

# Executive Report

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## **Future of Leicester's In- House Day Services for Older People with Mental Health**

Decision to be taken by: City Council Executive

Lead Director: Tracie Rees

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## Useful information

- Ward(s) affected: City-wide
- Report author: Yasmin Surti
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### 1. Decision Summary

- 1.1 On 19<sup>th</sup> December 2012 the Executive gave approval to consult on the future of the Council's day care services for older people with mental health issues.
- 1.2 A formal consultation exercise was completed and the Executive is now requested to make a decision about the future of the services taking into consideration the findings from statutory consultation and the Council's strategic and financial priorities.
- 1.2 The statutory consultation ran from 11th March to 9th June 2013 on the proposed closure of :
  - Martin House Day Centre
  - Visamo Day Centre
- 1.3 The numbers of people attending both services have been reducing significantly as people are choosing to use their personal budget to buy alternative services. There are currently only 34 people using the services, reflecting a 71% and 44% drop in client numbers at Martin House and Visamo since April 2011. Consequently the unit cost of providing the service has increased by 91%.
- 1.4 There are three main reasons for the decline in numbers of people attending these day services:
  - People choosing alternative provision
  - People have died
  - There have been no new people coming into the service
- 1.5 None of the existing service users are affected by the proposals currently being consulted on for mobile meals or for elderly person's homes.
- 1.6 Information relating to the consultation process and key findings are detailed in the report. However, the overall recommendation is to close both services as the quality of service has been adversely affected by the low numbers and they are no longer financially viable.

### 2. Recommendation

- 2.1 The Executive is recommended to approve the closure of Visamo and Martin House day care services, with individuals being supported to obtain similar services in the voluntary and independent sector provision, as detailed in Options 5.

### **3.0 Why it is needed:**

- 3.1 Over recent years many local authorities have decided not to provide traditional in-house day services in light of the Personalisation agenda and increased financial pressures.
- 3.2 In-house provision is less flexible and responsive to individual choice, yet considerably more expensive than that provided by the voluntary and independent sector. In the light of this, councils across the country have had to make difficult decisions about reducing or ceasing in-house provision so that they are able to meet the needs of older people across a range of services, within the resources available to them.
- 3.3 A number of national policy drivers highlight the need for a wide range of services for older people, which promote independence, choice and control.

These include:

- Vision for Adult Social Care 2010
- Our Health Our Care Our Say 2008
- Putting People First 2007
- Think Local Act Personal 2007

- 3.4 In-house OPMH services provided at Martin House and Visamo Day Centre, offer support to individuals where the Authority has a statutory duty to meet their assessed needs.
- 3.5 However, the number of people attending both internal and external day care services is declining as new clients to Adult Social Care (ASC) are using their personal budgets to buy alternative support and services. This in turn is having an effect on the long term sustainability and quality of all day care services.

### **Consultation Process**

#### **3.7 Service user/family carer consultation**

The consultation proposal was to cease the provision of services for Older People with Mental Health at Visamo and Martin House Day Centres. Letters, information booklet and details of three consultation meetings were provided to service users and carers/families. A further meeting was held on the request of carers which involved inviting providers of day care to share information on the services they provide.

- 3.8 Individual one-to-one meetings were offered to all 34 service users in the day centres and their carers/relatives to complete the questionnaire, however, only 8 people took up this offer. This involved an engagement officer listening to people and helping them fill in the questionnaire in order to capture their views. The Transformation team made further contact with service users by visiting them at each day centre with the same offer which increased the total number of completed questionnaires to 28.
- 3.9 The Council also secured the support of the Alzheimer's Society and The Carers Centre to ensure that the interests of service users and their families were

reflected in the consultation process. Both organisations played a key role through individual advocacy, participation in group consultation meetings and feedback after the meetings to ensure the voices of the people they represented were heard.

- 3.10 If the Executive accept the proposal to close these services, a programme of support will be put in place for service users and staff to support them through this period of change. This includes dedicated care management to carry out reviews, brokerage to support planning and identify where and how identified needs will be met, advocacy support for service users and families, and management and HR support for staff.

### **Headline Findings**

- 3.11 The overall message from people using the service and their families is that that do not want change. However, we are confident that there is enough good quality provision in the voluntary and independent sectors that can meet their needs in a much more flexible way.
- 3.12 Service users and families listened to the rationale for change explained throughout the consultation but in the main the overriding message is that service users and families do not want the day services to close. However, they were keen to explore what other services could meet their needs.
- 3.13 Their focus was the need for high quality services, which they believed only the Council could provide, and relationships that have been built with staff at the day centres.

Families expressed fears about external providers and in particular:

- their concern with making a profit
- standards of care and quality
- poor environment
- the quality of staff, quality of service and training

- 3.14 In order to allay some of these fears and assure families that there is adequate external provision with the skills and values to support their loved ones, an event was organised for providers to showcase their services and for families to talk to them on a one to one basis. Letters were sent to families to invite them to the event, followed up by personal phone calls. All families, regardless of whether they attended or not, were sent a letter after the event with details and leaflets of all the providers who had been present.
- 3.15 The outcome was providers fed back that they welcomed the opportunity to talk to customers about their offer, particularly during very uncertain times and families that attended fed back that they felt more reassured and would be visiting some of the providers they had talked to. Families who were quite vociferous on arrival at the event, after talking to providers and the Lead Commissioner, thanked Council staff and said they valued the one to one engagement and felt they were being listened to and understood instead of feeling like a number.
- 3.16 During the one to one consultations with individuals and their families, although the overall response was for the services to remain open, it became apparent

that families were beginning to explore different options. For example, one lady who was adamant that her sister should remain at Visamo, gave the interviewer a leaflet from a provider she had used for respite and advised that she felt this particular provider could meet her sister's needs.

3.17 Additionally two emails were received as part of the consultation:

- A service user from another service was worried that people would be sat at home and they and their families would be adversely affected.

**Response** – Officers met with the service user and explained the support that was being given to service users and families to identify potential future arrangements, including the event described at 3.3.3. The service user said he felt reassured with the explanation and that people will be given options and choices.

- A family member was concerned that there was no alternative provision for her mother-in-law with dementia; she had been advised of this by a clinician. She also wanted to know why there was such a significant difference between the unit cost of the Councils provision and that of the VCS.

**Response** – The unit costs were provided with an explanation of the overheads and salaries the Council pays in comparison to the VCS and the event described at 3.3.3 was organised.

3.18 The detailed consultation findings can be seen in Appendix 1 and an executive summary of consultation findings can be seen in Appendix 2.

### **Other Implications**

3.19 A detailed discussion of the financial, legal, equalities and workforce implications of the proposals can be found in section 5 of the report. The Equalities Impact Assessment in Appendix 3 of this report describes in detail how the Council might mitigate against negative customer impacts.

### **Other suggestions made by those consulted**

3.20 The following suggestions were put forward for consideration by the Executive by relatives who responded to the consultation:

Expand the current services offered by actively marketing and attracting people into the service

**Response** - The service would need to be totally redesigned and change the way it operates in order to ensure the long term sustainability as evidence already shows that people are not choosing traditional day services and are instead opting for community based services that offer greater innovation and flexibility, including evening and weekend provision.

3.21 Combine the two services to run from one building

**Response** - Based on current numbers and the true unit cost of the services people would not be able to afford their current level of service provision and would either be at home for part of the week or have to source alternative services. This may also mean carers breaks are reduced if they have to take on further caring responsibilities.

**Outcome of Collective Consultation**

The Following suggestion was put forward for consideration by the Executive by Trade Unions during the collective consultation:

3.22 The services are developed into a enablement /outreach service for older people with mental health needs and more specifically people with dementia, who are eligible for services from ASC. It would offer short term support to maintain people in their own homes where the care is breaking down and there is a risk the service user will go into long term care or safeguarding concerns are identified. The team would be allocated for a maximum of 6 months to work with the family, community settings and service users to develop strategies to maintain the individual at home and will also offer specialist support to Asian elders and their families. They will support and bring in other organisations with a view to maintaining people at home.

3.23 Due to the nature of Dementia diagnosis people's mental health deteriorates and fluctuates therefore the team may be accessed for support on more than one occasion. This team would work within the community. Therefore there would be no need for an office base. Rooms could be booked for team meetings/supervision etc. Mobile/home working or hot desking could be applied to the staff.

**Response** - Whilst this fits in with current thinking around the future of in-house provision, the proposal is premature as the redesign of in-house day care is in the early stages. Substantial change of this nature would mean current job descriptions and salary scales would have to be consulted on and revised and the opportunity to be part of the new service offered to a wider group of staff.

3.24 Consequently this would trigger an Organisational Review of all in-house Day Care provision. It could also leave the Council open to challenge as this may be seen as a decision on the future of all in-house day care provision had been reached without proper consultation with all affected groups.

**4.0. Options:**

**4.1 Option 1.** Do nothing. This is not an option because the service is no longer adequate for service users and is financially unviable.

**Options 2.** Expand the services offered by actively marketing and attracting people into the service. The service would need to be totally redesigned and change the way it operates in order to ensure the long term sustainability as evidence already shows that people are not choosing traditional day services

and are instead opting for community based services that offer greater innovation and flexibility, including evening and weekend provision.

**Option 3. Combine the two services to run from one building.** This is not a viable option as based on current evidence, the combined service would still be relatively small and would therefore be unaffordable when applying true costs of the service which currently stand at £111 per person per day, compared to an average of £28 per person per day in the voluntary sector.

**Option 4. Develop the services into an Enablement /outreach service.** Whilst this fits in with current model around the future of in-house provision, the proposal is premature as the redesign of in-house day care is in the early stages. Substantial change of this nature would mean current job descriptions and salary scales would have to be consulted on and revised and the opportunity to be part of the new service offered to a wider group of staff.

**Option 5. Close the service and move existing service users to alternative provision.** This would ensure the provision of suitable stimulating services for individuals and deliver a cost effective solution.

- In order to ensure the most sensitive and appropriate method of transition both service users and staff at the current OPMH service, the Council will:
- Carry out an assessment of each individual during August and September 2013. This will be done with the full involvement of family carers and with the offer of advocacy support. The assessments will be carried out and followed through by a dedicated team of care managers who will then support individuals and their families to find appropriate services that meet their needs.
- There are currently 152 vacancies within this type of provision in the voluntary sector and a number of other organisations keen to explore extending their offer to this client group.
- The services include specialists in Dementia and Alzheimer's and services that are able to meet the cultural needs of specific groups.
- Following the transition of individuals to the new services care management officers will be identified to track their progress at 3, 6 and 12 months in order to ensure the new arrangements are meeting people's needs.
- It is envisaged that staff will be served 3 months' notice at the end of August 2013 at which point they will be eligible to apply for redeployment opportunities across the whole council.
- Where possible this may mean some staff will transition into the existing provider service and replace agency staff, thus bringing more stability and continuity in the services provided.

**Any decisions that are taken will be relayed to families, staff and the unions via face to face group meetings**

## **5. Tell us how this issue has been externally scrutinised as well as internally?**

5.1 ASC Leadership Team

5.2 Focus groups and one to one meetings with service users and families

potentially affected by the outcome of the consultation on the proposal to close Martin House and Visamo Day Centres.

5.3 The following stakeholders were also informed of the consultation with the opportunity to provide their views and those of the people they represent:

- Elected Members and Local members of Parliament
- Trade Unions and staff at the day centres
- The general public via the council website
- The Alzheimer's Society
- Age UK BME Elders Group
- The Carers Centre
- The 50+ Group

## **6. Financial, legal and other implications**

### **6.1 Financial implications**

The net budget for 2013/14 is £299,800. This consists of staffing costs of £314,900, other costs of £81,900 and income of £97,000..

The cost of placing people in in-house provision is expensive when compared to other sectors. The council is currently spending £299,800 per annum to provide services in Visamo and Martin House for 34 people. The cost of placing 34 people in the independent sector is £119,000 per annum. In 2010 it cost the council £58 per person, per day to provide places in OPMH compared to an average of £28 per day in the voluntary sector. In 2013, due to the decline in numbers, but the necessity to continue maintaining the services and staffing levels the cost of the councils in-house provision is now £111 per person, per day. The council's policy is to charge at full cost. This has yet to be implemented for these day centres and would render them unaffordable.

There are block contracts with Voluntary Sector providers that are running with sufficient levels of vacancies to provide a service for the current OPMH day service users. Therefore under Option 5, the cost of enabling people to move to alternative services would be limited to those people who choose to opt for independent/private sector day care. We estimate a cost of £38,500 to enable those individuals to transfer to their new services. This is, based on one third of people opting to receive non voluntary sector day care. The saving of £261,300 would form part of the £900,000 day centre savings included in the Budget Strategy.

As more elderly people access direct payments for day services the continued under-utilisation of in-house day services results in double-running costs.

Potential redundancy costs are estimated at £71,000.

In the short to medium term it is unlikely that capital receipts would be generated from the closure of Martin House.

**David Roy – Health and Well Being Finance Officer (29 8814)**



## **6.2 Legal implications**

From a Community Care law perspective the relevant legislation to consider is the Chronically Sick and Disabled Persons Act 1970 section 2(1)(a) and the National Assistance Act 1949 section 29 (4) (g) in respect of the Local Authorities duties to provide appropriate support for service users who by definition of their mental health and age would be eligible for services subject to an assessment. By virtue of LAC (93) 10 and the National Assistance Act section 29(4)(g), social services authorities are required “to provide, whether at centres or elsewhere, facilities for occupational, social, cultural and recreational activities, and where appropriate, the making of payments to persons for work undertaken by them”.

Where suitable alternative services are identified, as proposed in this report, and such services being considered to meet the needs of the individual service user(s) then the Local Authority will be considered to have discharged its duty to provide the appropriate services.

When considering alternative services the Council should have due regard to the public sector equality duties under section 149 of the Equality Act 2010.

### **Pretty Patel –Principal Solicitor, Social Care & Safeguarding (37 1457)**

#### **Employment Law Implications**

##### **Option 1**

There are no immediate legal implications arising from option 1 however as service users continue to decline an organisational review and/ or redundancy situation may arise in any event. It is therefore recommended that Legal Services are consulted on a regular basis to ensure that the Council meets its legal obligations and minimise risk to the Council.

##### **Option 2**

Should this option be pursued there is a possibility that the employees engaged in providing the current service will be affected either through redundancies and/ or changes to their current terms and conditions (including hours) in order to adapt to the demands of the service users.

It is therefore recommended that Legal Services are consulted throughout to ensure that the Council meets its legal obligations and minimise risk to the Council.

##### **Option 3**

The amalgamation of the two services to be run from one building will result in the remaining building identified in this report closing to day services. This falls within the statutory definition of redundancy and accordingly there will be an obligation on the Council to inform and consult with affected employees. It

is therefore recommended that should this option be pursued Legal Services are consulted throughout to ensure that the Council meets its legal obligations and minimise risk to the Council.

#### **Option 4**

Please see legal implications for Option 2.

#### **Option 5**

The closure of the two services falls within the statutory definition of redundancy. Legal Services are advised that consultation with the Council's recognised Trade Unions and affected employees have already commenced in respect of this proposal. It is recommended that the Council continues to seek guidance from Legal Services to ensure that the Council meets its legal obligations and minimise risk to the Council.

The report contains very little information about how the service users are likely to be relocated to alternative provision. Depending upon the process followed there is a possibility that employees could follow the service users in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE"). It is advised that Legal Services are consulted upon the relocation process to be followed with the view that an analysis of such a risk may be undertaken. Further guidance will then be able to be given in this regard.

**Hayley McDade (37 1431)**

### **6.3 Equalities Implications**

A full equalities impact assessment can be found in Appendix 3 of this report, incorporating the consultation findings.

In summary, the protected characteristics of those affected by the proposal continue to be: age, disability, and for some current users, race/ethnicity. It is the prospect of change and the loss of the current high standard of care by alternative providers that has generated the identification of most negative impacts.

Based on the consultation findings, the service has carried out further work to allay the fears of those consulted. The mitigating actions described in paragraphs 3.2.3 – 3.2.5 that have brought alternative providers and potential users and their families together, appear to have dispelled some fears and provide a basis for reconsidering personal options available.

Underlying this proposal and the personalisation agenda is the issue of choice. As this report makes clear, this element of choice is not always wanted. At the heart of the proposal is the commitment to ensuring that the meeting of assessed individual needs will continue to be a central part of provision – irrespective of the actual form it takes or who the provider is. An individually negotiated balance between the two will ensure that we continue to meet our public sector equality duty.

**6.4 HR Implications**

If approval is given by The Executive to close the services provided by Martin House and Visamo Day Centre this will have direct staffing implications. The operational job roles within the Day Centres are not generic, therefore the roles would be deemed redundant. Leicester City Council's Redundancy Policy and Redeployment Procedure would be followed. Collective Consultation with Trade Unions has already been progressed and a consultation meeting held with staff, further consultation would progress with staff in line with this.

There is currently 17 staff that would be affected if the closure is progressed.

Timescales would need to be planned carefully in relation to the transition for service users from the Day Centres and the issuing of contractual notice to staff/ commencement of redeployment. Any TUPE implications would need to be explored in relation to any planned transition for service users to alternative providers that involve support from Leicester City Council staff.

Staff would be supported during this time with access to the Redeployment Procedure, the outplacement service and marketplace events.

Any suggestions detailed in the report involving a change to the design of Day Services rather than closure would require an organisational review to be undertaken and further consultation with staff on that basis.

**Caroline Dickman – HR Advisor (39 6287)**

**7. Background information and other papers:**

- a) A vision for Adult Social Care (2012) Leicester City Council
- b) Putting People First Concordat (2007) Department of Health
- c) Think Local Act Personal (2011)

**8. Summary of appendices:**

**9. Is this a confidential report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?**

No

**10. Is this a "key decision"?**

Yes