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**To** Social Care & Public Health Cabinet Committee – 14 September 2012

**Subject:** **OUTCOME OF FORMAL CONSULTATION ON OUTSOURCING, FIVE LEARNING DISABILITY GROUP BASED DAY ACTIVITY SERVICES TO ANOTHER ORGANISATION – Decision No 12/01880.**

**Classification:** Unrestricted

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**Summary:** Following the “What Makes a Good Day” consultation in 2008, a decision was taken to improve services for people with learning disabilities during the day, evening and weekends.

The Good Day Programme (GDP) was set up to provide a countywide framework and support for local programmes of change to improve services.

In March 2012 the Cabinet Member for Adult Social Care and Public Health agreed to consult on outsourcing the following Learning Disability Day Services that have the potential to develop into independent community based services, providing training and employment opportunities:

1. Freeways Catering Services,
2. The Check In Café and Nolan’s Table Café
3. Wood n Ware
4. Wood and Leather Craft
5. Hadlow Pottery.

This report presents the results of the consultation, considers its outcomes and the equality impact.

<b>Recommendations:</b>	<p>The Cabinet Member for Adult Social Care and Public Health will be asked to make a decision to implement the outsourcing of these five group based Learning Disability Day Services to external organisations.</p> <p>Members of the Social Care and Public Health Cabinet Committee are asked to consider and either endorse or make recommendations to the proposed decision to be taken by the Cabinet Member for Adult Social Care and Public Health.</p>
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## 1. Introduction

(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 local programmes 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) In March 2012 the Cabinet Member for Adult Social Care and Public Health granted approval to Learning Disability Services to consult on the outsourcing of five group based learning disability day services across Kent. These services are Freeways Catering Service, Nolans Table and The Check In Cafés, Wood n Ware, Wood and Leather craft and Hadlow Pottery. The services currently deliver group activities that offer individuals training and preparation for work through producing goods that generate income. They have been identified as ones that potentially could be outsourced to an external provider to develop into independent community based services.

(4) In line with "Valuing People Now", KCC's "Active Lives" and "Bold Steps" outsourcing these 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 outsourcing the services are to develop services which will:

- Get the right balance between social and business outcomes
- Offer more employment and greater training opportunities (including accredited training).
- If the services were to be run by another organisation they would be able to access a range of funding opportunities.
- Individuals would be able to use their Direct Payment
- Offer opportunities to register Expressions of Interest under the Community Right to Challenge.

(5) The proposal would agree a service specification and a procurement exercise will commence whereby external organisations and KCC staff will be able to tender to provide and develop the group activities into independent community based services. It will be a requirement of the specification that KCC staff who currently work in the group activity day services may transfer to the new provider in line with the TUPE regulations.

(6) The consultation on four of the group based learning disability day services ran in parallel with the consultation on the proposal for Restructuring Learning Disability Day Services LD & MH Division. The exception was Hadlow Pottery as this service does not operate with KCC staff, a self employed sessional worker is currently commissioned to provide these activities.

**Further information on the proposal to outsource the services are detailed in the consultation documents Appendix 1**

(7) The Council is required to undertake a consultation with Service Users and all 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 decision. The purpose of this report is to provide the results and outcomes of the consultation. It also considers if there is any impact on equalities.

(8) Consultation on outsourcing the five learning disability group based service was undertaken between 26<sup>th</sup> March 2012 - 25<sup>th</sup> June 2012 and 23<sup>rd</sup> May – 22<sup>nd</sup> August 2012 for Hadlow Pottery (12 weeks). The decision in relation to the outsourcing of these services was included in the Forward Plan in March 2012 covering the period 1 April 2012 to 30<sup>th</sup> September 2012.

(9) The consultation was carried out to:

- (i) Inform people about the detail of the proposals to outsource Freeways Catering Service, Nolan's Table and The Check In Cafés, Wood n Ware, Wood and Leather Craft and Hadlow Pottery.
- (ii) To invite the views and comments of service users, their family/carers, staff and other relevant stakeholders who have an interest in the service.

(10) Consultation has been extensive and involved service users, family/ carers, staff, trade unions, advocacy, District Partnership Groups, community partners, Parish Councillors and KCC Members in a series of consultation meetings and events.

(11) Following the formal consultation period, a provider engagement event was held to gain feedback on the proposals from external organisations. This event was held on the 1<sup>st</sup> August 2012. Delegates from a range of organisations across the South East attended the event and provided verbal and written feedback.

## **2. Policy Context**

### **(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 principles 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

### 3. Overview of the current services

(1) The table below provides an overview of each service

Name of service	Location	Description Of service	Activity	Number of staff (FTE)
1. Freeways Catering Service (Freeways)	Gravesend	Freeways provides catering training and experience to adults with learning disabilities. Freeways uses the commercial kitchen and dining room within Gravesend Social Education Centre. Meals, snacks and refreshments are sold to; people with learning disabilities who attend the centre, staff, external groups using the building and members of the general public who are involved in a community allotment project within the grounds of the building.	12 places a day	2 (1.54 FTE).
2. Nolan's Table Café and The Check In Café	Maidstone	The cafés are part of Maidstone Learning Disability Day Services providing catering training and experience to adults with learning disabilities. Nolan's Table Café is based in Marsham Street community building and The Check In Café is based within Trinity Foyer, also a community building. Both cafés sell meals, snacks and refreshments to the general public.	7 places a day	2 (2FTE)
3. Wood n Ware	Ashford	Wood n Ware operates from an industrial unit and it is part of Ashford Learning Disability Day Services. Wood n Ware make wooden garden furniture and garden items. Goods are sold to the general public.	11 places a day	3 (3 FTE)
4. Wood and Leather Craft	Margate	Wood Craft is based within Thanet Day Opportunities Service in Margate. The service is provided 3 days a	12 places a day	2 (1.5 FTE)

		week and makes bespoke wood furniture to order. Leather Craft operates from the Pharmacy Gallery in Margate Town 2 days a week, making and selling a variety of small leather goods.		
5. Hadlow Pottery	Hadlow College	The pottery operates from the Hadlow College site. Currently open 3 days per week with pottery goods sold to the general public.	10 places a day	1 (0.56 FTE) (self employed, non KCC)

#### 4. Consultation and Communication

(1) As detailed in 1.(8), in order to maximise stakeholder involvement the consultations were undertaken over 12 week periods, using KCC's 'Procedure for Consultation on the Modernisation/Variation or Closure of Establishments and Services provided and managed by Families and Social Care'

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

- A document outlining the consultation proposal
- Timetable of consultation meetings and events

(3) At the stakeholder consultation meetings, people were given:

- Better Days leaflet – setting out the principles and aims of the Good Day Programme
- A copy of the full presentation explaining the proposal
- Timetable of consultation meetings and events
- Information on how and where to make comments about the proposal.

(4) The consultation pack was also published on the [kent.gov.uk](http://kent.gov.uk) website.

(5) An independent advocacy service was involved throughout the consultation period for all service users attending the five services; 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 view point.

(6) Formal staff consultation on four out of the five group based activity services is part of the consultation on the proposal for Restructuring Learning Disability Day Services LD & MH Division. Any feedback from staff affected within the group based activity services will be reported through the consultation outcomes and findings on the proposal for Restructuring Learning Disability Day Services LD & MH Division.

(7) The KCC staff and self employed staff (Hadlow Pottery) currently working in the five group based day services have been provided with information advice and guidance on the Localism Act 2011 – Community Right to Challenge. They have also been given the opportunity to meet with the appropriate KCC Officers within Policy & Strategic relationships, Business Strategy to discuss their position and any questions they have in relation to Right to Challenge.

### Outcome of the consultation and issues raised.

(8) Feedback was gained from the following stakeholders groups:

Freeways = **A**

Check In Café = **B**

Nolan's Café = **C**

Wood n Ware = **D**

Wood & Leather Craft = **E**

Hadlow Pottery = **F**

	<b>A</b>	<b>B &amp; C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>Total</b>
Person with a learning disability through advocacy	12	6	19	19	24	<b>80</b>
Family/Carer	12	5	14	12	21	<b>64</b>
KCC Members/Local Councillors	2	1	2	1	3	<b>9</b>
Feedback from DPG	0	0	1	1	0	<b>2</b>
Other Stakeholders	0	1	0	1	0	<b>2</b>
<b>Total</b>	<b>26</b>	<b>13</b>	<b>36</b>	<b>34</b>	<b>48</b>	

(9) People have expressed mixed views within the consultation. A summary of the main points raised are shown below:

### Service Users

- Most people felt that getting paid for the work they do is important to them and others felt that the service would be better if equipment and facilities were improved.
- Most people expressed their anxiety about the changes, however most could see that they might be able to do more things if the right company was found.
- Most people preferred to work with the same staff.
- There was a sense of concern about whether they would continue to have the same staff support, people wanted to meet new people before they started.
- People with a learning disability and their carers said that they value their friendships.

### Family Carers

- Many family carers were concerned about their son/daughter/sister/brother and their ability to cope with change.
- Some carers felt strongly about the need to pay people for the work they do in the cafés.
- Some carers confirmed their support for KCC wishing to see the services grow. However they wanted to be reassured that the additional 'pastoral care' would continue.
- Some carers were concerned about transport

- Some carers were interested in the benefits of transferring to another organisation and indicated the move towards the service being run outside of KCC could bring significant benefits
- There was a general view that any change is difficult for both service users and carers and this is causing anxiety. If the decision is to outsource the service then people want the process to move quickly.

### **KCC Members and Local Councillor Feedback**

- A local Councillor said that training and development would support people to develop as well as having a supported working environment.
- A local Councillor commented that the consultation was genuine and a positive step towards supporting people with learning disabilities to gain more opportunities
- A local Councillor wanted health and safety to be considered.
- One local Councillor felt that working in partnership with a range of organisations would aid development of the services.

### **Full detailed responses received from Service Users and all other stakeholders throughout consultation are attached in Appendix 2 & 3.**

(10) Some Family Carers and the self employed worker at Hadlow Pottery have registered an Expression of Interest to run Hadlow Pottery as an 'Independent Mutual'. They have been provided with the following information, advice and guidance on the Localism Act 2011 – Community Right to Challenge.

[http://www.kent.gov.uk/community\\_and\\_living/right\\_to\\_challenge.aspx](http://www.kent.gov.uk/community_and_living/right_to_challenge.aspx)  
<http://www.socialenterprise.org.uk/advice-support>

The group have also met with the Cabinet Member for Adult Social Care and Public Health to raise questions and express their views.

(11) In addition to the formal consultation and for KCC to ascertain the level of interest in the outsourcing of these services, a market sounding event was organised. The event was advertised on the south East Business Portal and took place on the 1<sup>st</sup> August 2012, with 55 delegates attending. Organisations were invited to give their views and comments on the proposals and asked how they could meet the right balance between, social and business outcomes; training and development opportunities; business and employment along with access to other income streams:

The event prompted many discussions and comments. Several organisations said that they could meet the outcomes required with many other organisations requesting further information.

### **Feedback from the provider engagement event is attached in Appendix 4**



## 5. Financial Implications

### Revenue

(1) The current annual costs of the services are detailed in the table below:

Service Name	Location	Supplies Services	Premises	Staff costs	Gross	Income	Net
Check In Cafe	Maidstone	£14,000	£4,300	£34,800	£53,100	-£19,000	£34,100
Freeways	Gravesend	£16,500	£2,500	£48,700	£67,700	-£21,400	£46,300
Nolans Table Cafe	Maidstone	£18,000	£3,750	£48,000	£69,750	-£26,400	£43,350
Wood n Ware	Ashford	£5,600	£20,000	£71,000	£96,600	-£6,500	£90,100
Wood and Leather Craft	Margate	£11,230	£13,200	£30,500	£54,930	-£700	£54,230
Hadlow Pottery	Hadlow Tonbridge	£1,900	£8,500	£22,000	£32,400	-£2,600	£29,800
Overall Total		£67,230	£52,250	£207,000	£326,480	-£76,600	<b>£249,880</b>

(2) Premises costs include rent (where applicable) and include a projection of utilities costs (these are paid by Corporate Landlord)

(3) Supplies and Services include raw materials to make goods (it should be noted that due to procurement rules these services are restricted in where goods can be purchased).

### Capital

(4) KCC will need to consider the equipment currently owned by the authority as Freeways, Nolan's Table Café and The Check in Café own a large selection of catering equipment. Wood n Ware, Wood and Leather Craft and Hadlow Pottery also own a variety of equipment, tools and stock. The value of this equipment is difficult to quantify.

## 6. Legal Implications

(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.

## **7. Equality Impact Assessments**

(1) There is a requirement on all public bodies to comply with the 'due regard' duties. The council must take into account the impact of the decision to implement a change to the services 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 proposal. The impact assessment is in the process of being revised now that formal consultation has ended and following the analysis of the consultation response to address issues that arose during the formal consultation process. The Equality Impact Assessment (EIA) for Restructure of Learning Disability In House Day Service Independent Community Based Services is in addition to the overarching Good Day Programme EIA which is reviewed periodically.

(3) It is recognised within the EIA that we will need to make sure accessibility of all new venues has been assessed; new facilities developed and local policies enhanced and ensure this meets the requirements of the Disability Discrimination Act and inclusive Access.

(4) 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, it is envisaged that the proposal is expected to improve the under representation of gender and ethnicity through re branding, marketing of the service and personalised, assessed support planning.

(5) 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.

## **8. Sustainability**

(1) The model for future services is based on personalisation, with everyone having choice and control over the shape of their support. This person centred approach provides people with choice to meet their assessed needs. From the results of the consultation there is a strong sense of valuing the staff team and the different activities carried out in these unique group activities and therefore service users will continue to exercise their choice in supporting these services longer term.

(2) Some of the current buildings that house these services are not financially viable and not fit for purpose. An external organisation may be able to offer a more suitable and therefore sustainable environment.

(3) The current services cannot be accessed with a Direct Payment. If the services are run by other organisations, more people could use their Direct Payments and therefore have the potential to increase activity which would develop and sustain the services.

## **9. Alternatives and Options**

(1) During the consultation period no additional alternatives or options were presented.

## **10. Response to the consultation**

(1) Overall feedback has not been conclusive either way in relation to whether people think the services should or should not be outsourced.

(2) People have however expressed a wish for the services to develop to include more training, employment and business opportunities and for the services to be accessed through a Direct Payment and to be considered through the 'Community Right to Challenge'. KCC would not be able to deliver these outcomes if the services remain In House.

(3) Every Service User accessing the services was offered the opportunity to comment on the proposals and almost all provided some form of feedback on the proposal during the consultation period. The outcomes of the consultation have highlighted that the majority of service users value the current range of activities available and wish to sustain and increase the availability of community based training and employment opportunities for the future.

(4) The advocacy input to all Service Users 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 and support is crucial when implementing any changes to services. It is therefore crucial that we listen to the concerns and ensure that changes are implemented sensitively. Any outsourcing of the services would need to be planned carefully with full involvement from service users and family carers wherever possible throughout the procurement and outsourcing process.

(5) Family Carer's and other stakeholders gave their views and comments on the proposals through attending a meeting or writing a letter/email during the consultation period. Some carers expressed anxieties about the loss of KCC providing these services. With any decision to outsource the services, thorough checks and safeguarding measures would need to be in place through a service specification and form part of the ongoing monitoring processes.

(6) Financially, staff and carers have been reassured by the fact that cost saving is not the driver behind the proposal. Although where there are opportunities we will look at value for money and efficiencies. The emphasis is to improve outcomes for the service and the people attending.

(7) Comments from people with a learning disability and their carers are that they value their friendships. Any decision will need to ensure that this is given priority within individual support plans and service specifications so that friendships are maintained.

(8) Other services (Princess Christians Farm and Yeoman's Ground Maintenance) through the Good Day Programme have been successfully outsourced and developed. During the consultation people valued the opportunity to see the success of these projects.

## **Recommendations**

**11.** (1) The Cabinet Member for Adult Social Care and Public Health will be asked to make a decision taking forward the proposal to implement the outsourcing of five group based Learning Disability Day Services (Freeways Catering Service, Nolan's Table Café, The Check In Café, Wood n Ware, Wood and Leather Craft and Hadlow Pottery) to external organisations.

(2) Members of the Social Care and Public Health Cabinet Committee are asked to consider and either endorse or make recommendations to the proposed decision to be taken by the Cabinet Member for Adult Social Care and Public Health.

*Appendices:*

Appendix 1: Consultation documents

1.1 – Independent Community Based Services

1.2 – Hadlow Pottery

Appendix 2: Reports from Advocacy service – with responses received from Service Users throughout the consultation.

2.1 – Independent Community Based Services

2.2 – Hadlow Pottery

Appendix 3: Responses received from stakeholders throughout the Consultation.

Appendix 4: Feedback from the provider engagement event

*Background Documents:*

- [Better Days for people with learning disabilities in Kent.](#)

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