

Adult Social Care Scrutiny Commission Report

Overview on the consultation to close
Douglas Bader Day Centre

Date: 10th October 2013

Useful information

- Ward(s) affected: All wards
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1. Summary

- 1.1 The report provides the Adult Social Care Scrutiny Commission with an overview of the rationale and approach to the proposal to close the Council run day care service for people with a physical and sensory disability at Douglas Bader Day Centre.
- 1.2 A formal 3 month consultation exercise commenced with service users on 17th September 2013. A non-key decision notice was issued on the same day.

2. Main report:

Why it is needed

- 2.1 Douglas Bader Day Centre offers support to individuals with a physical and sensory disability where the Local Authority has a statutory duty to meet their assessed need.
- 2.2 However, the number of people attending the service is declining, as new clients eligible for Adult Social Care (ASC) support are using their personal budgets to buy alternative services.
- 2.3 There has been a 25% drop in the number of client attending Douglas Bader House since 2011.
- 2.4 The cost of the service continues to rise as numbers fall. At present the cost is £67.00 per person per day compared to an average cost of £28.00 per person day for similar services in the Voluntary and Community Sector (VCS). In addition, the current cost of a meal at the centre is £15.00 per day per person towards which the service user makes a contribution of £3.00 per day.
- 2.5 These changes reflect the ASC vision and the direction of travel as set out in the Putting People First concordat (2007), which was re-iterated in the 'Capable Communities and Active Citizens' policy document (2010).

3. Current Position

- 3.1 Douglas Bader is a Council run day service providing social inclusion support for individuals with a physical and sensory disability. The building is owned by the City Council and is located in the St Matthews area of the city.
- 3.2 There are currently 64 service users registered with the centre, with approximately 35 people in attendance on any given day, including 2 people from the County.

- 3.3 The centre caters for people between the ages of 18 to 65 and the majority of individuals attending are aged between 30 and 60 years of age. However, there are 10 people aged over 65 who attend the centre because the service has never undergone a strategic review or been clear about its criteria about moving people onto other services.
- 3.4 Although the numbers have been steadily declining, as people are choosing alternative options via their personal budgets, the main barriers stopping people from accessing the community has been the lack of appropriate adult toilet/changing facilities for people requiring the use of a hoist and changing bed and issues in relation to transport.
- 3.5 Therefore, the Council is working with the Leicester Disabled Access Group (many of whom attend Douglas Bader Day Centre), to implement an extensive programme of investing £600k to install Changing Places Facilities across the City. The Council has also invested in a travel training programme in order to support individuals to travel independently across the city using public transport.
- 3.6 In addition, the roll out the Community Inclusion Service, which has been approved by the Executive (notice of decision issued 17th September 2013) will support those attending the centre to access community based opportunities, thereby increasing people's choice and opportunity to engage in meaningful activities, for example volunteering and employment.
- 3.7 Whilst the increasing unit cost of the service, which is applied annually, will reduce the number of people accessing the service using their personal budget allocation, this is not the main driver for the proposed changes. Operating the service with reduced numbers affects the quality of service provision and is not an efficient use of resources.
- 3.8 The Executive supported Option 2, to consult on the proposed closure of the service.

4. Consultation Approach

- 4.1 A formal 3 month consultation exercise commenced on 17th September 2013. During this period the views of service users and other stakeholders will be sought. This will be via questionnaires, focus group meetings and one to one discussions. The Leicester Centre for Integrated Living (LCIL), Mosaic and The Carers Centre have been engaged to assist with the consultation activities to ensure that individuals and their families are able to express their views via independent support if required.
- 4.2 Formal collective consultation will commence with the unions to ensure that staff views are considered as part of the process. The Trade Union Representatives were advised of the proposal at a briefing session on 17th September 2013.

5. Options considered

Option 1 – Do Nothing

This is not felt to be a viable option, as the service does not provide value for money and will become increasingly unsustainable as numbers continue to reduce.

Advantages

- No change for staff or people attending existing services.

Disadvantages

- The current building based model of day care is outdated and does not stimulate or support the needs of individuals.
- The service is becoming increasingly unsustainable as people choose alternative services, whilst staff numbers and maintenance costs remain the same.
- Varying job descriptions and pay grades do not allow the flexibility of staff movement across the day care service.
- Meeting changing expectations of individuals and achieving better outcomes will be lost.
- The day to day running costs will continue to rise as numbers fall, making the service financially unsustainable.
- If the proposal to roll out the Community Inclusion Team is approved, this will result in double running costs as some people will choose to access those opportunities, whilst others will choose to remain at Douglas Bader whilst the offer is still available.

Option 2 - A proposal to consider closure of Douglas Bader Day Centre and begin consultation with relevant stakeholders on this proposal.

Advantages

- The majority of individuals using the council's day care services would benefit from support to maximise their skills and achieve their potential in life and to access mainstream community activities and services.
- It will support the long term sustainability of the VCS and the council's own community facilities whilst delivering improved outcomes for individuals.
- Dedicated staff will support individuals, their families and carers through the transitional process.
- Individuals will be fully supported to make informed choices about the activities and services they would like to attend.
- Increased independence and opportunity, leading to better outcomes for individuals.
- Individuals will be able to purchase more activities and services with their personal budget, because community based activities tend to be less expensive.
- Non council services and the use of personal assistants (PA's) are more culturally appropriate and can offer more flexibility e.g. working evenings and

weekends, whereas the current day care service tends to operate from 9am to 3pm Monday to Friday.

Disadvantages

- Disruption to individuals using the service, although the impact will be minimised by working closely with individuals, their families and carers from the start to carefully plan any changes.
- As this proposal is likely to result in the closure of Douglas Bader this is likely to result in staff job losses.
- Political management will need to be handled carefully.

Risks:

- Service users and families may resist change
- Negative publicity
- Potential TUPE implications

6. Tell us how this issue has been externally scrutinised as well as internally?

ASC Leadership Team
ASC Transformation Programme

7. Financial, legal and other implications

7.1 Financial implications

The outturn for Douglas Bader Day Centre for 2012/13 is likely to be £467k. The assumption is that re-provision costs will be significantly lower than this, however detailed work is required to evaluate the on-going costs of the 64 people currently registered at Douglas Bader.

Some scoping work indicates potential average savings of £4,682 per person through providing alternatives support. If this was achieved for the remaining 64 users then savings of £300,000 are possible, being a mix of day care and transport savings.

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

7.2 Legal implications

From a Community Services Law perspective, there are no direct legal implications, arising from the contents of this report.

This report details the commencement of a consultation exercise with service users and trade unions to determine what decision should be made for the future running of this service. Any such consultation would need to consider appropriate risk assessments of the specific services users and carers impacted by any proposal to ensure that any alternative service provision is suitable and in line with their assessed community care needs. The Council should have due regard to the Public law equality duties in considering any proposals as specified within section 149 of the Equality Act 2010 as follows:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to—(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) 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;
 - (c) 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.
- (4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to —
 - (a) tackle prejudice, and
 - (b) Promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are—
 - Age (excluding services to pupils in schools and certain other Children Act functions);
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - Sexual orientation.

Pretty Patel – Senior Solicitor ,Community Services (29 7033)

Option One

Should service users continue to decline at Douglas Bader Day Centre a redundancy situation may arise. It is advised that the staffing requirements continue to be monitored. Prior to any action being proposed assistance from HR and Legal Services should be sought to ensure compliance with the council's policies and procedures and current employment legislation.

Option Two

On the current proposal it is anticipated that the risk of the Transfer of Undertakings (Protection of Employment) Regulations ("TUPE") applying is low. It is however

advised that the matter is given regular detailed consideration as the roll out develops.

There are a number of legal obligations arising out of redundancies. In particular the Council should have regard to the requirement to consult both collectively with the Council's Recognised Trade Unions and individually with affected employees as soon as redundancies are proposed. It is recommended that with the assistance of Legal Services consideration is given to the timing of consultation on a regular basis as a failure to commence consultation at an appropriate stage may have significant financial implications for the Council.

Hayley McDade - Employment Solicitor

7.3 HR Implications

Option Two is likely to result in potential redundancies and/or TUPE. Sufficient time will need to be planned to allow for meaningful consultation with trade unions and staff. In addition, if staff are displaced as a result of the exercise they will be eligible for appropriate notice and redeployment period.

If notice of redundancy is issued to staff, support will be available to those affected through the council's HR procedures including outplacement service, marketplace events and redeployment procedure.

An open dialogue with HR and Legal should be maintained in order to develop and monitor a suitable plan for HR processes.

Karen Demmer – HR Team Manager (39 6274)

7.4 Climate Change and Carbon Reduction implications

The Douglas Bader Day Centre has the highest carbon footprint of the Day Care Centres in the city due to its size and age, and its closure could reduce the city council's carbon footprint by approximately 161 tonnes. However, only a proportion of these savings will only be realised as part of the building is still used by the Health & Safety Training Team.

7.5 Equal Opportunities Implications

An outline EIA has been developed and will be revised following any future decisions on service provision.

Group	Gender	Ethnicity	Religion
Physical Disability (64)	Male 44%	White 46%	Christian 7%
	Female 56%	Asian 53%	Church of England 23%
		Black 1%	Roman Catholic 1%
			Hindu 33%

			Muslim 15% Sikh 3% Unknown 18%	
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8. Background information and other papers:

8.1 The need to change services in this way is reflected in key documents such as:

- A vision for Adult Social Care (2012) Leicester City Council
- Putting People First (2007) Department of Health
- Think Local Act Personal (2010) Department of Health

These documents emphasise the need for services to be aimed at helping people to become more independent and less isolated, thereby experiencing more fulfilling lives.