

REASONS FOR REPORT RECOMMENDATIONS

1. The council would like to develop a wider range of options for individuals who require support to access day opportunities, such as further developing a wider range of commissioned services and supporting service users to access existing community facilities through greater use of direct payments and personal budgets, instead of directly providing care and support.
2. Traditional day services have been matched to individuals instead of individual packages of care tailored to meet personal preferences and lifestyle. Services are currently delivered in 4 community centres (Sembal House, Woolston Community Centre, Freemantle Community Centre and St Deny's Community Centre) and 4 satellite bases (Nutfield, TFSR, Stella Maris and Wooden reflections), with users being exclusively people with assessed and eligible social care needs. While some progress has been made in moving away from traditional building based services, the service currently offered does not make best use of existing available community assets and services, and does not encourage inclusion into the wider community.
3. The need to move towards more personalised forms of care, where individuals can exercise more choice and control over the support and services they access is a priority both locally and nationally. In concert with this, the requirement to offer direct payments to individuals is national policy. The council currently performs in the bottom three of all councils nationally around this performance indicator, with our take up rate of direct payments currently standing at only 6% compared to a national average of 21.03% (data taken from Ascot outcome (1c(2) 2013/2014). The policy direction and imperative to offer more personalised forms of care and in particular to offer direct payments continues to be a national driver as set out in the Care Act 2014 becoming a legislative requirement from April 2015.
4. There is significant evidence nationally that direct payments support people to have increased choice, control, flexibility and an improved quality of life. They can provide bespoke solutions for unique needs which then improve outcomes for individuals. Improved outcomes can have a cost benefit by reducing the need for other services. Direct Payments cannot be used to purchase council run services.
5. Whilst there is some alternative provision of day services of the required type and quality in Southampton, it is unlikely that this is able to meet all current and forecast demands. Service users currently accessing SDS have a range of differing levels of complexity of need and span a wide age range and it is not possible to tailor the existing service to meet everyone's individual needs and interests.
6. The longer term viability of SDS may be at threat if no changes are made. This is due to an expected increase in the uptake of direct payments and evidence of people using their direct payment to purchase less traditional, more creative care solutions such as employing personal assistants, paying for community based activities or supported holidays.

In the 14-18 years age group of those with a learning disability – who in the past may have been expected to access SDS when they become an adult – the uptake of direct payments has increased from 12% in 2009/10 to 32% in 2014/15 and this trend is expected to continue over the next few years, particularly in light of the right to request a personal budget and focus on more personalised services brought in by the Children & Families Act 2014 and the Care Act 2014.

7. The statutory requirement to consult with service users, their families and other stakeholders has been fulfilled and although the overwhelming response was to keep SDS open, their comments have helped to ensure that all relevant factors have been taken into consideration.
8. Evidence from discussion with service users, their families and carers and with experienced social care practitioners shows that the development of services for individuals with the highest needs and most challenging behaviour will take time. It will also be important that users and their carers are confident in and comfortable with these alternatives. A phased approach supports this period of transition. A full Equality and Safety Impact Assessment has been carried out to identify the potential impact and mitigation of these proposals on service users and their carers and is attached at appendix 2 for consideration.
9. Consultation undertaken with staff during the formal consultation period suggested a desire to restructure the service. The proposals within this report have been developed in conjunction with SDS staff and reflect their views that the service needs to be restructured to provide a sustainable and desirable delivery model for the future.
10. If the proposals are agreed there will be full consultation with affected staff on the future structure and staffing model. Officers will also ensure that the implementation of agreed proposals will be done in conjunction with the current work on the Community Asset Strategy, as the pilot phase focuses on Council owned community centres.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

11. The alternative option of keeping all services currently provided by SDS was considered and rejected for the reasons set out above.
12. The option of ceasing activity at all sites used by SDS was considered and rejected because there is recognition that further market development will be necessary to ensure that all service users can access appropriate services. In particular, it was recognised that those service users with the most complex and challenging needs, along with those service users who have been attending SDS services for a significant number of years, will require time and support to transition to alternative services, and that services for those service users with the highest needs are not currently widely available or with sufficient capacity to meet the likely needs of all of our existing service users.
13. The option of developing a social enterprise or other alternative delivery vehicle to provide the full range of services currently provided by SDS was considered and rejected because of the likely time it would take to develop an enterprise of the size and scale necessary. However, it was felt that this is an option that should be revisited in the future.

DETAIL (Including consultation carried out)

14. SDS is a collection of centre-based day services operating from four distinct community centres and four satellite buildings, catering to service users with different types and levels of need and based in four separate locations across the city:
 - Sembal House: a day service for adults with physical disabilities and mental health issues providing 134 sessions per week to 41 service users.
 - St Denys: a day service for adults with learning disabilities providing 257 sessions per week (building and community-based) to 55 service users.
 - Woolston Community Centre: a day service for adults with learning disabilities

and complex needs providing 281 sessions per week (building and community-based) to 55 service users.

- Freemantle: a day service for adults with learning disabilities providing 312 sessions per week (building and community-based) to 69 service users.
 - Nutfield operating 5 days a week with 44 clients receiving 140 sessions per week.
 - Wooden reflections operating 3 days a week with 13 people accessing 31 sessions per week.
 - TFSR (Tools for self-reliance) operating 2 days a week with 15 people accessing 31 sessions per week.
 - Stella Maris, operating 2 days a week with 27 people accessing 56 sessions.
15. The majority of SDS services are building based offering a range of activities such as arts and crafts, life skills and educational programmes and in some cases offering specialist therapy and services. All services provide transport and support for trips and activities in the community. The service is used predominantly by individuals with learning disabilities and internally provided day services have a high volume of individuals with more profound and multiple learning disabilities than individuals using external services.
16. In addition to SDS, the council commission a range of external services comprising over 39 different providers, of which 29 are locally based and offer the traditional building based options. Services include horticultural, farm, sport and skills based activities. Some services provide specialist support but few have buildings with the necessary adaptations and facilities to support individuals with higher support needs. This market will require further development to respond to an increasingly personalised purchasing approach.
17. An analysis of current SDS service users was conducted in May 2014, using three broad support bands:
- Band 1 – individuals requiring support on an average 12 clients to 1 staff member basis. Currently there are 143 clients in this banding.
 - Band 2 – individuals requiring occasional one to one support on a 6 to 1 basis for particular activities. Currently there are 48 clients in this banding.
 - Band 3 – individuals requiring regular 1 to 1 staffing to keep them safe and support them appropriately. Currently there are 23 clients in this banding.
18. The decision to consult on the future of SDS was based on the current cost of the service, the predicted future needs of service users and the national policy imperative to offer more personalised forms of care. Consideration was also given to the inflexibility of the current service model and responses to requests from service users and their families for increased options for day services.
19. Cabinet approved a public consultation on the future of SDS on 15 July 2014 and this ran from 24 July 2014 to 23 October 2014. During this time, the families and carers of SDS service users were invited to attend six meetings held at each SDS base across a 90 day period. This is a total of twenty four meetings across all of the SDS sites Meetings were held at Sembal house on 11 August 2014, 15 September and 13 October September 2014, at Freemantle Community Centre on 14 August, 11 September and 9 October 2014, at St Deny's on August, 22 September and 20 October 2014 and at Woolston Community Centre on 12 and 27 August, 24 September and 14 October 2014. These meetings were generally well attended and independent advocates were available to provide support. In addition, there were two public meetings held at the Civic Centre on 8 August 2014 and 22

October 2014. Information about the consultation was published on the council's website and was covered by the Daily Echo and BBC Radio Solent.

20. Copies of the notes taken at these meetings and all of the responses received are available in Members' rooms and these are summarised in Appendix 1.
21. A number of options for the future of SDS were presented during the consultation, reflecting the desire to move towards a wide range of more personalised services:
 - (a) for services at all centres to remain and service delivery to remain unchanged;
 - (b) for services at all centres to be discontinued with current service users being supported to access alternative commissioned provision;
 - (c) for users and their families to be offered a direct payment to be able to purchase their own form of day activity, for example, utilising a direct payment to purchase a season ticket for the football, or accessing existing leisure facilities; and
 - (d) for the service to be restructured so that those service users with lower needs could access existing provision (commissioned from external providers or through a direct payment) and those service users with the most complex needs would continue to be supported by SDS at a reduced number of sites.
22. Independent advocates worked separately with the service users of SDS and were able to record the views of 102 service users, where appropriate. These were generally very positive about their experiences of SDS provision. Many made reference to the value of the wide range of activities that SDS offer and the personal value they gain from spending time with friends who also receive support from SDS. Of the responses gained with the help of advocates 15 individuals (15%) agreed that the council should look at different ways of meeting the needs of people who use SDS. 8 individuals (8%) gave no reply or said that they did not mind. The remaining individuals (79 or 77%) felt that the council should not make any changes to the provision of day services in Southampton.
23. Assessments of need will be carried out with all service users of SDS and the options for future care and support will be considered. This will include considering the suitability of utilising direct payments to purchase individually tailored forms of day opportunities, accessing one of the council other commissioned day services providers or continuing to use the restructured SDS service. The assessment will set the expected care needs and it is likely that for users with higher level (band 3) needs, some form of building based service will still be required. The councils current externally commissioned provision would not be able to accommodate those service users with the highest level of need (band 3) and it is likely that due to the severity and complexity of their needs that accessing existing community provision would also not be appropriate.
24. Day service provision is not subject to regulation or inspection by the Care Quality Commission (CQC). Where services are externally commissioned, quality and evidence of how quality will be delivered and measured is a key part of the tendering process. The council's Integrated Commissioning Unit has a dedicated provider quality unit, which carries out separate checks and responds to complaints about poor quality provision in Southampton. The internal team can set expectations for improvements to services and can act to withdraw funding for providers that consistently fail to achieve acceptable standards. A challenge for all councils when increasing the take up of direct payments is that the statutory duty to ensure quality and to safeguard vulnerable adults is retained but control over what services are accessed and particularly what quality safeguards are in place for those services is up to the service user and/or their carer. A facet of a more personalised system is the acceptance that adults with the mental capacity to do so

are allowed to make choices with which the council or their families may not always agree.

25. In order to reduce reliance on more traditional building based forms of care, the development of a clear, easily accessible and attractive direct payment process is a key dependency. As previously noted, the council has not been performing well in the take up of direct payments, and as part of the consultation specific meetings were arranged to give families and carers a clearer understanding of direct payments and the potential benefits of alternative forms of day care. Alongside this work, a project is being undertaken with users, carers and partners to redesign our direct payment system.
26. As a result of central government's policies on deficit reduction, the public sector as a whole is experiencing a continued period of expenditure restraint. Within this environment, as a sector, local government is experiencing a greater proportion of the reduction in funding when compared with Health, Education and Police. This national picture is reflected locally, as the council continues to experience a significant decrease in government grant funding. It is against this background and the need for a further reduction in expenditure that this decision is being made. At the time of writing, the council has a budget gap of £4.3m for 2015/16, which is forecast to increase to £54.2m for the three years from 2015/16 to 2017/18. The Health and Adult Social Care Portfolio currently represents 33% of the council's Net Portfolio General Fund budget.
27. Spending in this area is subject to demand-led pressures associated with the provision of social care, which stem largely from demographic trends, including an ageing population and people having increasingly complex care needs.
28. Overall expenditure on internal day provision is £1.8M per annum, this equates to a weekly expenditure of £35,500, based on a 52 week schedule, although some services close over key holiday periods (summer and Christmas). Over 70% of expenditure is directed towards clients with learning disability, who form over 50% of the client population.
29. The remaining budget for SDS services will be used to fund the structure and costs required to maintain two building based services at Sembal House and Woolston. The changes required to the establishment will be subject to full consultation with staff and unions. A budget will also remain to fund the cost of re-provision for eligible clients that no longer attend SDS. It is envisaged that the cost of re-provision will be in the range of £140,000 to £450,000 per annum. This range is subject to full reviews of client needs being undertaken. In the short term this figure would reduce if applied predominantly to clients with learning disabilities, where the re-provision cost are currently higher. It is anticipated that the cost of re-provisioning for these clients will decrease as market development work begins to impact on developing wider alternatives and improving quality and price.
30. There are 57 staff (49.09 fte) across all SDS sites with a further 27 staff (15.3 fte) working on zero hour contracts. Staff on zero hour contracts may have employment rights due to length of service. The staffing structure in SDS is currently top heavy, with 4 layers of management across the service. The funded establishment includes a budget for staff working on zero hour contracts. Whilst there has been additional use of additional support workers within the centres this has previously been managed within the existing budgets. SDS regularly spend an average of £25K per month on zero hours contract workers.
31. Analysis of the market place shows that in addition to SDS there are currently 112

people (adults) accessing day services commissioned from external providers.

32. A wider review of day services, including those commissioned from external providers had commenced at the time the decision to consult on the future of internal day services was made and this has continued. The review sought to address:
 - approaches that enable individuals to be active participants in their local communities, seek employment and education opportunities;
 - services that are cost effective and efficient; and
 - support to carers.
33. Further work is required to inform the design and development of services for the emerging populations over the next 5-10 years who are choosing different options.
34. Retaining 2 SDS bases and restructuring the service does not impact on individuals' eligibility for support to meet their social care needs. The current criteria under the Fair Access to Care Services (FACS) scheme or, from 1 April 2015, under the Care and Support (Eligibility Criteria) Regulations 2014 will be applied and individuals with eligible needs that are best met through accessing a day service will be supported in the council's remaining restructured service or through a private or independent provider.

RESOURCE IMPLICATIONS

Capital/Revenue

35. The budget report presented to Cabinet on 16th July 2014 identified that a review of the Council's provider services would be undertaken. This review and associated consultation has now been completed. It is now anticipated that the proposed restructure of Southampton Day Services will achieve a minimum and maximum saving of £540,000 and £850,000 respectively for 2015/16 and minimum and maximum savings of £700,000 and £1,010,000 for 2016/17.
36. The budget for Southampton Day Services including the four Day Centres, (Sembal, Woolston, Freemantle and St Denys) and the four satellites, (Wooden Reflections, Tools for Self-Reliance, Stella Maris and Nutfield Nursery) is £1,840,000. The proposed reduction in bases by 1st April 2015 will save £990,000 on a recurring basis. In addition, as per the proposal in this report, an element of the saving from the reduction in bases will be required to fund the cost of reprovision for those eligible clients no longer attending SDS.
37. The cost of reprovision for the clients no longer attending SDS is difficult to quantify with certainty as detailed assessments of clients' needs has not yet taken place. However, the cost of reprovision can be expected to be within the range of £140,000 and £450,000 dependant on the outcome of the reviews. The level of likely saving in 2014/15 therefore could span across the range; £850,000 to £540,000.
38. For 2016/17 it is anticipated that further work in respect of market development and client reviews will be required. It is expected that this work, undertaken during 2015/16 will achieve a minimum of £160,000 additional saving in 2016/17. The current level of saving proposed in both 2015/16 and 2016/17 are realistic estimates. However should, after the client reviews are completed, it be identified that a further saving has been made this will be subject to another saving proposal.
39. Consultation with staff employed at SDS will commence in January 2015 with a view to minimising or avoiding compulsory redundancies and restructuring the

existing service. There are currently 49.09fte posts within the funded establishment of which 5.64fte are vacant. This proposal could affect 57 people that could be subject to compulsory redundancy should alternative suitable employment not be found within the Council. In addition there are 27 staff currently working on zero hours contracts. It is anticipated that vacancies within People Directorate will help in the reduction of the number of compulsory redundancies arising from this proposal. The cost of any redundancies will be picked up within a central provision.

Property/Other

40.

Adult day services are provided from 4 main sites, with 4 additional locations used to offer specific elements of the service. Of the 4 main sites, 3 are cost neutral and available through a lease agreement with the relevant Community Association. The fourth site is owned by SCC and provides accommodation to the City Care First team and one voluntary sector agency.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

41. When considering the recommendations and in particular the decision to cease delivery of SDS services at two existing centres and to restructure the remaining service the Council must take into account a number of factors, including:

The representations made during the consultation and any analysis of the consultation

The equality impact assessment bearing in mind its public sector equality duties as well as all other relevant information.

The effect on individual health, lives and well-being of service users and their carer's in having to use alternative day services or other models of delivery , particularly individuals who regularly use the day services

Consideration of any duty under the Human Rights Act 1998 so as not to act incompatibly with the rights under the European Convention for the Protection of Fundamental Rights and freedoms ("the Convention"). The Council will need to consider whether the proposed closure is likely to breach any of the service users rights e.g. Article 2 the right to life, Article 3 the right not to be subjected to torture or inhuman or degrading treatment and Article 8 the right to respect for a person's family life and their home. If this decision is likely to breach the convention the Council will need to examine any particular facts and determine if such a breach is justified and proportionate. The Council can though take into account general economic and policy factors which have led the Council to conclude that the home should be closed. This though must be balanced against the impact on the service users.

The Care Act 2014 requires local authorities to prepare for implementation of the Act in April 2015 and April 2016. The recommended option of moving to a more personalised service approach would support greater compliance with the Care Act.

The Act though places various duties and responsibilities on Local Authorities about commissioning appropriate services. In particular all Local Authority should encourage a wide range of service provision to ensure that people have a choice of appropriate services, local authorities must ensure their commissioning practices and the services delivered on their behalf comply with the requirements of the Equality Act 2010 and should encourage services that respond to the fluctuations and Changes in people's care and support needs.

The Care Act also places duties on Local Authority to carry out an assessment of any carers needs. This can include participation in education, training and recreation.

The Council has a number of statutory duties and powers to individuals under various pieces of legislation to assess individual needs and then to provide appropriate care, support and accommodation for the eligible needs.

The Care Act 2014 provides an updated legal framework for care and support and introduces a number of new rights, responsibilities and processes. All Local Authorities are now in the transition phase with parts of the Act coming into force in April 2015. When carrying out new assessment or when re-assessing individuals, the needs assessment must be carried out in line with the Care Act 2014. It would also be best practice when assessing the impact on carer's to ensure this is done in compliance with the 2014 Act.

Other Legal Implications:

42. If service users are moved from SDS services against their will, this is likely to constitute a prima facie breach of their rights under Article 8(1) the Council need to consider whether this breach can be justified as above.

In addition if any service user is subject to restraints that amount to a deprivation of liberty and no less restrictive options are available to meet that persons needs any planned move from the unit must be lawfully authorised either by the Deprivation of Liberty safeguards or by an order of the Court of Protection, whichever would be most appropriate.

There is a legal requirement to consult with staff where redundancies are contemplated. The 45 day consultation referred to earlier in this report will meet this requirement.

POLICY FRAMEWORK IMPLICATIONS

43. These proposals are aligned to the Community Asset Strategy and following priorities set out in the Council Strategy 2014 -2017:
- Prevention and early intervention.
 - Protecting vulnerable people.
 - A sustainable Council.
 - Officers will also ensure that the implementation of agreed proposals will be done in conjunction with the current work on the Community Asset Strategy, as the pilot phase focuses on Council owned community centres

KEY DECISION?

Yes

WARDS/COMMUNITIES AFFECTED: ALL

SUPPORTING DOCUMENTATION

Appendices

1. Summary of Consultation Responses
2. Equality and Safety Impact Assessment

Documents In Members' Rooms

1. Record of all the Consultation Responses Received

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out? Yes

Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1. ADULT SOCIAL CARE PROVIDER SERVICE; CABINET REPORT DATED 15 TH JULY 2014 (SEEKING APPROVAL FOR A PUBLIC CONSULTATION ON THE FUTURE OF WOODSIDE LODGE)	