

OUTCOME OF FURTHER CONSULTATION ON DAY SERVICES FOR PEOPLE WITH LEARNING DISABILITIES

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| Cabinet Member(s) | Cllr Philip Corthorne |
| Cabinet Portfolio(s) | Social Services, Health and Housing |
| Officer Contact(s) | Linda Sanders, Social Care & Health Paul Feven, Finance |
| Papers with report | Appendix 1 – Consultation plan of events Appendix 2 – Summary of views expressed during consultation Appendix 3 – Day Services Consultation document Appendix 4 – Equality Impact Assessment |

HEADLINE INFORMATION

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| Summary | <p>Further to the Cabinet's agreement to the Disabilities Commissioning Plan in January 2012, the Council has undertaken further consultation on elements within the Plan concerning day services for people with a learning disability and/or a physical disability.</p> <p>This Cabinet report includes:</p> <ul style="list-style-type: none"> • An update on the transformation of social care provision within the borough including positive developments in the use of person centred support planning and the use of personal budgets. • The outcome of assessments and support plans for all current day centre users. • The outcome of this further period of consultation with service users and carers. • Recommendations for future day centre provision in the Borough. • Details of a new Equalities Impact Assessment focused on these proposals. |
| Contribution to our plans and strategies | The proposals in this report contribute to the delivery of the Adult Social Care Personalisation and Commissioning Plan, 2011 - 2015 and the Disabilities Commissioning Plan, 2011-2015 in supporting the principles of independence, choice and control for disabled people |
| Financial Cost | The savings included in the draft MTF (presented to December 2012 Cabinet) of £3,416k are net and make due allowance for replacement costs and are additional to the £1m savings achieved |

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| | <p>in 2012/13 following the opening of supported living facilities such as Glenister Gardens.</p> <p>The savings are calculated on an assumed rate of transfer of people from residential placements into community based accommodation over the MTFF period. They take into account an assumed level of on-going need for transport; a building based resource centre; the expected value of individual personalised budgets; rising demographics, as well as the ongoing cost of maintaining a number of people in residential placements.</p> <p>It should be noted that the MTFF and associated capital programme would need to be revised if the proposed changes were to be amended in line with the alternative options listed below in the report.</p> |
| Relevant Policy Overview Committee | Social Services, Health and Housing |
| Ward(s) affected | All |

RECOMMENDATION

That Cabinet:

1. **Note the outcome of the assessment and support planning process which leads to all current attendees of day centres using their personal budgets for a range of specialist and community based activities;**
2. **Note the outcome of further consultation on the day centre proposals;**
3. **Note the Equalities Impact Assessment and take this into account when making a decision on these proposals (Appendix 3);**
4. **Decide whether to remodel current day centre provision by approving the transition to a combination of a specialist building based service and access to a range of community activities;**
5. **Decide whether to approve the decommissioning of existing day centres at Park View, Phoenix and Woodside;**
6. **Decide, that in the event that it agrees to decommission the Woodside and Park View day centres, whether to use these sites to develop extra care supported housing';**
7. **Decide whether to reaffirm Cabinet's approval to develop a new resource centre at Queens Walk and in the event that approval is reaffirmed, to agree that transport should be provided for those service users whose support plans have identified this need.**

Reasons for recommendation

The assessment and support planning process has led to 100% of day centre service users agreeing to a new support plan which details how individual care and support needs will be met. The proposals in the report fully meet the requirements of service users.

Further reasons for the recommendations are detailed within the report, particularly within paragraphs 6 – 16.

Alternative options considered / risk management

Cabinet could decide to reject or amend the proposals including (but not limited to) the following alternative options:

- a) Retain the status quo by not approving the remodelling of day centre provision, including:
 - Not decommissioning the three current day centres.
 - Not commissioning a new resource centre at Queens Walk.
 - Continuing to implement personal budgets where service users will choose to access community activities.
- b) Amend the proposals by approving the remodelling of day centre provision in part, including
 - Decommissioning two of the current day centres.
 - Commissioning a new resource centre at Queens Walk.
 - Retaining an existing day centre in the south of the Borough.
- c) Amend the proposals in line with the practice established by many other local authorities across the country, including:
 - Decommissioning all current day services.
 - Not commissioning a new specialist service at Queens Walk.
 - Moving to 100% community based activities.

Policy Overview Committee comments

None at this stage.

INFORMATION

Background

1. Cabinet agreed a commissioning plan for people with disabilities in January 2012 following a two month period of consultation with service users, stakeholders and the community. The Disabilities Commissioning Plan covered a wide range of issues including the use of personal budgets and the development of supported housing. The Plan also proposed a new resource centre at Queens Walk for people with complex needs alongside a range of community based opportunities for people using their personal budgets. Cabinet agreed at its January 2012 meeting to decommission Park View, Phoenix and Woodside Day Centres.

People with Complex Needs

The term “complex needs” is used when a service user has a learning disability and in addition at least one further disability which may be physical or sensory.

2. During 2012, the Council agreed to carry out further consultation in relation to the provision of future day services for people with learning disabilities and their carers/families. This second phase of consultation would be focused completely on the day centre proposals rather than the range of issues within the Disabilities Commissioning Team. It was acknowledged that further consultation would enable service users, families and carers to be provided with clear information on the impact these proposals would have upon them following the outcome of individual assessments and support plans of every day centre attendee. This information was not available during the first consultation. A second phase of consultation would also enable Cabinet Members to undertake a fully informed decision regarding the future of day services.

3. The consultation took place between November 2012 and January 2013. **Appendix 1** provides more details of the programme of scheduled meetings that took place during this period. This comprehensive consultation programme included the following elements:

- Discussions with service users and their carers/families as part of an assessment and support planning process focused on the specific needs of the individual and how they will be met.
- One to one meetings with service users, carers and families in a day centre or at home.
- A programme of larger meetings for service users and carers at day centres (including parent carer forum meetings) hosted by Council staff working in partnership with LINK.
- A survey for service users and carers/families available on line and in paper form, with the additional option of being able to complete on the telephone or at a meeting with a Council staff member.

4. The Council's proposals for change were sent to all service users directly as well as available on the Council's website from 1st November 2012.

5. This report includes:

- An executive summary of key points (immediately below).
- A summary of the assessment and support planning process.
- A summary of the views expressed by service users and by families/carers during the consultation.
- A summary of the responses to the Council's consultation survey.
- A revised Equalities Impact Assessment of the proposals.

Executive Summary

The model and provision of services in Hillingdon for people with learning disabilities has not been keeping pace with the needs of service users. There has been an over-reliance on traditional forms of service such as residential care and buildings based services as opposed to services which maximise independence, choice and access to the community as a whole.

The proposals contained in this report concern a transition from traditional day centres to a mixture of specialist services and community based activities, depending upon the specific needs of the individual service user.

In future, should the proposals in this report be agreed, service users in Hillingdon will have wider choices – a greater range of housing options and more support and control over daytime activities. Parkview and Woodside sites would be used to develop extra care housing for people with learning disabilities. Both day centres at these sites, along with the Phoenix day centre, would be decommissioned. A new state of the art resource centre at Queens Walk would be developed for those people with complex needs who need a specialist service. Other service users with moderate needs will receive a mix of specialist service as well being supported to access activities within the community as a whole.

All current service users accessing the day centres at Parkview, Phoenix and Woodside have undertaken assessments leading to a tailored support plan outlining how their needs will be met.

All of the relevant support plans have been signed off by parents and carers.

The outcome of a survey of service users, parents and carers also shows that the vast majority of respondents agree in whole, or in part, with the proposals contained in this report.

The case for change

6. There is a greater demand for services from the Council due to the increasing number of disabled people living in the Borough, with more complex and higher levels of need. People with learning disabilities need to be supported in a number of ways:

- Supported to have a full social life within the community, with all the choices and freedom that the rest of the community enjoys.
- Supported to live as independently as possible, ideally in their own homes, with all the support they need.
- Supported to work where this is a personal choice.

7. Social care services have not traditionally been set up to achieve these results:

- People with learning disabilities can be disconnected from the community, without any meaningful social and leisure activities. There has been a lack of information, a lack of support and a general lack of rigour to help people with learning disabilities access the variety of local mainstream services such as leisure centres, sports facilities, libraries, cinemas, restaurants and shopping centres. Instead, we have been too reliant on traditional approaches such as day centres.
- There may always be a need for residential care for people who truly require it. However, far too many people with learning disabilities live in more institutional forms of accommodation such as residential care. Hillingdon is out of step with the rest of the country by relying much too heavily on care homes for people who could live more independently if they had the opportunity to do so.
- Many people with learning disabilities want to be engaged in education or employment. There has not been enough support for people to enable this to happen.

8. People with complex needs will continue to need specialist services, specialist equipment and specialist staff to help them enjoy life and achieve their aspirations. However, there has been a tendency to refer people to existing Council provided services rather than develop a more personalised approach to delivering the outcomes that people need including helping people to live as full and independent a life as possible. This tradition is shown in the way the Council spends its care budget for people with learning disabilities. Hillingdon Council spend a higher proportion of this budget on institutionalised care than most other London councils.

9. This situation needs to change in order to provide people with disabilities with a modernised service tailored to individual needs.

The direction of travel

10. To help bring about the change that is needed, future service provision needs to ensure that people with disabilities are fully supported to lead full and active lives within the community, wherever possible. This report outlines proposals to make changes to the current provision of day services to individuals with learning disabilities as *part* of an over-arching programme of positive change.

11. We need to continue to support all service users with complex needs who require a “buildings based service” such as a day centre.

- People with learning disabilities with complex needs will continue to need specialist services and the Council will continue to provide for these as well as providing appropriate breaks for carers.
- However, some people with moderate learning disabilities are not only able to access more activities in the community but *actively want* to do so. Relying upon traditional day centres is not an acceptable replacement for community based activities that help people to lead richer lives.

12. We need to prevent an over-reliance on residential care for people with learning disabilities

- The Council is in progress with the delivery of a major programme of building new supported housing in order to help people – including people with learning disabilities – to live independently, often with 24 hour care and support available if required. This will help to bring an end to the days when people with learning disabilities are offered a choice of “residential care or nothing”.

13. We need to ensure that people are able to choose from a greater range of care and support options than the narrow range of services that have traditionally been available from the Council

- Personal social care budgets are increasingly being provided to service users so that they (along with their families and carers) can decide how to best use the resource that has been allocated to meet their assessed needs. While money must be used on helping to meet specific objectives (e.g. getting support for personal and home care), people can exercise much more choice and control over *how* the money is spent to meet these objectives.

14. These changes are being proposed as part of a national wave of change, promoted by successive governments over a number of years. Modernisation of services is the key driver, not financial savings.

15. There *are* some areas where the Council would ultimately spend less due to the changes being made. We have estimated that the Council would spend approximately £4.5m less year on year by adopting a range of changes outlined in the Council's Disabilities Commissioning Plan. Most of the savings relate to spending less on placing people in residential accommodation and using supported housing as a better alternative. Supported housing not only costs less than residential care but it also has the major benefit of being more appropriate for the majority of people with a learning disability.

16. However, the Council first has to spend in order to save. Building the new resource centre proposed for Queens Walk and building a range of new supported housing would require the Council to *invest* in excess of £42.5m in new areas (Councils Budget report 2013/14 to 2016/17, appendix 9, as presented to Cabinet on 20 December 2012). Clearly, this is not a cost cutting exercise.

"The convention followed by Finance reports is for savings quoted to be on-going unless otherwise stated."

Summary of service users' needs assessment and support plans

Assessment and Support Planning

Service User Assessment

The care manager undertakes the assessment with the service user and family. This provides a detailed narrative of the social care needs of the individual. The assessment also leads to the Indicative Personal Budget, the sum of money which is calculated by the assessment to meet the service user's needs. The assessment is agreed by the service user or carers and 'signed off' by them as a first stage of the process.

The Support Plan

The Plan is based on the needs identified in the assessment. It is the practical description of the plan of action and activities that will meet the person's needs as described in the assessment. The costs should be close to the Indicative Personal budget. The process is undertaken by trained day services staff who know the service users and their families well. These support plans have then been subject to quality assurance by an experienced member of staff. Again, support plans are signed off by both parents/carers and Council staff as valid and reasonable.

In summary:

- Assessments look at the social care and support needs of the individual.
- Support plans turns the assessment is into a series of activities as well as services that need to be purchased in order for the needs to be met.

The Carer's Assessment

Local authorities are now required to ensure that a carer's assessment is offered as part of

the overall process. This will look at the specific support needs of the carer, as opposed to the service user.

17. There are 88 people currently using the day centres. Of these, 56 live at home with parents/carers and 32 live in a private or voluntary sector residential home.

Service users living at home with parents/carers

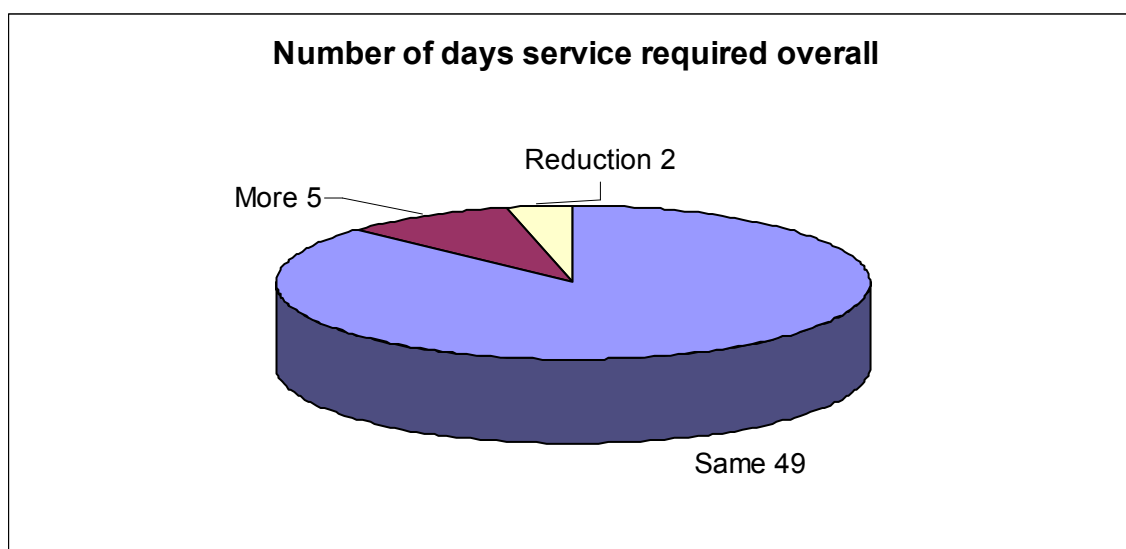
18. During 2012, the Council carried out detailed assessments of the social care needs of all 56 people who currently use the day centres. All of the support plans have also been carried out with close involvement of service users and families/carers. All 56 support plans have also been quality assured by the involvement of an independent "critical friend". Most importantly, all 56 families have signed off the assessment and support plan.

19. All 56 service users and their families have therefore agreed to the new support arrangements and are in the process of receiving personal budgets to facilitate this. In addition, Carer's Assessments were offered to 56 carers of day centre service users. Of these, 34 wished to undertake an assessment and these have also been carried out and signed off by the carer.

20. Now that the assessments and support plans have been agreed with service users and parent/carers, it is possible to examine an overall picture of the needs of these 56 service users who are currently accessing day centres.

21. Number of days service required by service users:

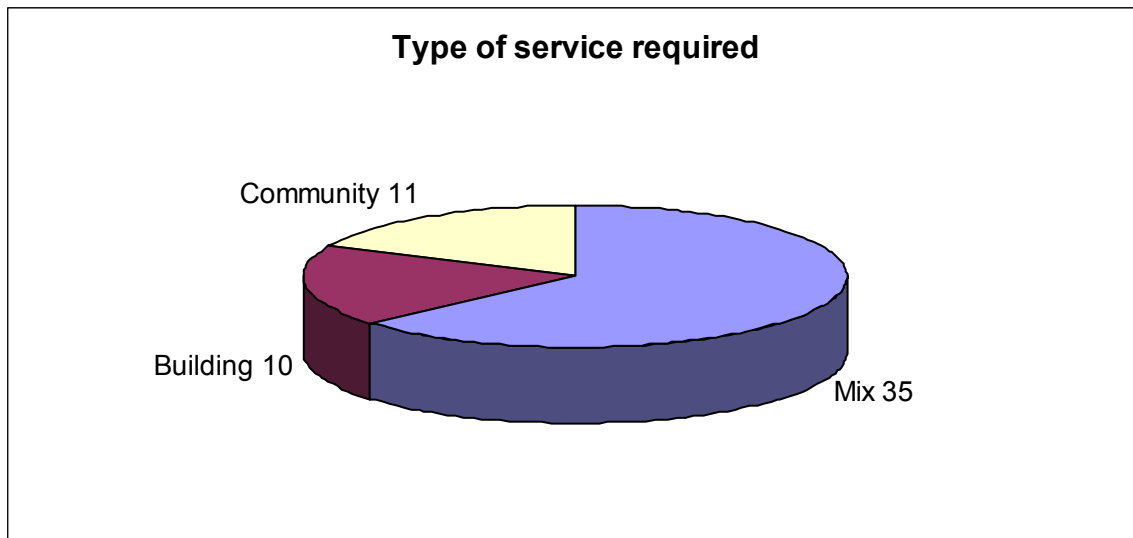
- The vast majority of people will receive the same number of days support (whether this is a specialist buildings based service or by accessing community activities) as they did previously.
- 5 service users will receive support on a greater number of days
- 49 service users require the same amount of support as they received prior to the assessment and support plan.
- 2 service users will receive support on a smaller number of days (agreed with both the service user and the parent/carers).



22. The type of support service users want to receive:

- A number of users (35) want a *mixture* of community activities and a specialist service (i.e. day centre). The type of community activity selected is based on the individual undertaking the support plan. A random sample of activities included within the 35 support plans include:

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| Ball game | Musical instruments | Visiting farms and zoos |
| Pampering/massage | Cinema | Theatre |
| Bowling | Playing snooker | College |
| Art/painting | Friendship Club | Drama class |
| Aromatherapy | Football matches | Visiting Kew Gardens |
| Cooking | Walking, climbing and swimming | Day trips |

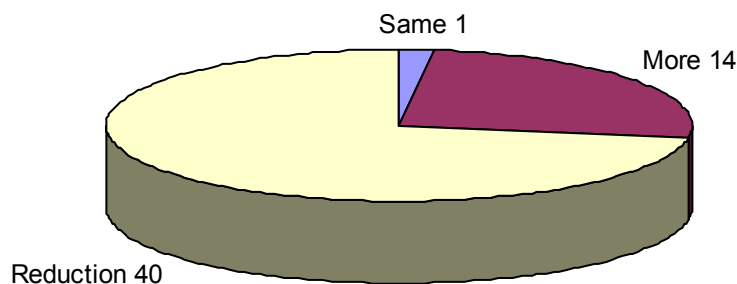


- Some service users (11) will have all their needs met accessing community based activities
- The remainder of service users living with parents or carers (10) will need a specialist service to meet their assessed needs. They will require a day centre place and will not be accessing any community based activities.

23. Number of days people will be supported in a day centre:

- 1 service user requires a greater number of days at a day centre or similar.
- 14 will require the same number of days at a day centre or similar.
- 40 service users will either (a) require a service at specialist buildings-based service such as Queens Walk but on a smaller number of days or (b) no longer require a buildings based service.

Number of days service required at a specialist day centre



All current service users who need a specialist service will continue to receive one.

- 45 service users (out of the 56 require a specialist building based service).
- 43 would receive a place at Queens Walk (should the proposals in this report be agreed).
- The remaining 2 service users needing a specialist buildings based service will attend private day centres (based on their choice).
- All support plans where these details are covered have been agreed by service users and parent/carers.

Service users living in private or voluntary sector residential accommodation

24. The 32 day centre users who are living in residential accommodation will be supported by their care provider to access day activities to meet their needs.

25. As part of a broader transformation plan, the residential accommodation itself is in the process of being deregistered and will be classified as supported living during 2013. This will ensure that service users have greater choice and control over the social care and support services they receive via the use of personal budgets. It will also mean that they will hold individual tenancies and have access to additional welfare benefits.

26. To enable a carefully planned transition for all 32 people from current day centre provision to being supported by residential providers (including access to community activities), transition plans were developed by the Council and discussed with the providers. Support plans have since been developed and are in the process of being implemented.

The proposals

27. The proposals are:

- For the Council to build a new resource centre at Queens Walk, South Ruislip for people with complex needs.

- For existing day centres at Park View, Phoenix and Woodside to be decommissioned with service users (a) helped to use personal budgets as part of a tailored programme of community based support and/or (b) supported at the new Queens Walk facility.
- For the sites at Woodside and Park View to be used to develop extra care supported housing (with 24 hour care and support on site), transforming the lives of 40 people with learning disabilities.
- For people who have been assessed as continuing to need a specialist buildings-based service to continue to receive services within the current day centres until Queens Walk is opened.
- Where an individual's support plan shows that transport needs to be provided and that alternatives are not available, for the Council to continue to provide transport to existing day centres and to Queens Walk when opened. Most of the service users who have been assessed as continuing to need a specialist service are in this category of needing transport to be provided.
- For care managers and support planners to work with the smaller number of people currently using day centres who will not need a specialist service in future in order to find personally tailored ways of meeting their needs in a range of activities and interests within the wider community. A wide range of options are already being explored here including:
 - Employing a personal assistant to support people how and where they need it.
 - Enjoying activities within the community such as educational, leisure, social and in some cases, work opportunities.
 - Maintaining social contacts and friendships with their peers.
 - Providing respite for carers where their needs have also been assessed so that they can continue in their vital role as carer.

28. In the future, the process where people with learning disabilities work with specialist helpers in the Council or in the voluntary sector to develop support plans that are tailor-made rather than "off the shelf" will become increasingly familiar, regardless of whether someone's needs require a specialist building based service or not. An independent support planning service provided by the voluntary sector will soon be available to people to complement the Council's own service. In addition, Care Place, a West London on-line directory of social care and other services, will help people to see the truly wide range of services that already exist in Hillingdon and neighbouring boroughs.

Equalities Impact Assessment

29. A refreshed equalities impact assessment has been undertaken in light of the completion of the assessment and support planning process. This is attached as **Appendix 4** in full. The key conclusions are detailed below.

30. The modernisation of day opportunity services for people with learning disabilities is intended to maximise the scope for day time activity needs to be addressed within a community setting and to therefore increase the choice, control and independence of disabled residents. The Council recognises that there are people for whom the complexity of their needs means that a community based solution is not an appropriate option and the development of a dedicated resource centre is intended to address this need.

31. Although there are no discernable adverse implications of the proposals in respect of the protected characteristics of ethnicity and gender, it is recognised that the proposed changes could have the following effects in respect of disability:

- *Modernisation of day services will result in change which some users who have been in day services for a long time and/or those who find disruption to their routine difficult.*

This will be addressed through good transition planning that will involve, if required, external advocacy provision to ensure that service users' voices are heard. The intention through good transition planning is to make the change process a positive experience for service users.

- *The 11 service users living in the community with less complex needs and the 32 people living in private and voluntary provided services could lose the friendships they have established with other people with learning disabilities in the day centres.*

There will still be opportunities for friendships to be maintained through the establishment of friendship clubs where this is identified by users and/or their carers as being important to them.

- *The 32 service users of day services in the private & voluntary (P&V) sector could become isolated if alternative day time activities are not put in place.*

Support plans have been devised for each individual that show how day time activity needs will be met. As care homes provided by the third sector are deregistered during 2013/14 service users will have access to Personal Budgets that will provide them with more innovative ways of addressing their day opportunity needs, as well as providing them with tenancies and access to additional sources of funding.

- *Greater choice and control could create opportunities for abuse.*

Personalisation enables vulnerable people to have potentially much more fulfilling lives but this has risks associated with it. Mitigation of this risk comes through the pre-paid card which helps to alert the Council to financial abuse, as it enables to see exactly how the Personal Budget is being spent. If the spend pattern does not match the support plan then we can respond to this early alert.

Service providers can also be removed from the online directory of services (Careplace) where quality standards are not being met. The receipt by the Council of complaints from users and carers would be a good indicator that this is happening. It is intended that service users will also be able to upload their reviews of services they have used so that other potential users can see these before making decisions about how to spend their Personal Budgets.

The Council's Inspection Team will also continue to inspect providers, especially where users, carers and other stakeholders have raised concerns.

- *There are carers living in the south of the Borough who will have to travel to the north of the borough, which could have additional cost and time implications for them.*

Of the 43 people who will be expected to attend Queens Walk, 22 will have an increase in travelling and the remainder will either have a reduction in travel time or will have the same distance to travel. The impact of the changes is balanced across the borough. However, 60% of the carers of the day centre service users living in the community are aged over 65 and 25% aged 70 and above and their ability to continue in their caring role will need to be kept under review. This will be addressed through the carers' assessment process and their needs will be reflected in the support plans developed for the people with learning disabilities that they are caring for.

The employment of PAs through directly managed Personal Budgets can provide a more flexible way of addressing the needs of people with learning disabilities that enhances their independence and give carers peace of mind. The supported living programme also provides a means of maximising the independence of people with learning disabilities.

Financial Implications

32. The savings included in the MTFF¹ of £3,416k are net and make due allowance for replacement costs and are additional to the £1m savings achieved in 2012/13 following the opening of supported living facilities such as Glenister Gardens. The savings are calculated on an assumed rate of transfer of people from residential placements into community based accommodation over the MTFF period. They take into account an assumed level of on-going need for transport; a building based resource centre; the expected value of individual personalised budgets; rising demographics, as well as the ongoing cost of maintaining a number of people in residential placements. It should be noted that the MTFF and associated capital programme would need to be revised if the proposed changes were to be amended.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

33. This is described in paragraphs 21 – 26.

Consultation Carried Out or Required

34. Following the two month consultation undertaken during 11/12, this second phase of consultation focused on the changes proposed to day centres. The consultation was designed to ensure that all service users understood the impact the proposals would have on them (particularly in light of the assessment and support planning process that had been undertaken) and had every opportunity to comment, agree or disagree with the proposals.

35. The focus of the consultation was on the following:

- All service users and their carers who currently attend Parkview, Phoenix or Woodside.
- A wide range of community groups and other stakeholders who have an interest in these proposals.
- Parents of children in transition to adulthood.
- Members of the Parent Carers Forum.
- Members of the Disabled Children in Transition Steering Group.

¹ The Councils Budget report 2013/14 to 2016/17, appendix 5c (ref Re1a/b), as presented to Cabinet on 20 December 2012

- Members of the Disability Assembly and Older People's Assembly.
- Members of the Learning Disability Partnership Board.
- Members of the Learning Disability Forum.

36. The second round of consultation was comprised of:

- Individual meetings with service users and their carers.
- Larger group meetings including service user and carer forums.
- A survey available on the website with hard copies sent to people to complete if they wished.
- Consultation with voluntary organisations.

37. The consultation plan is attached as **Appendix 1**. Service users and carers were offered the opportunity to take part in the survey, in group meetings and also to have their own personal meeting with Council officers in order to discuss their individual situation at a time and place of their choosing.

38. Information from this consultation is summarised in **Appendix 2** so that the Cabinet is able to make an informed decision on these proposals in light of the views of service users, families and carers, and other stakeholders.

Delivery of the Consultation Plan

39. During the consultation, all current day centre service users were given a number of different opportunities by which to express their views. One to one meetings with service users and their families were a particularly strong feature, making sure that people understood the proposals and the impact upon them personally. For example, the individual assessment and support planning that had been undertaken enabled people to understand whether they would have access to specialist services such as Queens Walk.

40. Of the 56 service users living at home with parents/carers, all those who requested a face to face consultation meeting have received one. 29 parent/carers have received a face to face consultation meeting as a result (mostly face to face with some undertaken by telephone). Of the 32 service users living in private and voluntary residential accommodation, all of those who requested a face to face consultation meeting have received one. 19 consultation meetings have taken place.

Key points arising from consultation

41. In this second phase of consultation, most people wanted to discuss *the manner* in which the Council proposed to make the changes, as opposed to offering challenges or disagreement with the proposals themselves. Issues such as the capacity and design features of the proposed Queens Walk development were common.

42. There was a generally positive response to the consultation itself with many comments from parents/carers on the clarity of the proposals, compared to the first consultation the previous year. This was enabled by the assessment and support planning process which allowed all service users, parents and carers to clearly envisage the way people would have their social care needs met in future. Most notably, a number of parent/carers who had been previously reticent or opposed to the original proposals complemented the Council on the thoroughness of the support planning process and were clearly pleased with the outcome. Those parent/carers looking after a person with complex needs were now able to have

confirmation that a place at the Queens Walk facility would be available which clearly helped to ease concern about the Council's proposed direction of travel.

43. The survey on the proposals led to the following outcome:

- Over 96% of those responding stated that the assessment and support planning process met their needs in full or in part.
- **Over 96% of respondents said they understood the proposals in full or in part.**
- 87% of respondents said they had received sufficient information on the proposals.
- **87% of respondents agreed with the proposals in full or in part.**
- 87% of respondents said they were very satisfied or satisfied with the proposed design of Queens Walk.

A copy of the original survey is provided as **Appendix 3**.

44. There are still challenges to be faced. A minority of parents and carers clearly retain concerns about the proposals and the impact upon their own caring responsibilities and the people they care for. Cabinet will be able to note the concerns as summarised in the report, as well as the responses provided by officers. However, Cabinet should also note that 100% of parents and carers have agreed with the support plan which is, in effect, the practical application of the proposals contained in this report.

5. CORPORATE IMPLICATIONS

Corporate Finance

45. The proposal to decommission existing day centres at Park View, Phoenix and Woodside was due to take place in 2012, as part of the transformation of Adult Social Care from a traditional institutional approach to supporting people to access more community services and help proactively maintain independence, but has been delayed due to issues concerning the consultation process. One of the outcomes from implementing this more person-centred approach is the reduced costs compared to the traditional approach. The case for change remains the same as considered by Cabinet in January 2012 and approval to proceed with the closure of these centres and proposed changes to move to supported provision within the community will allow these reduced costs to be reflected in the refreshed MTF for 2013/14 – 2016/17.

Legal

46. Cabinet is being asked in this report to decide on future service provision for people with learning disabilities. In January 2012, Cabinet made a number of decisions in relation to the Disabilities Commissioning Plan 2011-2015 which included the decommissioning of Phoenix, Woodside and Park View day centres.

47. Judicial review proceedings were brought against the Council in the High Court on behalf of three service users on the basis that the decision to decommission the above day centres was unlawful as the consultation process which the Council had followed was deficient and the Equalities Impact Assessment which it had carried out was inadequate. With regard to the consultation, the principal complaint against the Council was that it had failed to give any information to service users and their carers in relation to the type and extent of services they would receive if a decision was made to decommission the day centres. The proceedings were defended by the Council.

48. The judicial review proceedings were settled on the basis that the Council carried out a further consultation exercise; the main objective of this exercise would be to assess the service users and ensure that they had support plans in place. It was agreed that the consultation which led to the January 2012 decision would stand and the further consultation would supplement, and not replace, it.

49. The further consultation has now ended and Cabinet has a number of recommendations before it. In order to minimise the risk of a further legal challenge being brought against the Council, it is important that Cabinet approaches its decision-making with a fair and open mind and it carefully weighs up all options available to it. Cabinet should also ensure that, in accordance with established administrative law principles, it takes into account all relevant considerations which are contained in the report and disregards irrelevant considerations.

50. Examples of relevant considerations are the need for the Council to modernise services for people with learning disabilities in accordance with the Government's policy, the consultation responses, the fact that all support plans have been agreed and finally, the Council's Equality Act duty.

51. The last three considerations set out above are particularly significant and therefore will be dealt with separately under the following headings:

Consultation responses

52. Consultation by public bodies is not an exact science and a body of case-law has built up over the years, setting out the Courts' approach to challenges that consultation exercises have not been lawfully conducted. The leading case is R v London Borough of Brent ex parte Gunning in which the Court set out four legal principles which all public bodies should have regard to when undertaking consultation exercises. The last of these principles is that 'the product of consultation must be conscientiously taken into account when the ultimate decision is taken'.

53. The responses to the latest consultation exercise are summarised in the Appendices to the report. Whilst the majority of the responses are positive, some negativity has still been expressed in relation to the closures of the day centres. Provided that Cabinet conscientiously considers all the consultation responses, it is entitled to weigh the balance of the positive responses against the negatives and to make its decision accordingly.

The Support Plans

54. As indicated above, individual assessments had yet to take place so personalised support plans had not been formulated at the point of the first consultation exercise. This has now been fully addressed; not only have the support plans been put into place but they have also been signed off by the service users and their families. Carers Assessments have also been signed off by those 34 carers who wanted an assessment.

The Council's Equality Duty

55. Section 149 of the Equality Act 2010 provides that 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.

56. Public authorities generally demonstrate that they have complied with the above duty by carrying out an Equalities Impact Assessment. Cabinet will note that officers have carried out a fresh Assessment which takes into account the latest consultation exercise. It is a thorough document and it is the Borough Solicitor's view that it meets the Council's legal duty as set out above. It is important that Cabinet takes the Assessment fully into account in its decision making.

6. BACKGROUND PAPERS

57. NIL

Appendix 1

Day Services Consultation Plan of Events

| Date/ Time | Activity | Location |
|-----------------------------------|---|---------------------|
| 5 November 2012 10.30 to 15.30 | Interviews | Phoenix Day Centre |
| 5 November 12 (morning event) | Parents of Children in Transition, via the Launch of the Parent Carers Forum event | Civic Centre |
| 5 November 12 | Disabled Children in Transition Steering Group | Civic Centre |
| 6 November 12 | Learning Disability Forum | Civic Centre |
| 7 November 12 10.30 to 15.30 | Interviews | Parkview Day Centre |
| 8 November 12 10.30 to 15.30 | Interviews | Parkview Day Centre |
| 9 November 12 10.30 to 15.30 | Interviews | Phoenix Day Centre |
| 13 November 12 10.30 to 15.30 | Interviews | Woodside Day Centre |
| 13 November 12 10.30 to 12.30 | Presentation, Parent Carers Reference Group | CR4, Civic Centre |
| 14 November 12 10.30 to 15.30 | Interviews | Woodside Day Centre |
| 16 November 12 10.30 to 15.30 | Interviews | Woodside Day Centre |
| 19 November 12 14.00 to 15.00 | Presentation at the Parent Carers group | Phoenix Day Centre |
| 19 November 12 10.30 to 14.00 | Interviews | Phoenix Day Centre |
| 20 November 12 13.00 to 15.00 | Presentation Learning Disability Partnership Board | Civic Centre |
| 20 November 12 10.30 to 11.30 | Presentation at the Parent Carers group | Parkview Day Centre |
| 21 November 12 10.30 to 15.30 | Interviews | Woodside Day Centre |
| 22 November 12 10.30 to 15.30 | Interviews | Parkview Day Centre |
| 26 November 12 10.30 to 15.30 | Interviews | Phoenix Day Centre |
| 27 November 12 10.30 to 12.00 | Presentation at the Parent Carers group | Woodside Day Centre |
| 28 November 12 10.00 to 11.30 | Presentation at the Parent Carers Support Group for People with a Learning Disability | Christ Church |

| Date/ Time | Activity | Location |
|----------------------------------|---|---------------------|
| 28 November 12 10.15 to 11.15 | Service User Meeting | Woodside Day Centre |
| 29 November 12 10.30 to 15.30 | Interviews | Woodside Day Centre |
| 3 December 12 10.30 to 12.30 | Presentation at the Parent Carers group | Merrimans House |
| 3 December 12 10.30 to 15.30 | Interviews | Parkview Day Centre |
| 4 December 12 1-2.30 | Children in Transition | CR 4 |
| 4 December 12 10.30 to 15.30 | Interviews | Phoenix Day Centre |
| 5 December 12 10:30 to 11:30 | Service User Meeting | Parkview Day Centre |
| 5 December 12 10.30 to 15.30 | Interviews | Woodside Day Centre |
| 6 December 12 5.00 – 6.30 | Children in Transition | CR 4 |

Summary of views expressed during consultation

1. During the consultation, all current day centre service users were given a number of different opportunities by which to express their views. One to one meetings with service users and their families were a particularly strong feature, making sure that people understood the proposals and the impact upon them personally. For example, the individual assessment and support planning that had been undertaken enabled people to understand whether they would have access to specialist services such as Queens Walk.

2. In this second phase of consultation, most people wanted to discuss *the manner* in which the Council proposed to make the changes, as opposed to offering challenges or disagreement with the proposals themselves.

3. Typical subjects people wanted to discuss

- Clarification of the proposal e.g. moving from three day services to one specialist resource centre.
- Availability of transport for those who required it
- Details of how Queens Walk will operate (e.g. skills levels of staffing, programme of activity)
- Details of the facilities that will could be included within the Queens Walk design (e.g. opening times, facilities for people for challenging behaviour, availability of quiet areas, garden space, use of the hydro-therapy pool, café etc)
- Capacity at Queens Walk
- Queries about support plans – including the process for service users and carers signing them off

4. What did service users say?

- It's a good idea
- I like it there
- I like the coffee shop
- I will be sad
- I think it is good
- I would like to do paid work in the kitchen
- I would like to have a job

5. Comments from parents and carers – in favour of proposals

It is definitely clearer than the last consultation.

The plan of Queens Walk is wonderful.

I am pleased to see that you have taken on board the need for quiet rooms or a 121 room and this plan (for Queens Walk) is quite different from the original. I am very pleased to see it. Well done. It is much better.

My son has swimming included in his support plan, which he loves, and with the support of the link worker who knows what he likes and what he doesn't like, and we are happy with his plan. We have also looked at supported housing and the visits have gone really well and we are impressed. Everything could be very much in our son's favour now if things work out. He is a bit bored in our company now, especially at weekends and will find living with others to be more enjoyable.

Parents have been worried about the proposed closures but the new facility will reassure parents who have children with complex needs and who are not able to attend college due to their complex needs.

I am very pleased to note that Hillingdon is trying to retain a building based service.

I am just thankful that the borough is providing specialist services for people with specialist needs

6. Comments from parents and carers – concerns about the proposals or challenges to the proposals

In this section, comments made during the consultation which were more challenging concerning the proposals or which suggested alternatives are summarised. A response to each point is also provided, summarising the typical response provided by officers during the consultation itself.

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| <p><i>We are very pleased with the agreement in principle (regarding closure of day services and opening of Queens Walk). However, we are concerned that Queens Walk will only support the top 2 bands (critical and substantial needs).</i></p> <p><i>Will the capacity at Queens Walk be enough to cope with the demand?</i></p> <p><i>Will there be a consideration of the need for a facility in the south of the borough?</i></p> | <p>Based on the recent assessments that have been carried out, it is clear that the Council will be able to meet the needs of all current day centre service users with complex needs within one service. The MTFE as part of its approach will annually review demographic pressures for Adult Social Care and will, via the MTFE, make recommendations to meet these challenges. As the support planning process shows, service users without complex needs are able to have their needs well met by developing</p> |
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| | personalised arrangements including community based activities. |
| <i>I will find Queens Walk difficult to access from Hayes as I do not drive and am concerned I will not be able to attend parent meetings.</i> | <p>All service users will receive assistance with transport to and from Queens Walk where there is an identified need for the service user and the carer. This will include consideration of carers respite needs.</p> <p>In terms of parent/carers attending meetings, these are held in a number of venues including the Civic Centre so there remains flexibility about how and where parent/carers engage with the Council. Minutes of all meetings can be sent to parent/carers on request.</p> |
| <i>I would want to ensure that the cladding (of Queens Walk) is such that it will not deteriorate as the Wren Centre building</i> | If the proposal is agreed, architects will ensure that the cladding is attractive, robust and fit for the lifespan of the building. Early discussions have already concluded that the cladding would not be a wood that would deteriorate with age and weather but something that would retain its features. |
| <i>Transition will need to be managed carefully for these service users who cannot accept change. Two changes caused by moving to Phoenix from Parkview and onto Queens Walk may be difficult.</i> | This is agreed. Careful transition planning will be made for each individual service user if the proposals are agreed. |
| <i>I understand what you propose. I don't understand why you propose it. If the service is not broken, don't fix it. People have been asked before about change and the changes in the past took a long time to implement as the service users were upset by change. I think that the proposals to go out are already being done – this day centre provides this and has already done so. For people less disabled, they will miss out on friendship and companionship by reducing the days in service and it is hard</i> | <p>The main reasons for the proposals are to modernise the service (as outline in the early section of this report).</p> <p>Maintaining friendships and socialisation is a core feature of all support plans. Day centre attendance is a core feature of many of the support plans.</p> <p>Maintaining friendships by jointly engaging in community activities is another.</p> |

| | |
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| <i>to maintain contact with established friends which is traumatic for the service users.</i> | |
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The following are additional points made within the Labour Group response to the consultation that are not responded to elsewhere in this report.

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| <i>The Council's proposals clearly state that the number of disabled people with complex needs is increasing. Why close day centres when this is happening?</i> | The Council's proposals also state that the service itself needs to be modernised so that people with learning difficulties are able to access the same range of opportunities as the rest of the community. Specialist building based provision will continue to be offered to people with complex needs but will not be required by others. At present there is an over provision of day centres where needs can be met more appropriately in the community, with better outcomes for service users. |
| <i>Capacity at Queens Walk is still uncertain.</i> | The proposed facility at Queens Walk would cater for 35 people per day and around 70 people over the course of the week (on the basis that not all people with require a 5 day per week service). |
| <i>While Queens Walk will be "state of the art", facilities in residential care homes and in supported housing will not be able to match this. The Council is creating a "two-tier" system of provision therefore.</i> | The proposed facility at Queens Walk has been designed with many features appropriate for people with complex needs. Supported housing provides for care and support for people who have a greater capacity for independent living so it is difficult to compare with a specialist resource centre. Similarly, people living in residential care will be in receipt of an appropriate 24 hour per day care and support service. Most of the residential care facilities where relevant service users currently reside are in a transition process of becoming supported housing during 2013. Service users will be in receipt of personal budgets as part of this process and will have the same level of choice and control over their care and support as |

others. Overall, this is a system that enables a wide range of provision from independent living to residential care and from community activities to specialist building based services, depending on the needs of the individual.

37. Summary of the survey

31 people completed the survey – this includes people completing on line or as part of a face to face consultation meeting.

Now that there has been an assessment and there is a support plan in place, do you agree that this plan meets your needs?

Yes 18
No 1
In part 12

- Most of the comments were positive.
- A number of parent/carers completed the survey after the assessment and support planning discussions but prior to receiving a copy of the support plan so were cautious about stating that the plan fully met their needs
- Typical comment: “Buildings based for 4 days. We are getting a personal assistant for the 5th day who will take our child swimming, which he loves, and to other activities.”
- Some concerns expressed about the travel arrangements and the impact on carer’s respite time from moving from the existing day centre to Queens Walk

You were invited to take part in a carer’s assessment. If you took part in one of these, do you have any comments?

- Typical comments included:
 - Comments were overwhelmingly positive about the carer’s assessment process as well as the outcome.
 - “They covered everything we though was important.”
 - “The support planner was very good and thorough.”

Included in the Support Plan is a Contingency Plan for alternatives. Do you have any comments relating to this?

- Typical comments were positive or neutral, describing elements of the contingency plan which was in place.
- “The contingency plan is for my sister to take care of B.”
- “If the PA is unwell or unable to attend, R will go to the day service. If R is really unhappy with the 4 days at the day service plus one in the community, it will revert back to 5 days. Both of these contingencies suit me.”

| | |
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| You have recently received further information relating to the proposed changes to day services. Did you understand the proposals? | Yes 24 No 0 In part 6 No response 1 |
|--|--|

- As shown by the response above, most people stated they were clear about the proposals. Comments were generally positive or neutral.

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| Do you feel that you have had enough information? | Yes 27 No 4 |
|---|----------------|

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|---|------------------------------|
| Do you agree with the Council’s proposals to modernise the provision of services for people with a learning disability, including the facility at Queens Walk and community based activities? | Yes 16 No 4 In part 11 |
|---|------------------------------|

- The vast majority of respondents were in favour of the proposals wholly or in part. Typical positive comments included:
 - “My son will be kept occupied as there are many activities [In his support plan].”
 - “It is right for H and the day spent accessing community activities will suit her as she likes going out, noise, people and water so if she is taken swimming she will enjoy it.”
 - “Queens Walk is a good idea, as the current day service is limited and there should be more variety which I think the new facility could provide.”
 - “It’s giving people opportunities to do things they have never done before. If you don’t try, you won’t know.”
- Some people took the opportunity to express concerns about the proposals. Typical comments included:
 - “I have a view there should be two day centres. To get to Queens Walk will be very difficult. I do not drive. It would take three buses and a little walk or two buses and a long walk to get there.”
 - “We don’t think this is modernisation by having only one place – it should be several. “
 - “No problem modernising a service but no need to change buildings – this current day service has its own community made up of service users, parents, carers and staff and this will be broken.”

| | | |
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| Now that you have seen the concept plan for Queens Walk, how satisfied are you with the design of the proposed facility? | Very Satisfied | 11 |
| | Satisfied | 13 |
| | Neither | 4 |
| | Dissatisfied | 1 |
| | Very Dissatisfied | 1 |
| | Not sure | 1 |

- The vast majority of people were satisfied or very satisfied with the design of Queens Walk. Typical comments included:
 - “There are a lot of things there for different people with different needs.”
 - “It’s a good plan and everything is there for the people.”
 - “Everything going on there that N loves. He loves drama, music and art. He hates swimming so he will not like that.”

Are there any alternative options that you would like to tell us about?

- 3 people said that Parkview should remain open
- 1 person said that Queens Walk should be used for supported living development so that Parkview could remain open.
- 2 further people requested that the borough needed 2 day centres
- 2 people requested that Woodside remain open
- 1 person said that Parkview and Phoenix could be combined or Woodside expanded to prevent the need for Queens Walk.