

CABINET	AGENDA ITEM No.5
15 DECEMBER 2014	

Cabinet Member(s) responsible:	Cllr Wayne Fitzgerald, Cabinet Member for Adult Social Care	
Contact Officer(s):	Wendi Ogle-Welbourn, Director of Communities	Tel. 01733 863749

TRANSFORMING DAY OPPORTUNITIES FOR ADULTS UNDER 65

RECOMMENDATIONS	
FROM : The Cabinet Member for Adult Social Care	Deadline date :
<p>It is recommended that Cabinet agree:</p> <ol style="list-style-type: none"> 1. To an open tender for the delivery of day opportunities for under 65s which are currently provided by the council; 2. To provide a service for people with complex needs at Kingfisher Day Centre and have a micro enterprise situated within it; 3. Provision of community based satellite centres to provide independent living skills, employment and social opportunities; 4. For the 2015/16 budget to be amended to reflect the savings arising from the redesigned services; 5. A further period of consultation on the new proposed model of delivery. 	

1. ORIGIN OF REPORT

- 1.1 In the Medium Term Financial Strategy (MTFS) signed off by Council in March 2013 it was agreed that greater emphasis should be placed on supporting adults to maintain their independence for as long as possible, including, where possible, enabling them to stay living in their own homes, and for them to play a bigger part in the community in which they live.
- 1.2 A review of current day opportunities for people with learning and physical disabilities provided by the council was commissioned to understand if they were meeting people's needs or could be offered differently and improved.
- 1.3 Cabinet received reports on this subject in December 2013 and then again in March 2014¹ where it was agreed that future options should be considered in consultation with stakeholders, with a recommendation being brought back to Cabinet for consideration and implementation. The agreed model of service and the delivery vehicle would subsequently be subject to consultation with stakeholders.
- 1.4 In March 2014, Cabinet concluded that the current day service model was not compatible with personalisation and did not support individuals to maximise

¹ *Cabinet Paper – Transforming Day Opportunities for Adults under 65 – December 2013 –*
<http://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=116&Mid=3126&Ver=4>
Cabinet Paper – Transforming Day Opportunities for Adults under 65 – March 2014 –
<http://democracy.peterborough.gov.uk/ieListDocumetns.aspx?CId=116&id=3131&Ver=4>

opportunities for independence. Cabinet requested a proposal that took the following factors into consideration:

- To reinvest in support that prevents people from needing long term support from Adult Social Care.
- To help people to maintain independence in the community through greater use of personal assistants and the employment of enablement and reablement strategies
- To re-focus investment in more reablement and transitional support to help people gain employment and skills for living.
- To redesign an existing in house day opportunity model that employs staff, carers and users in its ongoing design and delivery.
- To create up to four community satellite facilities, enabling service users to access services without the need for lengthy journeys. Locations where they can meet others and access the local community that contain assisted bathing/showering and changing facilities, provide areas to develop independent living skills and have communal areas to socialise.
- To provide a building based service for service users with profound and complex needs which would be community based and provided in a mixed environment alongside service users with less complex needs to maximise integration.
- To strengthen the employment offer and develop micro-enterprises businesses to support people into paid employment.
- To redesign the independent sector day opportunities by working with local providers in transforming the day opportunities offer across Peterborough.
- To support people with physical disabilities into more community based activities through greater use of personal assistants through direct payments.

2. PURPOSE AND REASON FOR REPORT

- 2.1 The purpose of this report is to seek agreement for the recommended changes to day services for adults under 65 provided by the council, as set out on page one of this report.

3. TIMESCALE

Is this a major policy item/statutory plan?	NO	If yes, date for relevant Cabinet meeting	
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4. BACKGROUND

- 4.1 In March 2014, Cabinet concluded that the day opportunities model currently offered by the council did not meet all the needs of local people and requested a proposal that invested in preventing people from needing long term support from adult social care. In addition, it should help people maintain their independence in the community and invest in helping people gain employment and skills for living.
- 4.2 The council currently runs five centres. Fletton Day Centre and Kingfisher Day Centre are traditional day centres that operate principally around leisure based activities. The other three centres that provide support around employment opportunities are 1-2 Westcombe Square, 441 Lincoln Road and 49 Lincoln Road. These centres support approximately 347 people and are open five days a week, typically between 9am and 4pm.

- 4.3 As this paper explains, the council is now looking to proceed with the development of a new way of delivering day opportunities for under 65s, which will support people to be as independent as possible in their own communities. In particular, it will look to support people to gain skills which will help them to gain employment, or skills which will support them to live independently. This new model should better support people to reach their full potential in life.
- 4.4 The model also aligns with national adult social care policy such as Our Health Our Care Our Say 2006, Putting People First 2007 the Valuing People 2009 and the new Care Act 2014. The main principle behind these policies and legislation is to put the individual at the center of their care and support plans, something many local authorities have already been doing.

5. PROPOSAL

5.1 The vision for day opportunities for adults under 65 is as follows:

- To transform day opportunities for adults by moving away from primarily a leisure based model to offer people greater independence, employment and ordinary living skills.
- To create employment related day opportunities for young people when they move into adult services.
- To target support using personal assistants where possible.

5.2 To deliver this vision it is recommended that we commission one provider to deliver these services. This will ensure seamless service delivery and economies of scale around back office functions such as management and administration.

5.3 The future proposal for each of the existing centres is as follows, including the creation of new community based satellite centres:

5.4 Kingfisher Day Centre, Bretton

We propose that the centre will continue to support people with complex needs. We would also propose that those adults with complex needs that currently use the Fletton Day Centre would move to the Kingfisher Day Centre. There will be a wider range of activities provided including the opportunity to develop employment related skills with the development of micro enterprises, such as the car wash scheme or catering company which offer people the chance to earn a living. This is to avoid a segregated service that only caters for people with complex needs.

There have been many benefits already achieved from operating micro enterprises. For example, there has been a reduction in the amount of intensive support received by some service users as issues related to their behaviour have reduced through meaningful employment activities and increased inclusion within their community.

Micro enterprises are small businesses which enable people with learning disabilities to achieve paid employment, vocational skills and work experience. There are 12 micro enterprises already operating under the current model in Peterborough.

5.5 Fletton Day Centre, Fletton

If Cabinet approves the proposals as they stand, people with complex needs would transfer from Fletton Day Centre to Kingfisher Day Centre from August 2015. It is

envisaged that the centre will continue to provide services for people with lesser needs until the new provider had developed its redesigned services. It will be up to the new provider to decide if they want to continue using Fletton as one of the satellite centres or acquire an improved site and location.

5.6 441 Lincoln Road, Westcombe Square and 49 Lincoln Road

These service will create employment related opportunities by:

- Developing new micro enterprises and building on existing enterprises such as Royce Rolls Catering, Westcombe Car Wash and Horticultural Activities. The aim is to establish businesses which will allow people to achieve paid employment, vocational skills and work experience.
- Working with organisations to support individuals to develop and run new and current micro enterprises by building on the successful launch of recent enterprises such as 49 Laundry Services and The Friendly Fruit Co.
- Offering voluntary placement with employers for work experience.

The goal is for people to be able to progress into unsupported employment.

The new provider may wish continue to provide these services from these locations or may decide to acquire improved sites with better facilities and access.

5.7 Investment in new community based satellite centres

The satellite centres will be fully equipped to provide assisted changing facilities including bathing/showering provision.

The main focus will be supporting people to move away from traditional leisure based activities towards services which promote greater independence. The types of opportunities that will be on offer include:

- Development of employment related skills and opportunities.
- Development of ordinary living and social skills.
- Friendship activities.
- Special interest activities such as sewing, arts and crafts.
- Health and wellbeing related learning sessions.
- Use as a platform to access local community opportunities and mainstream city wide activities.

This will be achieved by:

- Enabling people to access services locally without the need to undertake lengthy journeys from pick up points around the city.
- Using the centres as a base for people to meet others to improve social skills.
- Working closely with local area co-ordinators², personal assistants and volunteers to maximise local opportunities and access local resources so people can be more active within their communities.
- Linking individuals with communities including other people, activity groups, employment, volunteering and social events. Local area coordinators, personal assistants and volunteers will help people to build a circle of support to enable

² *Local Area Coordinators: A team of people that will be based in each community satellite locality with the aim to link people with disabilities with communities including individual people, activity groups, employment, volunteering and social events.*

them to be as independent as possible and access support from within their community.

- Enabling people to develop greater independence and ordinary living skills in a structured way. This will be delivered either through personal assistants or volunteers and where necessary through staff allocated to each satellite centre for focused activities around independent living skills.

5.8 What the new model offers and delivers

The new model will better support people to reach their full potential in life. It will look to support people to develop skills which will help them to gain employment, and/or skills which will support them to live independently. It will also support those people with complex needs with a more targeted approach to ensure that their needs are met.

People with less complex needs will be supported through a combination of employment related services, community satellite centres and where possible, with personal assistants.

Employment services will continue to offer employment related activities ranging from supported employment, voluntary work to paid employment. This will be offered to every person eligible to receive a service.

The ultimate aim of this investment will be to allow people to secure paid employment wherever possible.

5.9 How the new model was arrived at

The recommended new model of delivery has been developed with stakeholders. A design group made up of service users, family carers and staff was tasked with developing the new model following the Cabinet decision. Many issues raised by the design group were addressed and resolved, such as how to avoid a segregated service for people with complex needs and what innovative solutions could be considered to support people to gain employment.

Independent sector providers have also been fully involved in the design of the new delivery model. A provider conference was held in July 2014 inviting local, regional and national independent sector providers which helped shape the future model. This built upon extensive work already undertaken with stakeholders over the past 18 months.

There has been regular communication with people including responses to emails, Facebook postings and letters, as well as a progress newsletter for service users.

6. DELIVERY MODEL - OPTIONS CONSIDERED

- 6.1 **A)** One organisation that offers day opportunities and employment under one management structure. This would comprise of community satellite centres, a complex needs centre and employment and micro enterprises managed within one service.

6.2 **B)** More than one organisation to take responsibility and ownership for delivering services. This would comprise of community satellite centres, a complex needs centre and employment and micro enterprises delivered by different organisations.

6.3 **C)** Continue with the delivery of in-house provision.

7. RECOMMENDED DELIVERY MODEL

7.1 Based upon a benefits and risk evaluation scoring method³ the highest scoring was option A. This option would allow:

- better links between the different day opportunities and the employment offer
- a person centred approach that has no barriers across the services
- greater flexibility in resource and management of staff
- A more efficient model to manage and achieve economies of scale.

7.2 The delivery mechanism for this single organisational model would be to commission an external provider to develop and deliver current in house services through an open tender exercise.

7.3 **Note:**

One of the recommendations agreed by Cabinet in March was for the new model of delivery to involve service users, staff and carers in the governance and management of the organisation. This will be achieved by making this a contractual requirement within Option A. The successful organisation will be required to implement a structure that has stakeholder involvement at its heart. This will include agreeing where the satellite centres need to be sited.

8. ALTERNATIVE DELIVERY MODELS CONSIDERED

8.1 Other delivery vehicles and options were considered in providing an alternative to the current in house service, (excluding the option to do nothing) which is owned and staffed wholly by the council. All options have undergone a SWOT analysis and scoring methodology, which considers price and quality of service.

8.2 Once the scoring and analysis had been completed, a risk analysis for the top three options was completed. The options have then been ranked by their total weighted score. All options were ranked against the council's need to deliver a long-term, value for money service, which can best meet the needs of people and deliver the necessary outcomes of the recommended delivery model⁴.

8.3 The continuation of in-house services was not considered a viable option for a number of reasons. It could not achieve the level of savings desired and would be unable to take advantage of external grant funding opportunities afforded to the independent sector.

9. HUMAN RESOURCES

9.1 There are 62 (FTE) staff who will be affected by the proposals set out in this document. These staff will transfer to the new provider once it is appointed. Staff will be fully supported and consulted throughout the process in accordance with the council's policies and procedures.

³ Risk Scoring Service Delivery Model Appendix A

⁴ Summary of Options, Including Discounted Appendix B

- 9.2 The provisions of the Transfer of Undertakings (Protections of Employment) Regulations 2006 (TUPE) apply to a relevant business transfer where the transferor has a dedicated team of employees that carry out the service activity that is to be transferred. In practice, this will apply where any council service is outsourced or externalised. In such cases all employees essentially dedicated to the services within scope would transfer on existing terms and conditions and there would be no break in their continuity of service. A programme for informing staff and unions of the proposals is in place.

10. FINANCIAL IMPLICATIONS

- 10.1 The current cost of providing in house day opportunities and employment is £1,747,269. If agreed, the proposals would generate savings in the region of £292,453 in 2015/16. The new provider would be instructed to deliver this level of saving when redesigning the service. However, this saving will only be achieved following the contract award and mobilisation of the new service.
- 10.2 For any new provider who takes over the service, there will be a mobilisation period of up to six months when the new model and specification will be put in place in line with the terms and conditions the contract will set out. This means that any benefit expected to be realised from the model will not be fully delivered until the new model has been implemented post contract award, which could take up to six months.
- 10.3 Capital investment of up to £500,000 for community satellite locations or improvements to Kingfisher Day Centre and any other building the provider takes on will also be made available. The funding required has already been identified and allocated in the Adult Social Care Health & Wellbeing capital programme budget.
- 10.4 The council also commissions services from independent sector providers. The overall cost for these services is circa £1.2million. Through contract negotiations and better value for money in the independent sector there will be a further £307,547 saving achieved in 2015/16.
- 10.5 This brings the total savings across all day services to £600,000 per annum recurring.

11. PROCUREMENT

- 11.1 Discussions have taken place with procurement to ensure services can be successfully and legally transitioned to an alternative governance model. Further work will be undertaken on the proposals as they progress from the consultation exercise itself and these will be presented to Cabinet as part of a future report. An equality impact assessment has been completed⁵.

12. LEGAL

- 12.1 Legal advice has been sought to ensure that services in the alternative governance model can be legally transitioned.

Currently the council has a legal duty to provide section 29 National Assistance Act 1948 and section 2 of the Chronically Sick and Disabled Persons Act 1970 to provide facilities for occupational, social, cultural, educational and recreational activities but

5 Equality Impact Assessment Appendix C

these do not have to be provided in traditional day centres run by the Council. The alternative governance model would conform to the current duty.

- 12.2 The Care Act 2014 comes into force on 1 April 2015 and replaces the current legislation. The duty on the Council will be ensure that service users are met appropriately with a mixture of high quality services and the Council working with partners and outside providers to ensure that this happens.

13. CONSULTATION

13.1 Duty to consult

A principle of fairness applies to consultation on the new governance model proposals, both consultation required under section 138 of the Local Government and Public Involvement in Health Act 2009 and more generally, which operates as a set of rules of law. These rules are that:

- Consultation must be at a time when proposals are still at a formative stage;
- The proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response;
- Adequate time must be given for consideration and response; and
- The product of consultation must be conscientiously taken into account in finalising any statutory proposals.

Added to which are two further principles that allow for variation in the form of consultation which are:

- The degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting; and
- The demands of fairness are likely to be somewhat higher when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit.

13.2 Consultation activity

There has already been a comprehensive and extensive period of consultation and stakeholders including service users, family carers and staff have worked closely with the council to develop the proposed model.

To shape the wider independent market place for day opportunities, we met with the eight independent day opportunities providers that offer services for people with learning disabilities and physical disabilities. We also hosted a major market development event in July 2014.

Independent sector providers understand the new approach and many are already making changes to their service offer by supporting people into employment related services and offering support to develop people's independence. This engagement is further intended to support local day service providers, particularly small and medium size businesses, to understand the requirements of the subsequent tender exercise and what they would need to do now to prepare for it.

13.3 Additional consultation period

Subject to approval of the recommendations within this report, a further four week period of formal consultation will be required prior to any final decision by Cabinet. Events with service users, parents and carers, staff, providers, ward councillors and other key stakeholders have provisionally been organised for January 2015 should the proposal by Cabinet be agreed.

At the end of this consultation, when all the responses have been fully considered and any amendments made, final proposals will be made to Cabinet for approval in March 2015.

14. DISCRIMINATION AND EQUALITY

- 14.1 The council must consider and comply with the Equality Act 2010. Therefore it has considered the possible impact of the proposals and has carried out an equality impact assessment which has provided an analysis of all the potential effects and possible impacts on the relevant community. The conclusions of this assessment have been considered against the proposals in the Cabinet report and the proposed delivery model moving forward. The council is therefore seeking to ensure it complies with the act. Equality issues will also be considered prior to a final decision being taken.

15. PROPERTY

- 15.1 There will be changes to the property portfolio arising from the change of provider. Engagement is ongoing with the Councils Strategic Property Department and other Adult Social Care transformation work streams which will continue through implementation phase with the new provider.

16. BACKGROUND DOCUMENTS

- 16.1 The following was used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

Cabinet paper -Transforming Day Opportunities for Adults under 65 - December 2013 -
<http://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=116&MId=3126&Ver=4>

Cabinet paper - Transforming Day Opportunities for Adults Under 65 - March 2014 -
<http://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=116&MId=3131&Ver=4>

Consultation January 2014 to March 2014 Survey Response -
www.peterborough.gov.uk/ascreponses

Have your say on transforming day opportunities for adults under 65 consultation page and YouTube presentation -
http://www.peterborough.gov.uk/community_information/consultation_and_engagement/current_consultations/transforming_day_opportunities.aspx

APPENDICES

Appendix	Title
A	Risk scoring – service delivery model
B	Risk scoring – service delivery vehicle and summary of options, including discounted
C	Equality impact assessment

APPENDIX A

Risk scoring – service delivery model

100.0%	Project	One organisation that offers day opportunities and employment under one structure	Different organisations delivering separate services under separate lots
5.0%	Funding source	0.1	0.4
12.5%	Sustainability	0.5	1
2.5%	Member support	0.05	0.05
2.5%	Complexity	0.1	0.2
7.5%	Reputational risk	0.15	0.6
12.5%	Timescale	0.5	0.5
7.5%	Targets	0.3	0.6
17.5%	HR	2.8	2.8
2.5%	Policy	0.2	0.2
7.5%	Stakeholders	0.6	0.6
5.0%	Track record	0.4	0.4
17.5%	Outcomes	0.7	2.8
	TOTAL RISK SCORE	6.4	10.15

Total Score	0.0 - 3.9/12	4.0 – 7.9/12	8+/12
Level of Risk	Low	Medium	High

APPENDIX B

Risk scoring – service delivery vehicle

100.0%	Project	Maintain in-house provision with increased investment	Commission external provider to develop and deliver in house service (competitive tender)	Outsource of In house to PCC Setup of CIC (Social Enterprise) (Single Source)
5.0%	Funding source	0.20	0.20	0.20
12.5%	Sustainability	1.50	0.75	1.25
2.5%	Member support	0.15	0.10	0.05
2.5%	Complexity	0.10	0.25	0.35
7.5%	Reputational risk	0.60	0.60	0.45
12.5%	Timescale	0.50	0.75	1.50
7.5%	Targets	0.60	0.60	0.60
17.5%	HR	2.10	2.80	2.80
2.5%	Policy	0.10	0.10	0.10
7.5%	Stakeholders	0.60	0.90	0.60
5.0%	Track record	0.40	0.20	0.60
17.5%	Outcomes	2.80	1.40	2.10
	TOTAL RISK SCORE	9.65	8.65	10.60

Total Score	0.0 - 3.9/12	4.0 – 7.9/12	8+/12
Level of Risk	Low	Medium	High

Summary of options, including discounted.

Rank	Option	Potential saving	Risk	Price (60% weighting)	Quality (40% weighting)	Weighted score (100%)
1 st	Outsource open market	£292k	8.65/12	60%	70%	64%
2 nd	Outsource community interest company	£200k	10.60/12	50%	60%	54%
3 rd	Maintain in house	£160k	9.65/12	40%	60%	48%
4 th	Retain some in house service	£160k	N/A	40%	50%	44%
5 th	LA LOCO	£160k	N/A	40%	50%	44%
6 th	Joint venture	£160k	N/A	40%	40%	40%
7 th	Do nothing	£0	N/A	20%	30%	24%
8 th	Decommission in house service	£0	N/A	10%	3%	18%

APPENDIX C

Equality Impact Assessment:

Initial Assessment

Name: Transforming Day Opportunities for Adults under 65 – Changing In House Deliver Model

1). What is the aim of your policy, project or strategy/purpose of activity?

To propose a service delivery model and service delivery vehicle for the provision of person centred day opportunities for adults under 65 years old. The model will have up to four community satellites located across Peterborough and one complex needs service. The proposed model includes one service that offers day opportunities and employment under one structure. The proposed vehicle is to commission an external provider or providers to develop and deliver current in-house services (competitive tender)

2). Will your policy/project/strategy have a disproportionate effect on members of the equality groups below? (See Appendix A for further information):

Equality Group	(✓)	Is the effect Positive, Negative, Neutral or Unclear? Please comment where applicable
Particular age groups		<p>18 to 65 Adults (People using the service) Positive impact as service will move to be enabling and more person centred, creating more individualised opportunities with clear outcomes.</p> <p>Adults aged 16 and over (Staff) Neutral: due to recent local policy to recruit to vacancy via Short Term Contracts and agency the risk of redundancy is limited</p>
Disabled people		<p>Adults with a learning disability, physical disability and mental health under the age of 65 are the largest single group accessing adult social care day opportunity services and as such any changes may have an impact on them.</p> <p>Positive: The proposed service delivery model will have positive effects as services will be more person centred, inclusive and personalised and employment focused.</p> <p>Negative: The proposed service delivery model may mean some people are provided support in different ways/settings. If this was to occur then great care will be taken to ensure people are consulted and informed of any proposed changes, and appropriate</p>

		transitional support will be provided to manage any change. Neutral/Indirect More effective use of people's personal budgets will ensure people have greater choice and control over the services they purchase and receive. The new service delivery model will promote social inclusion, integration and better and more focussed outcomes through the opportunities this will present.
Married couples or those entered into a civil partnership		At the current time, neither a positive or negative impact is presented.
Pregnant women or women on maternity leave		At the current time, neither a positive or negative impact is presented.
Particular ethnic groups, including Gypsy and Travellers and new arrivals		At the current time, neither a positive or negative impact is presented.
Those of a particular religion or who hold a particular belief		At the current time, neither a positive or negative impact is presented.
Male/Female		Staff Neutral: the majority of staff are women however as the risk of redundancy is minimal there is a neutral impact to staff as a result of gender At the current time, neither a positive or negative impact is presented.
Those proposing to undergo, currently undergoing or who have undergone gender reassignment		At the current time, neither a positive or negative impact is presented.
Sexual orientation		At the current time, neither a positive or negative impact is presented.

If there are any negative or unclear affects, you are required to do a full EqIA.
Need for a full EqIA? Please circle: **No**

Date Initial EqIA completed:	2 Oct 2014
Assessment completed by:	Julie Bennett and Mubarak Darbar
Policy Review Date:	
Signed by Head of Service:	Paul Grubic