



<b>Report for:</b> <b>ACTION</b>
<b>Item Number:</b> <b>7</b>

<b>Contains Confidential or Exempt Information</b>	No
<b>Title</b>	Adults Consultation - Results of the Consultation on the Proposal to Close Carlton Road
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<b>For Consideration By</b>	Cabinet
<b>Date to be considered</b>	20 January 2015
<b>Implementation Date if Not Called In</b>	2 February 2015
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	Adults' Services, Budget, Efficiencies, Day Services, Learning Disabilities, Personalisation, Carlton Road
<b>Purpose of Report:</b>	
<p>The purpose of this report is to consider the outcome of the planned consultation with customers, carers and staff on proposals to re-provide the service delivered by the Carlton Road day centre for people with learning disabilities in order to deliver efficiencies as part of the Council's financial strategy.</p> <p>The proposal for consideration is to close the Carlton Road day centre and provide an alternative range of modern social care options to support all existing users who are eligible for Council support. This will be based on a needs assessment of current users and appraisal of the availability, capacity and suitability of alternative provision for those people assessed as being eligible for Council funded support.</p>	

## 1. Recommendations

That Cabinet:

- 1.1 Considers the results of the consultation set out in this report and the analysis of the impact of the proposal on the Council's equalities duties referred to in para 5.5, 11 and Appendix 3
- 1.2 Agrees the closure of the Carlton Road Day Centre and authorises the Director of Adults' Services to close the centre on a date determined by him.

## 2. Reason for decision and options considered

2.1 On 25 November 2014 Cabinet considered budget proposals relating to 2015/16 to 2018/19. Savings and efficiencies have been identified to enable the Council to manage the funding pressures which have arisen principally from reductions in Revenue Support Grant and spending pressures, including general inflationary pressures and levy costs. These pressures have contributed to a forecast overall funding gap of £96m and a savings target for this amount being required for the period 2015/16 to 2018/19.

All departments of the Council have been required to put forward proposals for savings .

In relation to Adults' Services the intention is to deliver efficiencies that:

- 2.1.1 Align with the priorities set out in the new Corporate Plan and focus on the efficient delivery of its statutory requirements
- 2.1.2 Continue to deliver Personalisation and the roll out of Individual Budgets

2.2 The delivery of social care via Personalisation and the use of Individual Budgets to meet social care needs is now embedded in Adult Social Care. The Council works in partnership with Care in Finance, Pendrals trust, Enable and David Howart Ltd (amongst others) to support individuals to purchase a wide range of services to meet their eligible needs using direct payments (cash budgets) and to ease pressures placed on family carers who support them . In addition the Council continues to manage the budgets of those who prefer not to use direct payments.

The resource directory and Care Place provide access for customers and carers to identify available services.

The Social Care Institute for Excellence publication 'Personalisation: a rough guide' <http://www.scie.org.uk/publications/guides/guide47/> highlights the impact of the Personalisation agenda nationally detailing the improved outcomes and increased satisfaction customers report, by the principle of independence being embedded in the care sector and the development of a more plural and creative market place.

2.3 The Council's Personalisation Commissioning Strategy [http://inside-ealing.lbe.gov.uk/services/departments/social\\_services/adults/Other\\_Information/](http://inside-ealing.lbe.gov.uk/services/departments/social_services/adults/Other_Information/) sets out plans to shift Council funding from direct service provision, and develop a wider and more diverse social care market. Modernising day services is a key element of this new approach, and the Council has had a long-standing strategy to offer customers personalised alternatives to council-managed building-based provision. Personalisation has become business as usual for Adults Social Services.

2.4 The Council's Property Strategy identifies that the building where Carlton Road is located forms part of the Council's corporate long-term property release programme. The programme aims to both reduce annual operating and maintenance costs to the Council overall; and importantly to realise capital receipts in order to reinvest in new service accommodation and other major building projects in the borough.

- 2.5 This proposal is an opportunity to further develop personalised and community based support in collaboration with customers and their families, providers and support planners in line with the national Think Local Act Personal initiative <http://www.thinklocalactpersonal.org.uk/>

## 2.6 Carlton Road

2.6.1 Carlton Road is a day service that provides support to people who have profound and multiple learning (and physical) disabilities and who are eligible for council funded social care. The service aims to provide meaningful day opportunities for people, by creating access to sports, leisure, social and community based projects.

The service supports people who require a high level of support with most activities of daily living. 22 people using the service are full time wheel chair users and require access to specialist equipment such as changing places toilets, hoists and fully accessible environments. The centre is located in a residential area of Acton. There is no geographical catchment area for the service and adults attend from across the borough using council managed transport.

2.6.2 32 people use Carlton Road regularly. 12 customers attend for 5 days per week; 3 customers attend for 4 days per week; 4 customers attend for 3 days per week; 8 customers attend for 2 days per week and 5 customers attend for 1 day per week. 100% of the centre users have been assessed as having either a 'critical' or 'substantial' need and therefore deemed eligible for ongoing support from Adult Services through an individual budget.

4 customers live in 24 hour supported accommodation (either residential care or supported living). If the proposal is accepted arrangements will be made by the care provider supported by care management to identify alternative day opportunities for these individuals.

Additionally, we are already in the process of identifying a placement for 2 individuals to move into in 24 hour accommodation due to a change in their family circumstances.

One customer has already been supported by their family to identify an alternative day opportunity programme and has moved to that service.

Therefore a total of 25 customers will require alternative provision.

28 users live at home with family carers. Of those 28 users 17 customers live with family carers who are aged over 65

- 2.7 The proposal for Cabinet to consider is to close Carlton Road day centre and for customers to be supported to use their individual budgets to purchase alternative support. People will be able to choose either a council-managed or cash-budget option and will be offered professional guidance and advice to develop their support plans, and arrange their services.
- 2.8 With an Individual budget people will have the opportunity to access a range of leisure and recreational activities. Individuals can choose to manage their own budget via a cash payment, to have their budget managed by the Council or to

have a mixture of these options. There are a growing number of support agencies who provide access to paid carers for an increasing number of people with disabilities. This proposal will generate savings by reducing revenue expenditure on the staffing and buildings and by sourcing support for customers in a more individual and cost-effective manner.

- 2.9 The Council's Disability Services have approximately 565 adult social care users who are already accessing a cash budget to purchase their own support – of which 157 have a learning disability. The closure of in house day services provokes a high level of anxiety and concern for customers and families and risks the breakdown of longstanding social relationships that customers have formed.

The Council has a robust system for collating concerns raised by customers. Since the previous closure of disability day services the Council has not received any complaints from customers in relation to their alternative services. In order to consider quality of life outcomes for customers, Ealing Council is commissioning a quality of life audit for those adults who were affected by previous day service closures to ensure that all possible lessons are learnt.

- 2.10 Ealing has a wide range of leisure and recreational opportunities that people can be supported to use. There are a number of private and voluntary organisations, which offer diverse activities and social opportunities – many of which are detailed in Adults' Services' online Resource and Information Directory and Care Place website. This proposal will continue to release more stable funding via people's individual budgets into the voluntary and community sectors at a time when central and local government funding is reducing. Ealing Council is committed to building an accessible community for all its residents. Adults who use Carlton Road require a high level of personal and environmental support in order to remain safe and well. As well as existing capacity within building based services offered by Abilities Development, Certitude, EDR Care, Mencap, Pace, Sunrise Care, Seva Care, Voyage and Yarrow, there is a high level of interest from several local specialist providers to develop new community based options in Ealing to increase the range of sensory, creative and educational resources on offer. We are currently exploring the potential use of the Dominion Centre community hub and the Greenford community hub, both of which offer newly refurbished and fully accessible facilities for wheelchair users in a non-segregated setting. It is estimated that the allocated space at these sites could accommodate up to 25 people per day.

- 2.11 The needs and circumstances of the customers using Carlton Road are well known to the care management service and all customers have been assessed in the last 24 months and have an individual budget.

Officers are confident for the reasons set out above that, at a strategic level there will be sufficient suitable alternative provision to meet the needs of those currently using Carlton Road and those with similar needs in future if the proposal to close it is approved.

Before changes to the support plans of current users are made they and their carers will be offered assessments of their needs. Officers will work closely

with them to ensure that the alternative arrangements which are made in individual cases comply with the Council's statutory responsibilities

### **3. Key implications**

#### **3.1 Customer/ carer consultation**

3.1.1 Customer consultation commenced on the 11<sup>th</sup> November 2014 and continued until 20<sup>th</sup> December 2014. All carers who are affected by this proposal were invited to a series of consultation meetings that took place at Ealing Town Hall and the Dominion Centre 14<sup>th</sup> and 18<sup>th</sup> November 2014. These consultation meetings were attended by carers, members of Ealing MENCAP, staff from Carlton Road and UNISON representatives. For those carers who could not attend the meetings information on the proposals was sent directly to individual home addresses. Officers met with 8 family carers in 1:1 meetings.

The complex communication needs of the customers who use Carlton Road means that they are unable to give direct feedback. To counter this we have asked carers who know their person best to feedback how they feel this proposal will impact on the person they care for. This feedback has been collated via a questionnaire and families have been supported by staff at Carlton Road to provide this vital information.

Those consulted were also invited to email officers directly with their feedback. Officers have also consulted with The Power Group on 17<sup>th</sup> November, the Learning Disability Partnership Board on 26 November, the Carers Together Forum on 12<sup>th</sup> November and the LD Provider Forum on 27<sup>th</sup> November. A presentation was made to the Health Scrutiny Committee on 10 December 2014. Feedback from these consultations is collated in Appendix 1.

3.1.2 All carers have attended either consultation meetings or 1:1 sessions.

3.1.3 The consultation events were held as presentation and discussion groups. The aims of the consultations were as follows:

a. To inform and capture current carer/customers opinions/comments on the budget proposals to close Carlton Road and to assure families how alternative support options to those customers using Carlton Road would be identified.

b. To support assessment of the equalities impact of the proposals

3.1.4 13 questionnaires were received from carers.

3.1.5 5 emails were received from the public and 2 from carers.

3.1.6 A petition, titled 'Stop Ealing Council from selling the Carlton Road Day Centre' was received with approx. 746 signatures.

#### **3.2 Outcome of the Customer / Carer Consultation**

3.2.1 Most carers are opposed to the proposals; however several carers have stated that they believed that the Council will go ahead with the closure regardless of the carer feedback.

### **3.2.2 Key issues were identified as important to customers/carers:**

Carers identified a number of issues of key importance as summarised below. Full details can be found in Appendix 1.

- **Most families expressed that they thought the decision had been taken already and felt that fighting it was a waste of time**

Carers were assured that no decision about this proposal had been taken and that the issues they were raising and their views would be taken very seriously by the elected members.

- **Concern was raised about the complex nature of the support that customers needed and whether there was available capacity in the community.**

Council officers understand the high level of concerns that families have about the vulnerable nature of the customers using Carlton Road. A recent service mapping exercise has identified 9 centre based services in and around Ealing that could deliver support to people within an existing service (Appendix 2.) All of these premises are wheelchair accessible, with 7 of the premises offering changing places facilities. All providers have a proven track record of providing care and support to people with profound and multiple learning disabilities. Council officers are confident that there is sufficient capacity within these existing services to offer all customers who currently attend Carlton Road access to a building based service if that is what they choose to do.

The service mapping exercise has demonstrated that there is a total of 49 vacancies that are available within the existing 9 services as follows:

- 33 vacancies available within services that are fully wheelchair accessible and have changing places toilets
- 6 vacancies available within a service that is fully wheelchair accessible with disabled toilet facilities
- 10 vacancies available in a service that is suitable for people with some mobility needs

If the proposal is accepted, we will arrange open days for family carers and will set up taster days for the customers.

The Council has been working with the West London Alliance on the procurement of a framework agreement for home support services, including enhanced homecare. This exercise has attracted 16 providers who specialise in enhanced homecare and supporting people with high support needs. This support can be provided in the home or as part of an outreach package in the community which could serve as a flexible and person centred alternative to a traditional centre based service.

In addition, some providers have expressed an interest in setting up new centre-based services in the borough and we are working with these providers to consider their proposals. The newly re-furbished Dominion and Greenford Centres both have

excellent facilities including changing places toilets, and are fully accessible for wheelchair users. We are exploring the potential of hiring these community spaces to local providers who are experienced in supporting people with high support needs. Work is already underway to determine how these spaces could be used creatively to ensure there is a range of activities for people to choose from and avoid duplication. Crucial to this piece of work is the need for providers to develop an understanding of the needs and interests of the customer group at Carlton Rd to help inform the planning. To this end we have encouraged providers to visit Carlton Rd so they can meet the customers and find out more about the activities they enjoy.

We have informed carers that if the proposal is accepted, Carlton Road will not close until alternative support is in place for each customer.

- **It is a small saving for such a high level of disruption for such vulnerable people.**

The £0.180m saving from this proposal will be achieved through the salary costs attached to the Carlton Road service. £0.349m has been allocated for re provision of support to individuals.

- **The staffing at Carlton Road is of a high quality and this couldn't be found elsewhere**

We recognise that the staff team at Carlton Road is skilled and provides important support to customers and families. However the Council is obliged to ensure that it is using all of its resources in the most cost effective manner and believes that this proposal will deliver a better use of its limited resources. If this proposal is accepted Council officers will ensure that staff are involved in the completion of individual support plans to ensure that their knowledge of the needs of individuals is used effectively. The council is committed to ensuring that its resources are used in the most cost effective manner and that the views of those using the service are well regarded.

- **There are few checks on the quality of support from external providers and this leaves us very worried about other services**

Ealing Council has robust Safeguarding Procedures in place and all providers are required to adhere to these procedures. We will expect that all providers offering support with personal care are registered with Care Quality Commission (CQC) to provide this regulated activity. CQC monitor the service's performance against national essential standards through inspections, data analysis and other checks. We have a robust complaints procedure and will investigate any concern that is raised about the quality of any service provision and we will work with providers to improve quality if failings are identified. We will undertake an audit of customers using an individual budget to purchase their own services to identify quality of life outcomes and monitor the use of direct payments to ensure that they are being used to meet needs safely and effectively.

- **Carers felt that other ways of saving the money should be identified, they suggested closing other services, cease other Council activity such as regeneration work in Southall or increase the Council Tax.**

Adult Disability Services have considered other ways of saving money including the closure of other services however at this time there are no other feasible proposals to deliver the savings.

- **Customers have strong friendship groups– this will greatly disrupt their lives and cause social isolation**

Council officers understand and value the friendships that customers will have developed at Carlton Road – we will use this information to ensure that support plans accommodate individual preferences. Council officers will work with providers to support customers to pool their individual budgets so that they can continue to undertake activities with established friendship groups.

- **Aging carer group – impact on their own health issues and wellbeing as carers**

In line with the Care Act we will ensure that all carers are offered an assessment of their needs and a support plan which details how their eligible needs will be met. This is in line with new legislation which puts the rights of carers on the same footing as the rights of the adults they care for. We understand that Carlton Road provides not only support to customers but also respite to families and we will ensure that appropriate alternative support to meet the eligible needs of carers is provided if the proposal is accepted.

- **Carlton Road provides good access for customers to health and therapists professionals and support – mainly physiotherapist; SALT and Music Therapists – this will not be provided once out in the private sector. The effect on customers will be changes to their behaviours – they will be distressed and in turn this will cause distress to families**

Adults using Carlton Road will remain eligible for clinical support from the specialist learning disability health team. Individual assessment by the relevant clinical team will determine the treatment to be offered and this will be delivered in agreement with the customer and family carers. If the proposal is accepted health and social care staff will work together to ensure that the transition to new services is managed in a sensitive and timely manner.

- **Councillors should visit and understand the service and customers before making these decisions**

The Portfolio Holder, Cllr Hitesh Tailor visited the Carlton Road Centre on 11<sup>th</sup> December 2014 with Cllr Ranjit Dheer, Deputy Leader of the Council and Cllr Harbhajan Kaur-Dheer

- **Hand the whole service over to an external provider in the private sector so that people can stay together**

Ealing Council have not sought to engage in a tender process for the Carlton Road centre. This is because commissioning block services is not in line with the Personalisation agenda.

- **Work in partnership with the Voluntary sector**

We are working closely with the voluntary sector and other sectors of the provider market to support any appropriate organisation who may wish to provide social care support in Ealing. This includes work to identify existing services as well as the development of new services.

- **The timescale for the closure programme is not realistic.**

The timeline in the consultation stresses that the earliest date of closure, if this proposal is accepted, would be May 2015. We are clear that the service would not close until all customers are located in alternative provision and it is understood that this may not be in place as early as May 2015. Officers anticipate that if this proposal is accepted the service will close in July 2015.

### **3.3 Feedback from Health Scrutiny 10<sup>th</sup> Dec 2014.**

- (i) **Officers be asked to undertake a thorough and in-depth analysis of the potential risks involved in the closure of the centres using evidence gathered from previous day centre closures**

As a result of the need to make significant savings across the council Adult Disability Services has closed 3 day services since 2009. The current proposal has been put forward following thorough consideration of the risks involved and using the experience of previous consultations and day centre closures. Officers have set up the consultation processes in the most sensitive manner, within the Councils agreed processes and are committed to ensuring that all stakeholders are supported to have their views heard by the relevant decision making bodies. To mitigate the risk of views not being heard officers have set up a number of different types of forums where views/opinions can be collected – these are detailed within the Cabinet report. Previous closures have raised concerns that the timescale for closure is too short and highlighted the need to ensure that the transition for customers to new services are managed in an appropriate manner. To mitigate this risk the consultation process has identified that the earliest date for closure, however the cabinet report identifies that the likely date for closure would be July 2015. Previous closures have highlighted the risk that some customers in receipt of specialist funded social care will no longer be eligible for support is not relevant in this instant as we know that all customers using Carlton Road are eligible for specialist funded support. Previous closures have highlighted the risk that family placements may breakdown as a result of reduced support/increased stress and lead to more costly placements. Officers understand the crucial and valuable work that carers provide and the anxiety that this process causes. To mitigate this risk officers ensure that assessments of need are

undertaken to address the needs of both the customers and any family carers and that support plans identify services to meet eligible needs. Whilst acknowledging the high level of anxiety, it is important to note that we do not have evidence that the closures to date have led to family breakdown. Previous closures have identified the risk that alternative appropriate services will not be available for customers to use via their individual budget. This risk is mitigated by collaborative work with our vibrant provider market to identify capacity and to use the opportunity to develop new local services. This risk is further mitigated by a commitment that closures (if approved) would not proceed until support is in place for all affected customers. Previous closures have identified the risk of customer's friendship groups being disregarded and disbanded. This risk is mitigated by care managers working closely with day centre staff /families/customers to ensure that friendship groups are identified and then using this information to ensure appropriate group opportunities are identified. As a result of this approach there has been an expansion of provider services within Ealing able to accommodate groups of customer who wish to continue to share their day opportunities.

- (ii) A quality of life review be undertaken charting the experiences of former users following the previous closures of similar centres in the borough (e.g. Links, Sterling Road Centre)**

Disability Services have commissioned a quality of life audit under the supervision of the learning disability psychology service.

- (iii) Full consideration be given to alternative provisions for the services before any agreement on closure takes place**

As stated all customers at Carlton Road are eligible for specialist funded support. If this proposal were approved the all customers would be supported to identify alternative support before the service was closed.

- (iv) Full consideration be given to all possible alternative funding options for the services, including West London Alliance, business funding, crowdsourcing and other previously unidentified but possible sources**

Not relevant for disability Services

- (v) In-depth analysis be provided on personalisation, specifically personalisation extended to those people with mental health conditions**

Ealing Council and Adults Social Care is fully committed to the personalisation process of a means of ensuring that adults with eligible social care needs are supported in an appropriate and consistent manner. This matter has been considered in full by Health Scrutiny Panel

[http://www2.ealing.gov.uk/services/council/committees/agendas\\_minutes\\_reports/scrutiny/health\\_standing\\_scrutiny\\_panel/24may2011-15may2012.html](http://www2.ealing.gov.uk/services/council/committees/agendas_minutes_reports/scrutiny/health_standing_scrutiny_panel/24may2011-15may2012.html)

- (vi) Equality Impact Assessments be undertaken to cover all types of users, carers and all services**

These have been completed for the Carlton Road proposal see Appendix 3

- (vii) Full consideration be given to the impact of extra travel time in relation to dementia day centres and users of the Carlton Road Day Centre, with mitigating action taken where possible**

Commissioners are working with local providers to ensure that there are a range of options for customers throughout the borough which will have the potential of reducing travel time for customers

- (viii) An in-depth review of Mental Health Services be considered by Scrutiny for inclusion on the 2015-2016 work programme**

Not relevant for Disability Services

- (ix) The Head of Adults' Services be requested to provide a copy of the Property Strategy to the Panel**

Completed 07.01.15

### **3.4 Alternative provision**

3.4.1 Family carers were informed about a range of different options available in the community and given information on available services accessible to people with profound and multiple learning disabilities. The information included examples of existing centre-based services provided by Abilities Development, Certitude, EDR Care, Mencap, Sunrise Care and Voyage. Officers will work with providers to set up a series of open days for families, and taster sessions for customers

Ealing Direct will be holding a workshop with carers to inform them about personalisation, support planning and direct payments. Carers will have the opportunity to hear about customers who are already in receipt of cash budgets. Some customers at Carlton Road are already using their Individual Budget to purchase other day opportunity programmes.

3.4.2 Local organisations provide a range of opportunities for individuals to use their individual budget to access leisure, learning and employment support opportunities. The number of providers offering outreach support is increasing.

3.4.3 Several providers have already expressed an interest in developing new person centred initiatives collaboratively with customers and their families, support planners and commissioners. This will support customers to have real choice and control about what they do during the day and provide the opportunity for customers to pool their budgets and arrange group activities with their friends should they wish to do so. This co-produced approach to commissioning will support progress towards personalisation and unlock potential for developing creative, modern and person centred community based support

3.4.4 Officers in social care and commissioning have been working with voluntary sector partners and other departments within the Council to ensure that mainstream services are available for adults with learning disabilities and enabling them to be part of their local communities e.g. Active Ealing. Appendix 2 provides details of the services that are available locally.

3.4.5 Carers and customers who indicate that they would wish to continue to have their Individual Budget managed directly by the Council are advised that their care manager / care co-ordinator or identified support planner would be available to complete a 'council managed' support plan with them to identify the relevant 'council managed' or commissioned services with them (as well as organise access and transition to the identified council managed option)

3.4.6 An easy read information pack about the range of available day opportunities will be produced and made available to customers, their families and support planners

### **3.5 Customer Assessment**

3.5.1 All customers using the service affected by this proposal have had an assessment of their needs and the allocation of an individual budget in the past 2 years. This assessment covers all aspects of individual need and risk. All customers will be offered the opportunity to update their assessment of need. Eligible users will receive an Individual Budget (subject to financial assessment in line with the Council's Contribution Policy) with which they can purchase services that will meet their needs in accordance with their support plan. All adults using Carlton Road are eligible for specialist funded social care support.

3.5.2 Initial analysis of the total of 32 users eligible for ongoing support through Adult Services indicates that their Individual Budget varies between £400 - £1400 per week (these figures indicate budgets that meet all aspects of the customer's eligible needs, not just those for day support). Based on available resources it is Adult Services view that there are suitable and adequate alternatives available (including both Council managed and community options).

3.5.3 Current users who are identified as having personal or domestic care needs could choose to purchase this type of support via one of Ealing's growing number of home support service providers – current unit costs range from around £11.90 for a 60-minute slot. Home Support Agencies are increasingly offering wider service options such as new outreach services and housing related support, many of whom openly welcome and support customers purchasing services with an individual budget.

3.5.4 This analysis has enabled us to confirm that there is sufficient and suitable alternative provision, which can be purchased by customers using their Individual Budget. The amount of the Individual Budget will be determined in each case by the eligible needs of the individual.

### **3.6 Staff Consultation**

3.6.1 Staff were formally notified of the proposed re provision on 11<sup>th</sup> November and 12<sup>th</sup> November 2014. 17 staff members are affected by the proposals. Formal letters were sent to all individual members of staff, who acknowledged receipt of their letters. 15 members of staff took up the one to one meetings with management. All staff were also offered one to one counselling with Workplace Options.

3.6.2 Staff consultation meetings have been ongoing.

3.6.3 Staff were informed verbally and by letter of the process for expressing an interest in making an application for voluntary redundancy. To date in total 8 members of staff have made an application, and each will be considered on its merits.

3.6.4 Additional support is also offered, such as training for interviewing skills and CV writing courses.

### 3.7 Outcome of Staff Consultation

3.7.1 The following summarises the staffs concerns:

- a. **Many staff have expressed concern that customers will be left with inadequate and poorly monitored services and feel that through their longstanding relationships and significant experience that they are best placed to deliver appropriate day opportunity programmes.**

If this proposal is accepted officers will ensure that staff are given the opportunity to use their expertise to support the completion of detailed and effective individual support plans for the customers they know best.

### 3.7.2 Alternative Proposals

No alternative proposals have been put forward by staff. If a decision is made to close Carlton Road Day Centre, there may be compulsory redundancies, but the Council will continue to explore alternatives.

## 4. Financial

4.1 This proposal will achieve a saving of £0.529m in employee and supplies and services costs of which an estimated £0.349m will be used to fund alternative service provision, resulting in an estimated total saving of £0.180m as detailed in Table 1

Table 1

Ref	Detail	£m
AS08i-Carlton Road Day Centre	Staff Saving – Deletion of 15 Posts	0.470
AS08i-Carlton Road Day Centre	Supplies and Services Saving	0.059
AS08i-Carlton Road Day Centre	Re-provision costs	(0.349)
	<b>Total Saving</b>	<b>0.180</b>

**4.2** If this proposal is accepted this will create further savings of £0.314m, as detailed in table 2, in regard to management savings of £0.045m and day centre transport savings of £0.269m in relation to the Councils current transport contract with Impact.

**Table 2**

Ref	Detail	£m
AS06 Management Review - Carlton Road Day Centre	Deletion of Manager Post	0.045
AS02 - Day Centre Transport	Day Centre Transport – Reduce Service	0.269
	<b>Total Saving</b>	<b>0.314</b>

**4.3 Redundancy Costs** - The estimated cost of redundancies/early retirement (pensions) with regard to this savings proposal are £0.220m in total. These one off costs will be funded centrally from reserves in 2015/16

**4.4 Property** – The Council’s property strategy identifies that the building forms part of the Council’s corporate long-term property release programme.

**4.5 Alternative Provision** – This takes into account the re provision of support via an individual budget in community based services to cover the cost of meeting eligible needs. It does not include provision for customers who are already 24 hour accommodation or who are in the process of moving into 24 hour accommodation. It should be noted that the costs of re-provision of £0.349m are estimated at this stage and may change once the support planning process is complete.

**4.6 Other Costs** - All costs of individual support planning (for customers and their carers) before the Carlton Road Day Centre closes will be contained within existing Adult Services budgets.

## **5. Legal**

### **In regard to social care duties**

The council has a duty to assess the needs of people who may be in need of community care services and, having regard to the results of that assessment, must provide services to meet eligible needs. The Council may provide services directly or commission them from other providers.

Carers have the right to request an assessment of their needs as carers. Carers assessments take into account the sustainability of the caring role and whether the carer wishes to work or undertake education, training or leisure activities and the impact that their caring role might have on these activities. Following an assessment

local authorities have a duty to consider whether or not to provide services to the carer.

In conducting assessments and determining whether to provide services to individuals/ carers the Council must have regard to relevant statutory guidance including 'Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care 2010' and 'Carers and Disabled Children Act 2000 and Carers (Equal Opportunities Act) 2004 Combined Policy Guidance.

The Council has a duty to offer direct payments to most recipients of community care services to enable them to choose the support they wish to purchase. People who lack capacity to manage direct payments are still eligible to receive them on the basis that a 'suitable person' manages them on their behalf

As an alternative to direct payments a recipient of community care services may opt to take their Individual Personal Budget as a council managed budget or a mixture of both.

The types of services the council has the power and, in respect of eligible needs, the duty to provide to an individual include facilities for occupational, social, cultural and recreational activities whether at centres or elsewhere

The legal framework changes on 1 April 2015 with the implementation of the Care Act 2014.

The Act enhances the duties placed on Local Authorities with regard to carers. In the exercise of their functions towards adults and carers under the Act Local Authorities are under a duty to promote their wellbeing, having regard to a number of factors. Local Authorities must provide or arrange services designed to prevent or delay the development of needs for care and support. Where the needs of an adult or carer meet eligibility criteria Local Authorities must ensure that eligible needs are met and work with the individual to draw up a plan for meeting them. The plan will include the personal budget of the adult or carer.

More details information on the implications of the Care Act can be found in a report to Cabinet on 25 November 2014  
<http://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/775/Committee/3/Default.aspx>

The Statutory Guidance provides at 10.27 that :

"In determining how to meet needs, the local authority may also take into reasonable consideration its own finances and budgetary position, and must comply with its related public law duties. This includes the importance of ensuring that the funding available to the local authority is sufficient to meet the needs of the entire local population. The local authority may reasonably consider how to balance that requirement with the duty to meet the eligible needs of an individual in determining how an individual's needs should be met (but not whether those needs are met). ..

The authority may take decisions on a case-by-case basis which weigh up the total cost of different potential options for meeting needs, and include the cost as a relevant factor in deciding between suitable alternative options for meeting needs. This does not mean choosing the cheapest option; but the one which delivers the outcomes desired for the best value".

5.3 The Council also has a duty under S15ZA Education Act 1996 to secure that enough suitable education and training is provided to meet the reasonable needs of persons in their area who are aged 19 or over with an Education Health and Care Plan (or learning difficulty assessment)

In performing the duty a local authority must act with a view to encouraging diversity in the education and training available to persons, act with a view to increasing opportunities for persons to exercise choice and take account of education and training whose provision the authority think might reasonably be secured by other persons.

Section 15ZC requires local education authorities to encourage these young people to participate in education and training and also requires local education authorities to encourage employers to participate in the provision and delivery of post-16 education and training.

S 560A Education Act 1996, provides local authorities with a power to secure the provision of work experience for people within their area who are over compulsory school age but under 19, and those aged 19 and over with an EHC Plan . This also places local education authorities under a duty to encourage these learners to participate in work experience, and to encourage employers to provide opportunities for work experience.”

S15B Education Act 1996 gives Local Authorities power to provide education and training, including vocational, social, physical and recreational training to anyone from the age of 19 onwards in their areas and beyond. In exercising this power, Local Authorities must have regard to the needs of persons with learning difficulties.

## **5.5 In regard to Public law duties, Equalities and Human Rights considerations**

When making decisions the public authorities must act reasonably and rationally. They must take into account all relevant information and disregard all irrelevant information and take into account the views of those affected before final decisions are made. When making decisions public authorities must be able to demonstrate that decisions, including financial decisions are made in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different protected groups and, where possible, identifying methods for mitigating or avoiding any adverse impact on those groups. The Council’s equality impact assessment toolkit supports this approach.

S 149 Equality Act 2010 requires public authorities to have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the 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 characteristics and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others.

The Human Rights Act 1998:

The Human Rights Act 1998 makes it unlawful for public authorities to act in a way that is incompatible with a Convention right. Anyone who feels that a public authority has acted incompatibly with their Convention rights can raise this before an appropriate UK court or tribunal.

### **5.6 In regard to the Council's employment law duties**

This proposal complies with the Council's legal and contractual obligations to employees.

Under S188 of the Trade Union and Labour Relations Act 1992, the Council has a legal obligation to consult the recognised union if there are proposals to dismiss 20 or more employees within 90 days of each other. The Council commenced that process on 11 November 2014. Employees have the right not to be unfairly dismissed. The Council's policies and practices reflect this right. Contractual arrangements for matching and redeployment will be applied to minimise the need for compulsory redundancies.

The Council has a legal obligation to make redundancy payments to any employees with more than 2 years' service who are dismissed by reason of redundancy. This arises from the Employment Rights Act 1996 and contracts of employment.

Employees whose posts are deleted are contractually entitled to pay protection in certain circumstances.

### **5.7 In regard to the Council's powers to dispose of surplus assets**

The Council has the power to dispose of property which under section 123 of the Local Government 1972 Act in any manner it wishes. This is subject to an obligation to obtain the best consideration that can reasonably be obtained (except for leases of

seven years or less) unless the Secretary of State's consent is obtained for the disposal whether by means of General Consent or otherwise.

## **6. Value For Money**

- 6.1 The proposal to close the Carlton Road Day Centre needs to be considered within the overall financial position. Within this context the Council is committed to maintaining its statutory obligations to individuals with eligible needs and to continue to promote user choice and control through the roll out of the personalisation agenda. In order to maintain this commitment Adult Services is reviewing all areas of spend to drive through further efficiencies and determine whether there are alternative means of meeting its statutory obligations in a more cost effective way.
- 6.2 The work described in this report has been undertaken for this specific purpose. There has been a robust process of carer and staff consultations, analysis of need, discussions have taken place with potential providers and an analysis has been undertaken on the affordability of alternative provision. As a result of this exercise it has been concluded that there is sufficient and suitable alternative provision available to meet the needs of individuals assessed as having 'critical' or 'substantial' needs and that this can be delivered in a more cost effective manner.
- 6.3 In light of this Cabinet is being asked to proceed with the proposal to close the Carlton Road Day Centre in a timescale to be agreed by the Director of Adult Services. Should this decision not be made then the estimated saving of £180k will need to be found from elsewhere. With the current financial constraints there are very limited alternatives.

## **7. Sustainability Impact Appraisal**

None

## **8. Risk Management**

- 8.1 Initial analysis has been undertaken which indicates that there are sufficient and suitable alternative options for provision for individuals with eligible needs. The overall cost of re-provision will be less than the cost of keeping the centres open. It should be noted that this is an evolving process as individuals needs change and the cost of meeting those needs change, therefore the cost implications will change over time. We are continuing to mitigate against this risk through ongoing work with the market to ensure assessed needs can be met in the most cost effective way.
- 8.2 The implications of the proposals and any subsequent decision to close Carlton Road will continue to be taken into account within the grants allocation process with the aim of mitigating the associated risk.
- 8.3 The plans for re-provision for users of Carlton Road will place increasing demands on Ealing's support planning and brokerage service. Changes have already been made to the support planning and brokerage team to help increase capacity and work has taken place with independent sector partners to support the development of third sector brokerage. Adult Services already

monitors response times on support planning and brokerage activity. It will continue to do so and will take management action as necessary.

**9. Community Safety**

Not applicable.

**10. Links to the 5 priorities for the Borough**

10.1 The relevant priorities are:

- a. Securing Public Services
- b. Delivering Value for Money

**11. Equalities, Human Rights and Community Cohesion**

11.1 All of the users of Carlton Road have a disability the effect of which has a differential impact on an individual's daily living. Adult Services are committed to meeting statutory obligations towards individuals who are assessed as having eligible needs.

11.2 An Equalities Impact Assessment has been completed for this proposal and is attached to this report as Appendix 3. It sets out the impact on current and potential future users and carers affected by this proposal and the steps considered with a view to minimising any adverse impact that has been identified.

11.3 Generally the cohort of staff who are at risk are reflective of the wider staff demographic in terms of age, gender and ethnicity. If a decision is made to close the centres then HR policies will ensure equality of opportunity in any re-deployment and redundancy process

**12. Staffing/Workforce and Accommodation implications**

Staffing Implications:

12.1 Staff have been consulted on proposals to close Carlton Road. If a decision were made to close the centres, staff currently employed would be at risk of dismissal by reason of redundancy. The Council commenced consultation with staff and unions on 11<sup>th</sup> November 2014. Detailed staffing implications are outlined in the table below.

12.2 If a decision were made to close Carlton Road 16 posts would be deleted in total and 17 employees would be at risk of redundancy.

Post No	Post Title	Current number of posts	Proposed Deletions	Ealing Employee	Vacant	Covered by agency	At risk
P001189	Manager	1	1	1	0	0	1
P001192 P001193	Senior Day Care Social Worker	2	2	2	0	0	2
P001201 P001203 P001204 P005969 P006172 P001276 P0012176	Day Care Social Worker	13	14	14	0	1	14

P012313 P012314 P001205 P1209002 (job share)							
P016651 P001209 P003400							
<b>Total</b>		16	17	17	0	1	17

**13. Property and Assets**

13.1 The Carlton Road day Centre in Acton is located in a Council owned buildings. The centres would be closed as a result of these savings proposals and any disposal values would form part of the Council's overall Property Strategy.

**14. Any other implications:**

14.1 None

**15. Complaints**

15.1 Ealing Council has received 0 complaints (from 0 complainants) regarding the proposal to close Carlton Road.

## 16. Timetable for Implementation

Activity	Target Date
Start of statutory consultation	11 <sup>th</sup> Nov 2014
Cabinet Decision	20 <sup>th</sup> Jan 2015
Implementation Date (if not called in)	02 Feb 2015
Earliest date that notices of redundancy could be issued. People will be expected to work notice period.	6 January 2015
Completion of re assessment and support planning for eligible individuals.	
Earliest date services could be closed	May 2015
Earliest date any dismissals by reason of redundancy will take effect.	

## 17. Appendices

Appendix 1 - Feedback from carers

Appendix 2 - Details of the day opportunities and transport services available locally

Appendix 3 - Full Equalities Assessments

## 18. Background Information

London Borough of Ealing Property Strategy 2010

Adult Services Resource and Information Directory

## Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent to consultee	Date received from consultee	Comments appear in report paragraph:
<b>Internal</b>				
Paddy Quill	Employment Lawyer. Legal Services	5/01/15	7/01/15	
Jane Batalona	Head of Legal (Social Services & Education)	5/01/15	7/01/15	Throughout
Stephen Day	Director of Adult Services	5/01/15	7/01/15	Throughout
Safia Khan	Head of Finance (Adults)	5/01/15	7/01/15	Section 4
Derek Holl	HR Business Partner	5/01/15	7/01/15	
David Archibald	Executive Director Children's and Adult Services	5/01/15	7/01/15	Throughout
Cllr Hitesh Tailor	Portfolio Holder	5/01/15	7/01/15	Throughout

### Report History

<b>Decision type:</b> EITHER: Key decision	<b>Urgency item?</b> No
Report no.:	Report author and contact for queries: Cheryl Batt, Head of Disability Services Tel 020 8825 5813