs with a further contribution required from the additional efficiency outlined at Para. 1.2.

#### 2) 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) 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.

2.3 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.

2.4 The Council must also have regard to the following matters in particular, pursuant to the following subsections of s1(3) Care Act 2014

- (a) the importance of beginning with the assumption that the individual is best-placed to judge the individual's well-being;
- (b) the individual's views, wishes, feelings and beliefs and;
- (e) 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;

2.5 Whilst the Council is not required by way of statutory duty to provide any in-house short break residential care or day opportunity provision, 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, and also has sufficient information to make an informed decision about how to meet the needs in question (section 5 Care Act 2014).

2.6 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.

- 2.7 An needs assessment 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 eligible needs. 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).
- 2.8 Where a Local Authority is satisfied on the basis of a needs or carer's assessment that an adult or their carer has needs for care and support, it must determine whether any of the needs meet the eligibility criteria (s13 (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.
- 2.9 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. The criteria does not specify the types of care and support that a Local Authority must provide to meet eligible needs. Needs may therefore be met in a number of different ways e.g., by attending a day centre, or by the provision of short breaks for respite care. Should an individual's current day centre or nominated short-break provision close, alternative arrangements to meet those eligible needs must be made.
- 2.10 Prior to any changes arising, their needs assessment and care and support plan should be reviewed. 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. In offering alternative accommodation the Local Authority should have regard to the Care and Support (Choice of Accommodation) Regulations 2014. This report details steps which would be taken to support individuals who would be affected by the proposals to identify alternative options for their current care and support provision.
- 2.11 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.

- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 As the consultation has now closed, 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".

2.16 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.

2.17 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)*).

2.18 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.

2.19 Any decision to accept an offer in respect should any of the centres discontinued for use and subsequently sold would amount to a Key Decision if that offer exceeded £500,000. A Key Decision ordinarily requires approval from Cabinet pursuant to Regulation 8 of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012 ("the Regulations") which also sets out the definition of a key decision

- 2.20 A “key decision” is an executive decision which is likely: (a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the local authority’s budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising 2 or more electoral divisions in the County, see the Council’s Constitution Article 7, para 7.3(c). The legislation itself does not specify a financial level which should be considered “significant”. It is therefore for the Council itself to specify the threshold. The Council has set this threshold at £500,000, see The Council’s Constitution Article 7.3 (a)
- 2.21 The Council’s Constitution at Article 7.3(c) states an officer may be specifically delegated authority to take a key decision but in general a key decision shall not constitute an action or decision taken by a Chief Officer under delegated powers which is in the furtherance of the day-to-day administration of the service for which the Executive Director is responsible.
- 2.22 The Council’s Constitution, Appendix 1 H, Part C – Specific Delegations to the Director of Property, point 4 states in consultation with appropriate Executive Directors or Directors to acquire or dispose of interests in land or property as may be deemed appropriate, subject to the value of the interest not exceeding £500,000 or £100,000 in the case of surrendering interests and rights. A schedule of such transactions will be maintained and reported quarterly to the Cabinet Member for Corporate Services & Budget.
- 2.23 Appendix 1 F (a) Cabinet Member Portfolios permits Cabinet Members to take policy, budget and expenditure decisions in accordance with the principles set out in the paragraph Financial Regulations. Appendix 1 F (f) The Cabinet Member for Corporate Services & Budget may take decisions concerning the acquisition or disposal of land. Appendix 1 H Part A3 3.1 clearly states. The scheme [of delegation] does not delegate [...] any key decision or delegate matters to individual members of the Council’s Cabinet
- 2.24 Cabinet must therefore specifically delegate authority in respect of any decision to accept an offer and/or sell any property for a value exceeding £500,000 otherwise Cabinet would need to approve the decision and/or sale.
- 2.25 Review and authorisation of changes to departmental structures and establishments are matters to be dealt with in conjunction with the Director of People and Organisational Change, and authorising payments for employees in cases of early retirement, voluntary redundancy and compulsory redundancy



must be considered in consultation with the Director of Finance and ICT and the Director of Legal and Democratic Services.

### 3) Human Resources

- 3.1 If approved, the above recommendations will result in a net reduction of 140 staff (headcount, 102.07 FTE excluding reliefs and vacancies as at 21 October 2024) at a maximum. There would be a reduction of 64 staff (headcount, 52.7 FTE, excluding reliefs and vacancies as at 21 October 2024) in relation to the closure of the four day centres for adults with a learning disability and/or who are autistic (as detailed within section 4.36 of the above cabinet paper). There would be a reduction of 76 staff (headcount, 49.36 FTE, excluding reliefs and vacancies as at 21 October 2024) in relation to the re-design of the short breaks residential service for people with a learning disability and/or who are autistic (closure of four short break units and retention of one short break unit, as detailed within section 4.38 above).
- 3.2 New roles within the proposed short breaks service staffing structure are currently being evaluated with the support of the Council's Pay and Reward team, in accordance with the Korn Ferry Hay scheme.
- 3.3 Any resultant staffing changes will be considered/approved by the Executive Director for Adult Social Care and Health in conjunction with the Director of People & Organisational Change, Director of Finance and Director of Legal & Democratic Services.
- 3.4 Where employees' roles have been removed from the Council's structure and no longer exist, any termination of employment will amount to a dismissal by reason of redundancy. The Council will meet its legal obligation to reduce the number of compulsory redundancies and consider appropriate alternative employment in accordance with statutory requirements.
- 3.5 Informal engagement has taken place with those employees affected and the joint trade unions. Formal consultation will be undertaken on the proposals with both these stakeholder groups. 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. Formal employee

consultation, both group and individual, will be carried out to facilitate this process.

- 3.6 An indicative timeline for the review of both services is outlined within appendix 5.

4) Information Technology

- 4.1 None directly arising.

5) 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.

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.

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

- 7.1 As set out in the report.