
By: Andrew Ireland - Corporate Director, Families and Social Care

To: Graham Gibbens - Cabinet Member, Adult Social Care & Public Health

Subject: **OUTCOME OF FORMAL CONSULTATION ON A NEW SERVICE MODEL FOR LEARNING DISABILITY DAY SERVICES IN THE THANET DISTRICT**

Classification: Unrestricted

Summary: Following a consultation programme in 2008 of “What Makes a Good Day” - a plan to improve days for people with learning disabilities. A decision was made to refresh previous strategies with a new strategy; to improve services for people with learning disabilities during the day, evening and weekends.

The Good Day Programme (GDP) was set up to implement the new strategy by providing a countywide framework and support for the local programme of change to improve services for people with learning disabilities.

On the 18 April 2011 the Cabinet Member for Adult Social Care and Public Health granted approval to the GDP to consult on a proposed New Service Model for Learning Disability Day Services in Thanet.

The Council is required to undertake a consultation with Service Users and other relevant stakeholders on the impact of a change or variation to a service and consider the findings of the consultation before coming to a final view. Consultation on the New Service Model for Learning Disability Day Services in Thanet was undertaken between 7 June 2011 and 27 September 2011.

This report presents the results of that consultation, considers its outcomes and any impact in inequalities.

Recommendations: The Cabinet Member for Adult Social Care and Public Health is asked to take the decision to implement the New Service Model for Learning Disability Day Services in Thanet, after taking into account the views expressed in this report and those views put forward by Adult Social Care and Public Health Policy Overview and Scrutiny Committee at its meeting on 10 November 2011.

Introduction

1. (1) Kent County Council's (KCC) modernisation of Day Services for Adults with Learning Disabilities is an integral part of the transformation towards more personalised services reflecting the vision and strategy contained within "Valuing People Now" and KCC's "Active Lives". In 2008 following consultation of "What Makes a Good Day" - a plan to improve days for people with learning disabilities, a decision was made to refresh previous strategies with a new strategy; to improve services for people with learning disabilities during the day, evening and weekends. The Good Day Programme (GDP) was set up to implement the new strategy by providing a countywide framework and support for the local programme of change to improve services for people with learning disabilities.

(2) With the implementation of 'Bold Steps' KCC is keen to see the development of sustainable community resources in partnership with the private, voluntary sector and social enterprise; and aims to evolve fully into a commissioner of community care services rather than a facilitator or provider of them. The Good Day Programme has incorporated these aims and objectives in the planning of proposed future service models, assisting in fulfilling these desired outcomes.

(3) On the 18 April 2011 the Cabinet Member for Adult Social Care and Public Health granted approval to the GDP to consult on a proposed New Service Model for Learning Disability Day Services in Thanet.

(4) In line with "Valuing People Now" and KCC's "Active Lives" and "Bold Steps" the New Service Model for future services will be based on personalisation, with everyone having choice and control over the shape of their support through the use of direct payments and personal budgets. This person centred approach will uphold the principles and standards of the Good Day Programme.

The principles for the new service model are to develop services which will enable people to:

- Choose what they do during days, evenings and weekends
- Have the right flexible support
- Be equal citizens in their community
- Have opportunities to lead a full and meaningful life.

The new service model will offer people a range of facilities, activities and opportunities in their local community within inclusive settings.

Full details of the proposed New Service Model for Learning Disabilities in Thanet are detailed in Appendix 1.

(5) The Council is required to undertake a consultation with Service Users and other relevant stakeholders on the impact of a change or variation to a service and consider the findings of the consultation before coming to a final view. The purpose of this report is to provide the Cabinet Member with the results and outcomes of the consultation. It also considers if there is any impact in inequalities within the new service model.

(6) Consultation on the New Service Model for Learning Disability Day Services in Thanet was undertaken between 7 June 2011 and 27 September 2011. The decision in relation to this new service model was included in the Forward Plan on 17 June 2011, covering the period 1 July 2011 to 31 December 2011.

(7) The consultation was carried out to:

- (i) Inform people about the details of the proposed New Service Model for Thanet Learning Disability Day Services.
- (ii) To invite the views and comments of Service Users, their Family/ Carers and other relevant stakeholders who have an interest in the service.

(8) Consultation has been extensive, this included Service Users, Family/ Carers, Staff, Trade Unions, Advocacy, Residents, District Partnership Groups, Community Partners, Integrated teams, Parish Councillors and KCC Members in a series of consultation meetings and events.

The consultation was completed so that KCC could better understand the impact of the proposed changes and to ensure views and comments were taken into account when reaching its final decision

Policy Context

2. (1) Valuing People - March 2001 / Valuing People Now 2007

Valuing People is the government's plan for making the lives of people with learning disabilities, their families and carers better. It was written in 2001 and it was the first White Paper for people with learning disabilities for 30 years.

It is based on people having:

- their rights as citizens
- inclusion in local communities
- choice in daily life
- real chances to be independent

The modernisation of day services for people with learning disabilities is seen as a major part of the implementation of Valuing People

(2) Think Local, Act Personal Next Steps for Transforming Adult Social Care

This is a proposed sector wide partnership agreement moving further towards personalisation and community based support. This document sets down the thinking of policy direction in adult social care.

The priority for adult social care is to ensure efficient, effective and integrated partnerships and services that support individuals, families and the community.

It requires commissioners to reduce duplication across the system, improve outcomes, engage in targeted joint prevention interventions and provide information and advice for people using the services to make the most appropriate choices to meet their outcomes. Commissioners should draw upon voluntary and community action and facilitate an environment where various models of commissioning and purchasing can emerge to support people to make more personalised choices.

The two main focus of reform are:

- A community-based approach for everyone
- Personalisation

(3) The Good Day Programme KCC's strategy for improving days for people with learning disabilities.

(4) Bold Steps for Kent – The Medium Term Plan to 2014/15

This sets out three clear aims for Kent County Council over the medium term:

- To help the Kent economy
- To put the citizen in control
- To tackle disadvantage

Overview of the current Thanet Learning Disability Day Service

3. (1) Thanet Day Opportunities Service (Thanet DOS) is an In House day service providing day activities for adults with learning disabilities who have varying levels of abilities. The activities include: Art & Craft, Rambling, Cycling, Daily Living Skills, Wood and Leather Craft, Sports Activities, Gardening Allotment, Sensory Activities, St Luke's Project, G.O.L.D Club (Growing Old with a Learning Disability). These activities are based on the choices of individuals who access the services and the skills of the staff team. Thanet DOS has in recent months focused on community participation with approximately 60% of activities taking place within the local community.

There are currently two community based projects being piloted by Thanet DOS:

(2) People who access the Thanet DOS service undertake Art & Craft sessions five days a week at The Pharmacy Gallery instead of at the day centre. The Pharmacy Gallery is an independent art gallery open to the general public and provides art and media related workshops along with the facility to publicly display artwork.

St Luke's project – where a small group of Thanet DOS Service Users use a local church facility as a meeting up place. This is closer to where they live than the day centre and from here they access activities and resources within their local community.

(3) Out of 557 people known to the Thanet Integrated learning Disability Team, 92 people access Thanet DOS. These are an aging group of users with a higher than average 50+ client group and with this comes a natural unwillingness to change.

(4) Thanet DOS has a Service level Agreement (SLA) of 100 places per day, reduced from a previous SLA of 130 places. Of the 92 people accessing the day service each week there is currently an average attendance of 56 people per day.

(5) There is an active and thriving Private & Voluntary Sector (see table below) within the Thanet district, offering a wide and developing range of services and potential future partnerships. Many of these are accessed using Direct Payments.

Private & Voluntary Sector LD Service providers operating in the Thanet district
Cleveland House
East Kent Mencap
Garden Gate Project
Guardian Day services
Mount Ephraim
Skillnet Group Thanet
New Horizons

Consultation and Communication

4. (1) The consultation undertaken by KCC followed the 'Procedure for Consultation on the Modernisation / Variation or Closure of Establishments and Services provided and managed by Families and Social Care. In order to maximise stakeholder involvement the consultation was undertaken over a 16 week period from 7 June 2011 to 27 September 2011.

(2) 352 consultation packs were distributed to all stakeholders. The consultation pack contained:

- The proposal for the New Service Model
- A Consultation Questionnaire
- Copy of the presentation delivered at the consultation meetings.
- Timetable of consultation meetings and events.
- Better Days leaflet - setting out the principles and aims of the Good Day Programme

The consultation pack was also published on the kent.gov.uk website along with an on line version of the questionnaire.

(3) An independent Advocacy service was involved throughout the consultation period for all Service Users at Thanet DOS: offering a range of workshops, group meetings and individual 1:1 meetings. They supported Service Users to understand the proposals and to develop and express their viewpoint. Advocacy support was also available to family carers throughout the consultation; this was provided through a local charity.

Outcome of the consultation and issued raised.

(4) Of the 352 questionnaire distributed 115 questionnaires (33%) were returned from the following stakeholder groups:

Person with a learning disability	94 (79 through advocacy) (15 independently or with Carer support)
Family/Carer	17
Staff	2
Blank	1

In addition to feedback through the consultation questionnaire, further written comments were received from three Thanet DOS staff members and one other person from the local community.

(5) People have expressed mixed views to the consultation. Service Users were generally more positive towards the new service model. A summary of the main findings from Service Users and carers are shown below.

Service Users

- Many Service Users said they have positive experience of the community based projects, and see the change as a positive in their lives.
- People with a learning disability value their friendships, relationships and the support they receive from staff.
- They said they liked going out and about, meeting new people and going to different places
- Some individual comments were about the lack of sessions at the Day Centre, size of groups and being bored.
- There is comfort and safety in the familiarity and the environment of the day centre and there is a sense of loss associated with the thought of it closing.

Family carers

- Some carers have had a long association with Thanet DOS and understandably value the security and safety of the building.
- Carers thought that the proposal to move away from the Thanet DOS building may be based around the desire to make financial savings rather than improve the existing service.
- There is a sense that people accessing the service and family carers would rather 'things stay the same' as they are unsure of 'what the changes will look like' and 'what's going to be on offer'.

- There is a sense by some that the changes are being forced upon people rather than it being a collaborative process. In particular, some felt the decision had already been made and that they were powerless to stop it.
- Would transport still be available as part of the new service model.
- Family / carers highlighted the importance of the respite that day services provides for them and of having a base where people can meet together with their friends when they are not taking part in other activities.

Comprehensive details of the outcome of the consultation are attached in Appendix 2.

Financial Implications

Capital

5. (1) Capital funding of £400K for the new service model in Thanet will be provided through the GDP Capital Plan allocation as approved by Project Approval Group (PAG) and set out in the current KCC Medium Term Plan.

Revenue

(2) There is a commitment set out in the GDP strategy approved by Members to recycle the current revenue associated with Thanet DOS into the new service model. This will be incrementally transferred over time as in line with the phased implementation plan.

Legal Implications

6. (1) The public sector equality duty created by section 1 of the Equality Act 2000 came into force on 5 April 2011. The section provides that:

"An authority to which this section applies [which includes county councils] must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage"

(2) Section 149 of the Act provides that:

A public authority must, in the exercise of its functions, have due regard to the need to

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Attention is drawn to the equality duties. The county council may have formed a provisional view, but it is essential that the possibility that the consultation process may affect that view is acknowledged. The decision, when it is taken, should pay due regard to the equality impact assessment, and must relate whatever decision is made to that assessment and, if it is not following it, or if it is choosing not to accept the views of those consulted, it must record the reasons for doing so. A proper assessment of alternative proposals or of actions that could be taken to mitigate the effect of the new service model must be considered.

Equality Impact Assessments

7. (1) There is a requirement on all public bodies to comply with the 'due regard' duties. To take account of the impact of the decision to implement the new service model and consider practical measures that might lessen the impact on existing and new service users. The consideration of equality issues must inform the decisions reached. The impact assessment can assist in ensuring that the decision-maker comes to a decision with reference to 'due regard' and is able to do so in a considered and informed manner.

(2) In line with equality duty and KCC's Equality Impact Assessment Policy, an assessment was carried out during the formation stage of the new service model. The impact assessment was later revised when the consultation closed and following the analysis of the consultation response to address issues that arose during the formal consultation process. The Equality Impact Assessment (EIA) for Thanet Learning Disability Day Services is in addition to the overarching Good Day Programme EIA.

(3) It is recognised within the equality impact assessment that we will need to make sure accessibility of all new venues has been assessed and new facilities developed through GDP capital funding meet the requirements of the Disability Discrimination Act and inclusive Access.

(4) That full Adult Changing Facilities are placed in a variety of buildings to increase accessibility for individuals with a learning disability and the wider community. Designated rooms are also available within identified community buildings to provide an area to maintain privacy and dignity for those requiring additional support.

(5) In addition to this a comprehensive specification detailing all requirements will be adhered to when identifying all potential community buildings. The specification was drawn up with a variety of stakeholders, including people with a learning disability.

(6) It is considered that other specific groups with protected characteristics (based on gender, ethnicity, religion or belief and sexual orientation) will not be disadvantaged by the changes.

(7) The equality impact assessment will be included within the implementation plan with further screening taking place and the assessment updated as appropriate throughout the project.

Sustainability Implications

8. (1) The new model for future services is based on personalisation, with everyone having choice and control over the shape of their support. This person centred approach by providing people with what they want; people will choose to continue to be supported through the new model. From the results of the consultation there is a strong sense of valuing the staff team therefore also ensuring long term sustainability of the service.

(2) The GDP capital investment in the development of sustainable community resources in partnership with the private, voluntary sector and social enterprise will also provide sustainability for the future. Along with making better use of the existing revenue by redirecting the revenue spent on the current building into personalised support and increased direct payments.

(3) It is important to note, evidence from “Valuing People Now” and other learning disability groups highlights that a lot of young people leaving school do not want to go to large traditional style building based services. This has meant that there are now fewer new people wanting Thanet Day Opportunities as their chosen service. As a result the number of people using the current service continues to fall. Therefore in its current form the service is not sustainable long term.

Alternatives and Options

Proposal from East Kent Mencap

9. (1) During the consultation period a suggested 3 Year Business Proposal was submitted from East Kent Mencap (EK Mencap) - a collaboration between EK Mencap and a selection of family carer representatives who are members of the Thanet DOS Carers Forum. The proposal put forward for consideration was to take over the running of the Day Service site based at Tivoli Road, Margate, Kent CT9 5SE (the Thanet DOS site).

(2) ***The EK Mencap proposal***

EK Mencap would seek to work with parents/carers and current and future partners and organisations, to develop a community resource that encompasses inclusion and best value with what people want and need.

The aim will be to provide a welcoming meeting place for all groups where person centred support is offered to individuals to offer a menu of community based activities, and build a community facility that will provide a centre that will develop strong partnerships and sustainable community networks that will:-

- *Provide a neutral/safe environment for people and their families to share views, concerns and experiences.*
- *Develop an Information Sharing Forum for organisations and support providers to come together to share information and good practise. Encouraging them to meet local needs. This would be an integrated resource serving the wider community*

- *Support people with learning disabilities to deliver training to raise awareness of needs of people with learning disabilities and how they would like to be treated e.g. to leisure centres, local police, mainstream schools, transport providers. Seek external funding to deliver these programs at a discounted price with the aim of developing future training sustainability.*
- *To offer shared space to other organisations*
- *The TDOS building offers excellent office facilities that would be desirable for businesses and organisations. We would seek to generate income to minimise running costs and improve value for money. This will also contribute to commissioning services to run to make the facility more sustainable.*

(3) It is not recommended to Members that the council proceed with the EK Mencap proposal for the following reasons:

- The EK Mencap Business proposal does not offer value for money.. The proposal is that approximately two thirds of the current Thanet DOS revenue budget (60% of the staff budget and the whole of the non-staff budget) be paid as direct payments with which people will pay to access the service.
- The EK Mencap business proposal does not include TUPE arrangements for the existing Thanet DOS staff team. Therefore it is likely some redundancy cost would be incurred by KCC.
- The proposal is based on the service being accessed by 50 people (54% of the current service users) and using EK Mencap's community support model: 1:5 support ration (1 member of staff to 5 Service users).

A service would still need to be provided for the remaining 46% of current service users with around a third of the existing revenue budget.

Taking into account the EK Mencap staff/service user ratio it is reasonable to assume a greater percentage of the remaining Service Users will be those with higher dependency needs, requiring a staff/Service User ratio of 1:3 or 1:1, and provided at a higher service cost. This would result in the remaining service not being met within the exiting budget and therefore incurring a substantial increase in revenue cost to deliver a service to the same number of people. As such the current proposal is not a comparable offer in terms of service provision, staff to service user ratio or value for money.

Response to the consultation

10. (1) Every Service User accessing Thanet DOS has provided some form of feedback on the proposal during the consultation process. As detailed earlier in section 4 of this report outcomes of the consultation questions have highlighted that Service Users are uncertain about changes and seek reassurance. At the same time they value the current range of activities available in the community and wish to increase community based activities for the future.

(2) Of the 352 stakeholders who received a consultation pack in total 33% gave their views. Only 15% (17) of Carer's gave their views and comments on the proposals during the consultation period. Some of these carers expressed anxieties about the loss of the Thanet DOS building. With 85% of Carer's not responding it is difficult to make an overall assessment. However some carers and Service Users have continually spoken of the value of the building.

(3) Financially, staff and carers have been reassured by the fact that cost saving is not the driver behind the proposal. Initial indications are that the revised community model is affordable within the existing revenue allocation. Set up costs in terms of equipping new venues will be incurred and further capital will need to be invested in order to secure appropriate community facilities. The model is financially viable and crucially it enables KCC to redirect resources away from outdated buildings towards the front line.

(4) The overall main concern by far for people with a learning disability and their carers is that they value their friendships. As a result of this we will ensure that this is given priority within individual support plans so that friendships are maintained and developed. The new service model will incorporate the scheduling of regular social events. In addition a "Pick & Mix" approach to activities will be considered so that long term friendships can be maintained and flexibility promoted.

(5) People were concerned that transport may not be available as part of the new service model. Therefore we will work with individuals, offer travel training and the opportunity to use public transport or even walk to their activity, valuing the flexibility and independence this offers. However, some have said they do not wish to use public transport and value the convenience afforded by the Thanet DOS transport. In line with current and future KCC transport policy, transport will be provided within the new service model to those people who are eligible. We will also reconsider the suitability of the vehicles to maximise flexibility of transport within the new service model.

(6) The Thanet DOS building has been a key feature in responses throughout the consultation. It is important that we consider options for the building as a result of this. In terms of it's location the building is situated well in relation to the town centre, but it as it stands the building is very outdated, providing a segregated service and therefore not suitable for future needs. However, there is a possibility with its location to the town centre that the building it could be part of the new service model as one of the selection of local community hubs available. With this in mind the commissioning of a feasibility study to ascertain the viability of this in both capital and revenue would be appropriate in terms of identifying options for future use of the building.

In summary:

(7) Kent County Council's (KCC) modernisation of Day Services for Adults with Learning Disabilities is an integral part of the transformation towards more personalised services reflecting the vision and strategy contained within "Valuing People Now"

(8) Where we have implemented community based services in other parts of the county people with a learning disability have valued the new opportunities, embraced the range of choices and felt part of their local communities.

(9) The advocacy input to all Service Users about the new service model has enabled KCC to be satisfied that increasing the range of community activities is something that all Service Users have requested. However they have also made it clear that change and the need for reassurance is crucial when implementing the new model. A high percentage of individuals have attended Thanet DOS for many years and have expressed concerns about the changes. It is therefore crucial that the new service model will be implemented on a phased basis. The re configured service will be planned carefully with some parallel running of both new and old.

(10) The EK Mencap proposal is not recommended as a way forward as outlined in this report.

(11) The future of the Thanet DOS building has been raised in all of the consultation feedback and because of this we must consider the residual use of the building as a potential Community Hub.

Recommendations

12. (1) Following consideration and endorsement at the Adult Social Care and Public Health Policy Overview and Scrutiny Committee 10 November 2011, the Cabinet Member for Adult Social Care and Public Health is asked to:

- a) CONSIDER the feedback gained during consultation noting that the new service model will be introduced on a phased basis.
- b) APPROVE:
 - (i) the development of new resources within Thanet to be known as Community Hubs, which when fully developed and used to the satisfaction of service users will eventually lead to the closure of the segregated service currently run in the Thanet DOS building.
 - (ii) the implementation of the new service model for learning disability day services within the Thanet District, as outlined in this report.
 - (iii) the commissioning of a feasibility study on the Thanet DOS building and site to ascertain the viability of both capital and revenue investment in terms of using the building as part of the future new service model.

Appendices:

Appendix 1: Thanet Learning Disabilities Day Services – New Service Model

Appendix 2: Detailed responses received throughout the consultation

Background Documents:

- Better Days for people with learning disabilities in Kent.
- Thanet LD Day Services New Service Model Equality Impact Assessment

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