



CABINET

28 September 2011

REPORT

Subject Heading:

Review of Day Opportunities for People with Learning Disabilities
Councillor Steven Kelly

Cabinet Member:

CMT Lead:

Andrew Ireland

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Policy context:

Services for Individuals

Financial summary:

Revenue MTFs savings of £500k by 2013/14.
Capital spend re Nason Waters building works in the region of £300k (subject to approval).
Capital receipt re. the Western Road site (pending evaluation).

Is this a Key Decision?

Yes

Is this a Strategic Decision?

Yes

When should this matter be reviewed?

After one year of final decisions being made.

Reviewing OSC:

Individuals

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	[]
Excellence in education and learning	[X]
Opportunities for all through economic, social and cultural activity	[X]
Value and enhance the life of every individual	[X]
High customer satisfaction and a stable council tax	[X]

SUMMARY

- 1.1 This report's purpose is to report on the outcome of consultation on day opportunities for people with learning disabilities, to consider the Equality Impact Assessment and recommend the way forward in modernising the service and achieving improved value for money.

RECOMMENDATIONS

- 2.1 Close St Bernard's Day Centre as soon as all individual clients have packages in place that continue to ensure that they receive appropriate support either through external provision or an Individual Service budget, subject to the safeguards set out at to reduce the level of adverse impact on service users and their carers
- 2.2 Undertake a programme of building works at Nason Waters (as outlined in Appendix M) in order to provide for the current range of activities plus extended choice on the site and to meet existing building maintenance requirements as well as an extended life cycle.
- 2.3 To agree that the Nason Waters programme of work is added to the Councils Capital Programme, to be approved by full Council in 2012 (to be funded by existing Adult Social Care capital budget)..
- 2.4 Close Western Road Day Centre and amalgamate the day care provision with Nason Waters Day Centre once the refurbishment programme Nason Waters site has been completed with a target date of June /July 2012.
- 2.5 To agree to the disposal of the Western Road site, with capital proceeds being considered in the overall context of the Capital programme.
- 2.6 Work with all service users on their future individual service plans that address the achievement of realistic goals for improving health, independence, skills and social engagement.
- 2.7 Develop a web based tool to support client choice and control about day opportunities.
- 2.8 Note the progress in developing new opportunities locally and how these can integrate with the work of the new Nason Waters.
- 2.9 Work with staff and unions in line with the Council's Change Management policies to minimise redundancies and to support the workforce to achieve the required service change.

REPORT DETAIL

3 BACKGROUND

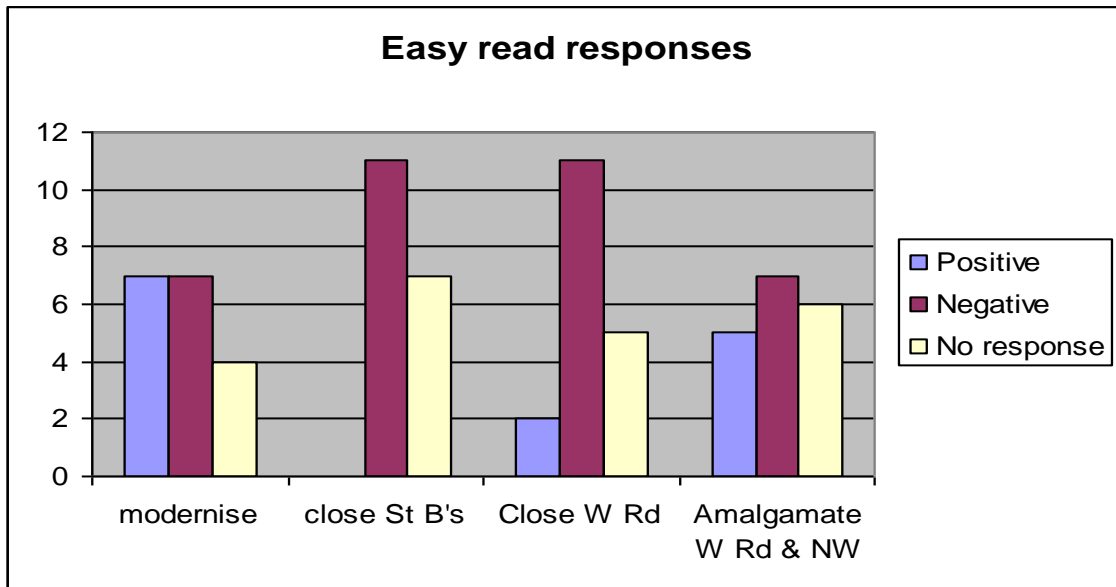
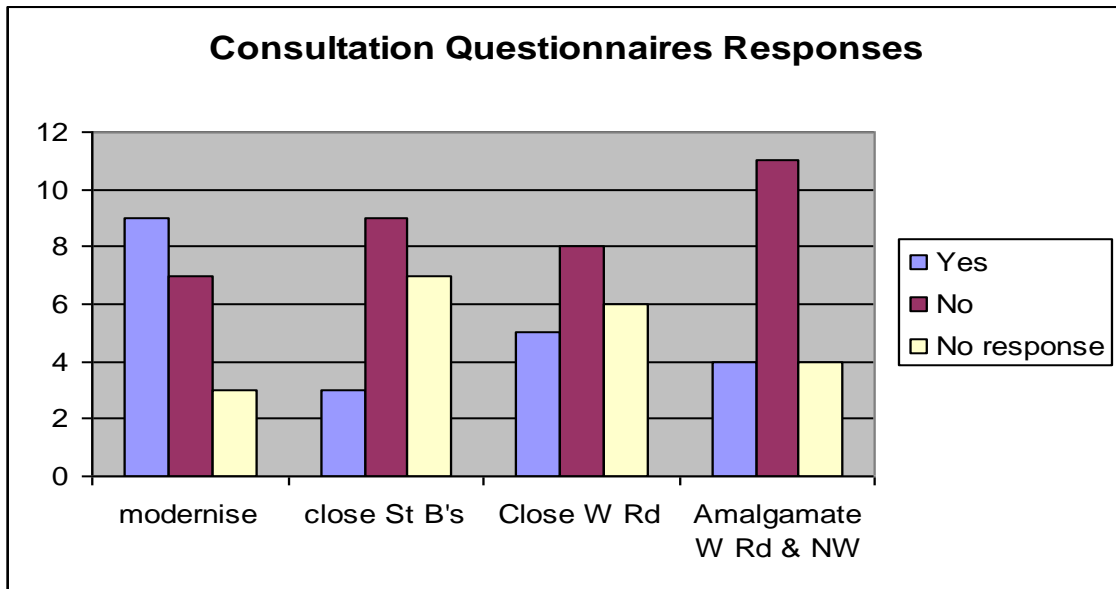
- 3.1 Cabinet received a report on the 18th May 2011 setting out a review of day opportunities for people with a learning disability. The report proposed options in order both to develop services to meet user/client choice and provide sustainable services going forward as well as delivering the improved efficiency required to meet the Councils Medium Term Financial Plan (MTFS) targets. These options were to be consulted on for a period of two months.
- 3.2 The recommendations were agreed by Cabinet but were requisitioned for consideration by the Individual's Overview and Scrutiny Committee. This committee met on 15th June 2011 and cleared the report for consultation. The committee also agreed to set up a Topic Group to monitor the consultation.
- 3.3 The Learning Disability Partnership Board also received a report at its meeting of 17 June 2011 and agreed consultation should happen. The consultation documents were issued on the 20th June 2011 with a closure date of 22nd August 2011. Consultation was carried out in a number of ways. The details are set out below along with the outcomes of each area of activity.

4 THE CONSULTATION

- 4.1 The consultation ran from the end of 21 June 2011 to the 22 August 2011. Following receipt of solicitors letters in respect of 3 service users who complained amongst other things that there was insufficient information given as to the alternatives. Further clarification was provided as to the alternative services available and an invitation given to make any further response by Monday 5 September 2011. In the event no further consultation responses were received from these service users. The Learning Disability Partnership Board received a report at its meeting of 17 June 2011 and commented on the report.

4.2 The Questionnaires

Over 100 questionnaires were distributed to Carers and a similar number of the easy read version were sent to clients of the service. Only 19 Carer and 18 Easy Read returns have been received. This despite reminders being given at each meeting held. Responses were mixed but generally against the closures. The two tables below provide an overview and Appendix A sets out the questionnaires and responses in more detail. The returns themselves have been collected together with all other material from the consultation and placed in a file for members attention within the Member's Room.



4.3 Comments and views about the proposals could also be e-mailed or phoned into dedicated lines set up for the purpose of this consultation. The use of this has been very limited but those responses will be also included with the material provided for Members.

4.4 Meetings with Carers

4.4.1 A Consultation meeting was held for carers of people who attend St. Bernard’s Day Centre, and two for those at Nason Waters Day Centre and Western Road Life Skills Centre though in the event some carers from St Bernard’s also attended. These meetings were recorded and these minutes are appended to this report (Appendices B, C & D). The meetings were well attended. Individual meetings were also offered if Carers were unable to attend and two carers took up this opportunity.

4.4.2 The meetings were conducted in accordance with the following agenda:

1. Questions/Issues for clarification on consultation proposals.
2. Opportunity to understand the processes of the consultation, how decisions will be made and timescales in going forward.
3. Recording of views from this meeting for feeding in to the Consultation

4.4.3 Key issues raised in relation to St Bernard's fell into three areas, concern over how the Centre had been allowed to reach a point that closure was the only real option; an issue over the level of monitoring that there would be for external providers and a view that some Carers would wish the Council to manage the relationship with new providers rather than the use of Direct Payments.

4.4.5 In regard to Nason Waters and Western Road key issues were the clarification of timescales and assurances on the long term future of Nason Waters were clear recurring themes. The future of transport was also raised, particularly in the light of the introduction of "meeting points" for school transport. Discussion also covered the management of the building works, the capacity and location of Nason Waters as well as the impact of new choices being introduced. There was a concern that we have gone round in a circle from one centre through seven and back to one over the last 35 years.

4.5 Meetings with Clients

4.5.1 People First and Mencap (at St Bernard's) provided advocacy for individual clients through the process and both have submitted reports of their overall findings. These are attached as Appendices E and F.

4.5.2 There have been open sessions conducted by People First culminating in an open session where questions they had prepared were put to the Council representative. There have also been sessions with the 3 A's group (Representative users of the Centres) ; The Quality Circle at Nason Waters (which also involves Carers & Staff), four Open meetings (Two with HavCare support) held at Western Road and Nason Waters and individual conversation with clients where requested at both Nason & Western Road.

4.5.3 There was huge overlap between all of the sessions - reassurance that people could continue to do the activities they like and would not be forced to "work", that they will be with people & staff they are familiar with, can travel on the same coaches and get to choose to do new things. Clarification of the timescale and building works were also much discussed. In the meantime suggestions were made to let people who are not familiar with Nason Waters to visit, to encourage social and other activity between the centres and to publish an easy read facts sheet for clients. A number of practical questions (Will I pay more for my Tea at Nason Waters, Will the name change, Can I take my locker, etc.) have been asked and responded to but these answers could be helpful to all users, these will also be discussed and communicated as we go through the transition if the amalgamation is agreed.

4.5.4 A document has been prepared setting out the issues raised and the responses in “easy read” format which will be distributed to all clients. A copy of this is attached as Appendix G.

4.6 Work with Individuals

4.6.1 In early discussions with Carers of clients of St Bernard’s it has been clear that the major concern has been the potential choices of alternative services which would be available in the event of closure. In order to take this forward in a positive manner we have provided a dedicated Care Manager to carry out reassessments of need as well as separately the provision of advocacy support to individuals and their carers through Mencap. All clients and their Carers have benefited from a reassessment and at least three choices of alternative services have been identified for all service clients. These have been discussed with families in order to agree what future arrangements will be put in place in the event of closure of St Bernard’s. A number of families have chosen to take up these options prior to any final decision on the future of St Bernard’s, however we have reassured all clients and carers that we will not close the service until satisfactory alternative services are in place. Appendix H sets this out in more detail).

4.6.2 Reassessments with clients and carers at Nason Waters and Western Road is at an earlier stage as no client will have a service withdrawn as an effect of the amalgamation. Clients have been reassured that all current activities, transport arrangements and friendship groups will be unaffected by the move of location. In two cases current travel arrangements will need to be reassessed as the clients travel independently to Western Road and this may not be possible after a shift to Nason Waters. Given that new choices of activities will be available after the amalgamation it is planned that new assessments leading to Individual Person Centred Plans will be undertaken for all clients over the next year. A small number of clients have requested early reassessments and these are being allocated.

4.7 External provision

4.7.1 In order to show how choice may develop in the future we are engaging with local providers to develop new facilities and projects. A local voluntary group is in discussions with officers with regard to developing a new domestic scale provision locally for those with the most profound needs and two new Mencap projects are about to open (Employ Me & Me Time), Shaw Trust are developing their Employment Project and further work is being conducted with Leisure Services, Adult Education, the local Employment Service and others to bring forward new opportunities available through the new Nason Waters service.

4.7.2 One of the external providers which will be particularly helpful for users at St Bernard’s is Eastway Care.

4.7.3 In early discussions between those Carers considering Eastway Care as one of their options, issues were identified where additional activities might be helpful in meeting the needs of existing clients of St Bernard’s. Eastway are looking to expand their space to meet these requirements.

4.8 Transport

4.8.1 Transport Services are being kept up to date with the progress of consultation. An agreement is in place that any changes will allow for a period of six month notice to the in house provider of any changes in service levels, such as the ending of the two routes to St Bernard's. A protective notice has been given on these routes in order to ensure that the Transport Service is able to respond quickly if closure is agreed. The changes at Western Road and Nason Waters will not have any immediate impact on the remaining six routes other than the four routes which currently call at Western Road prior to going on to Nason Waters will go straight to Nason Waters.

4.9 Staff

4.9.1 Information and briefing have been provided to all staff as well as a specific consultation meeting from which the minutes are attached as Appendices I, J and K. This is separate from the formal consultation processes with staff about how the changes will affect them. This has been commenced for St Bernard's already given the potential closure and loss of jobs but will happen for the other two centres later.

4.9.2 A formal consultation response has been received from GMB, one of the two Unions representing staff within the service. This is attached as Appendix L.

4.10 Overview & Scrutiny

4.10.1 The original report was referred to the Overview and Scrutiny Committee for Individuals. It was also requisitioned for their consideration. They considered the report at their meeting on 15th June 2011 and allowed the report to continue to consultation. The Committee also agreed to establish a specific Topic Group to monitor the consultation. They concluded at their final meeting on 23 August 2011 that the consultation process had been carried out effectively.

5 RESPONDING TO THE CONSULTATION

5.1 St Bernard's

5.1.1 As set out earlier in the report there were three main issues raised in the consultation. The first of these was that the Council had allowed the service to reduce until the point that closure was the only real option. There have also been views expressed, for example by the GMB, that a sustained programme of investment and marketing could allow the service to become sustainable for the future. Against this is the evidence of the availability of alternative local services with the capacity to meet the needs identified at a lower cost than the Council can provide. This is supported by the evidence that these services are being chosen consistently by new clients coming to Adult Services. There have also been a number of initiatives (staff training, new management, new facilities etc.) over recent years which have not demonstrated any improved take up of the service.

- 5.1.2 The second issue raised has been the capacity of the Council to monitor the growing number of external providers and the quality of their services. This point is acknowledged and is more generally pertinent than just around St Bernard's. The Council over recent years has supported choice and a multiplicity of provision across all areas of Adult Social Care. In order to manage this effectively there has been an increased role for Commissioning (to maximise the effectiveness of Council purchasing, to put in place a robust framework of contracting and provider management and provide brokerage support to clients) as well as developing the Quality Team to carry out our own independent monitoring of provision. This compliments the individual work done by Care Managers in regularly reviewing all care packages. In the light of the specific changes in Day Opportunities for People with Learning Disabilities as well as other developments an increase in the Quality Team resources is planned.
- 5.1.3 In order to address the needs for the future for clients with complex needs the Service is producing two new plans specific to the needs of people on the Autistic Spectrum and those with Multiple Disabilities. These plans will be supported by specific resources and are due to be presented to the Learning Disability Partnership Board in the near future.
- 5.1.4 The third issue was the wish of some carers that the Council should continue to contract direct with any new service provision rather than requiring clients to take a Direct Payment or to manage their own provision through an Individual Service Budget. Though officers see positive benefits for the future in carers and clients exercising more direct control over the services they receive it is not a requirement of the closure of St Bernard's that these arrangements apply for all. If carers/clients wish the Council to continue to manage the contracts then this will be possible.
- 5.1.5 A more general concern that has been apparent through the consultation has been a general opposition to closure given the client and family capacity to cope with change. This was more evident in the early part of the process and it is believed that the focus on clarifying the choices available to every client and carer has alleviated some of this concern. It must still be acknowledged that this has been a stressful period for all concerned, particularly dealing with uncertainty. This has been evident in the desire of some families to move to new services even before a final decision has been made. Officers are confident that a clear decision and a focus then on proper transition planning will assist in reducing any anxiety. It is also important to note the conclusions of the Mencap report that although the discussion of moves has been difficult for users clients and carers that a move to new services is seen to be in the long term interest of those clients.
- 5.1.6 Early discussions with affected staff have been undertaken in line with good practice as expressed in the Council's Managing Organisational Change & Redundancy Policy. This has clarified that these staff do not want the Council to consider the potential application of TUPE to the process of closing St Bernard's and finding new provision for the service users currently attending the centre. Should St Bernard's close, the staff would wish the Council to use its efforts to identify suitable alternative employment through the redeployment process and or to access a redundancy payment. Within these discussions we have clarified the

timetable for this overall process under the Council's framework for dealing with workforce change. Formal consultation with affected staff will finish on the 27th October 2011 and if closure is to happen, then 12 weeks' formal notice of redundancy will be issued to displaced staff during the implementation stage for the proposal. The Council has indicated that it would wish to exercise some discretion in extending the notice of redundancy for displaced staff, paying staff in lieu of some of their notice period, or finding alternative work, in the light of actual moves of clients, which might mean that the actual date of closure is later or as more likely earlier than this. This would only be carried out with the agreement of the affected staff.

5.1.7 Appendix H sets out the progress in finding alternative services which meet the identified needs and the choices being made by carers and clients between the options set out. In the light of this officers do not believe there is any substantive reason not to agree the closure of St Bernard's. Letters have been received on behalf of two clients of St Bernard's from solicitors acting on their behalf. These letters are under the Judicial Review pre action protocol and have been responded to. This matter is dealt with in more detail under the legal implications paragraphs.

5.2 Amalgamation of Western Road & Nason Waters

5.2.1 The key issues coming forward from consultation have been clarifying the timetable, the management of the building works, the capacity and location of Nason Waters as well as the impact of new choices being introduced. There was a concern that we have gone round in a circle from one centre through seven and back to one over the last 35 years and a fear that the commitment to the future service at Nason Waters was not there from the Council.

5.2.2 Many of the questions from carers and clients centred on the issue of the timetable for change. The lack of certainty about the planned date for amalgamation was seen to be undermining their confidence in the eventual outcome. Officers explained that even if a decision is made to amalgamate the two centres there would still need to be a period of consultation with staff over the changes to their conditions of service, building works would need to be finalised, tendered and completed and transition planning would need to be put in place. Consultees were advised that this would take some time and there was some uncertainty specifically about the building works about how long this take. Officers talked about amalgamation happening well after Christmas. In response it was suggested at one of the carer consultation meetings and reiterated at the other that setting a timetable that was clear that the amalgamation was planned to happen next June/July (even if there was further slippage) would be of great assistance to all parties as it would provide a clear timeframe.

5.2.3 Officers have reviewed this and believe that this does provide a realistic timeframe and if it assists in removing uncertainty should be agreed.

5.2.4 The nature and extent of building works was questioned. Officers clarified that plans would need further discussion but that initial work had focused on identifying improved utilisation of space to ensure that all current activities across the two centres could be reprovided at the one site plus improving facilities and dealing

with maintenance issues to ensure a life span of at least ten years. This did leave the potential to develop other aspects of the site to support new activities and additional external involvement. More detail is set out in Appendix M. Other questions questioned how building works could be conducted whilst maintaining the current service use on the site. Officers offered reassurance that any building works would be carried out with due regard to minimising any disruption to current activities and with due regard to Health and Safety. Discussions around this highlighted the potential to utilise the opportunity to run some activities in the interim at Western Road as this would have the additional benefit of encouraging interaction between the two centres before amalgamation.

- 5.2.5 Concerns were expressed about what new choices would be introduced. Discussions highlighted existing work that is going ahead with providers (Mencap, Shaw, Crossroads etc.) to extend the range of choice within the community which current and future clients can be supported into as well as the discussions with other partners (Education, Leisure, The Country Park etc.) about extending the range of choice within Nason Waters. The fundamental point though was that in future the service would be responding to the Person Centred Plans for each user in order to achieve their personal goals rather than offering the same range of activities year on year. This builds on changes already being introduced in Western Road where clients have six monthly reviews of the activities they wish to pursue.
- 5.2.6 In discussion with clients the basic issue was the reassurance needed that the move of location would not affect the clients ability to continue to do activities they enjoy, socialise with the friends they have at the centre, be supported by staff they know and continue to travel on the same transport. The detail of these questions and responses is set out in Appendix G. There was a lot of enthusiasm shown by users to get involved in planning changes and this is being capitalised on now with mixed groups from both centres working on building a model of Nason Waters to be used to help plan changes and organising joint social events across the two centres.
- 5.2.7 The capacity of Nason Waters to provide for all current clients was questioned even though the combined numbers would still be less than the original capacity of Nason Waters. Partly this was around building design (useful suggestions were made such as separating the pedestrian and vehicle entrances)but also reflected concerns over reduced staffing capacity. Though the specifics of the proposed staffing structure and new job descriptions are still to be discussed with affected staff and Trade Unions under the Council's Change Managing Organisational Change & Redundancy Policy, management, with the assistance of HR, were able to reiterate that the original proposals are based on maintaining current basic grade staffing levels and would represent an enhancement to the original staffing group at Nason Waters.

- 5.2.8 Concerns were expressed that the centre was more remote and therefore would find it more difficult to maintain and develop its community based activities. Officers were clear that this was the opposite of what is intended and that even though the centre is further from the centre of Romford that this does not provide a major barrier to more community involvement given the availability of three minibuses and some of the opportunities that have been identified locally.
- 5.2.9 Conversely there were concerns that the availability of new choices would undermine the long term sustainability of the centre as current and future users were likely to be choosing new provision. It was explained that the vision for the new service is that it is much more integrated with community and other provision so that clients could looking to make new choices and review their choices regularly rather than opting for a pattern of services that might continue for years. The centre would provide crucial support in supporting client choice and could facilitate this through developing taster programmes with external partners, supporting the development of independence skills as well as helping users to access information about what is available.
- 5.2.10 Discussion covered the potential to offer extended opening hours and weekend use of the site. The changes in the staffing arrangements, the involvement of external partners and volunteers and the additional budget provision specifically to address carer's assessed needs provide an opportunity to operate a more flexible service in the future if the need is identified. The initial focus however will be on ensuring that all current users continue to receive the service for which they have been assessed.

5.3 Other issues to be addressed

5.3.1 Transport

As a consequence of the proposed closure of St Bernard's the two Coach services transporting current users will no longer be required. Individual travel needs have all been provided for as part of the choices put forward after reassessment. There will be net savings that accrue to the Council from this but these will be accounted for as part of the Transport Review. There are no immediate Transport changes arising from the amalgamation of Western Road and Nason Waters, but future reassessments of need will cover the provision of transport separately from the provision of day opportunities. The Council's review of Transport may also bring forward proposals for the future transport provision but this is separate from these proposals.

5.3.2 Supporting Choice

Information that supports clients to make choices about services and other opportunities and events has been highlighted, particularly in a event held for partner organisations. Work has commenced to look at options to provide a web based tool specifically for people with learning disabilities to allow them to access information and record user feedback about what is available. This could be supported through Nason Waters or through Libraries and other partners.

IMPLICATIONS AND RISKS

6. Legal Risks and Implications

6.1 Any remodelling of the service, in particular any closure of a day centre, is likely to be controversial for both staff and service users. Several high profile legal cases have resulted from campaigns against the closure of day care centres. In general terms a Court is likely to give a local authority a range of flexibility in its decision making to ensure that it meets its macro resource needs etc although the Authority will have to ensure that it continues to meet all of its statutory duties, only considers relevant matters and disregards irrelevant matters and bases its decisions on accurate information. The Council must :

- 1) ensure that the process followed is lawful and,
- 2) ensure that the needs of specific individuals continue to be met.
- 3) ensure that it considers any adverse impacts under Equalities and Human Rights legislation, and any mitigation or justification for these impacts.

In particular:

- full meaningful consultation must to take place with all service users and other stakeholders
- assessments of the needs of service users must be undertaken
- the equality impact assessment must be carefully considered and any adverse impacts fully taken into account

6.2 The requirement for meaningful consultation involves consulting at a time before substantive decisions have been taken, giving sufficient time and information for consultees to comment and then conscientiously taking into consideration all representations/ comments before a final decision is taken.

Whether an authority has met these requirements can be tested through a Judicial Review. A letter before claim under the Judicial Review Pre action protocol was received by the Council on behalf of three clients (two from St Bernard's and one from Western Road. This is an early indication that there may be a challenge to the Council's decision. This letter raises a number of points which have been responded to, the key issues being:

- Whether the Equality Impact Assessment would be updated as part of the final decision;
- Whether consultation can be effective without clarity about the alternative services;
- Whether the decision should be made by Cabinet rather than Lead Member.

6.3 Consultation

Cabinet Members are reminded that they are under a personal duty to conscientiously take into account what citizens and groups have communicated to the Council during the consultation process and to consider whether, in the light of what has been said, the Recommendations should be varied or abandoned. The Consultation is summarised in paragraphs 4 and 5 of this Report. Cabinet members will also need to read the more detailed reports at Appendices A to M.

The time for providing response appears to have been adequate. No complaints have been received that there has been insufficient time.

The information given to the consultees has been user friendly, and although there has been a comparatively low response rate, the only significant issue on this aspect raised by solicitors acting for 3 service users is that it did not adequately address what alternatives were available. This will depend on individual circumstances but the 3 service users have been given an opportunity to comment further on the alternative proposals. Officers consider that the written consultation exercise, the meetings and the involvement of Mencap and other groups, has resulted in adequate information being communicated to service users and carers/families

One of the complaints made by the 3 legally represented service users is that the consultation appeared to lack meaning because the decision making had been delegated to the Lead Member. The Council has responded positively to this complaint by referring the matter to this Cabinet meeting.

6.4 Human Rights

Cabinet should recognise that for many service users they have been attending the same Day Centre for many years and have built up relationships with carers and other service users and therefore that this would be interpreted as being part of their private life. Article 8 of the Human Rights Act requires the Local Authority to respect the rights of its service users to their private and family life, their home and correspondence. Accordingly, a closure of the Day Centre involves interference with these rights.

Article 8 states that 'there shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety, or the economic well being of the country, for the protection of health or morals, or for the protection of the rights and freedoms of others.'

Cabinet will have to carefully consider the justifications for the proposals which may result in interference with Article 8 rights. They should also ensure that the views of affected people are fully considered before taking any decision.

Any final decision will have to balance the interference with human rights against the justification for such interference in the light of all available information.

6.5 Equalities

Cabinet Members are reminded that, when considering what decision to make, they are under a personal duty to have due regard to s149 Equality Act 2010 namely that the Local Authority when exercising its functions must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Relevant protected characteristics include age, disability, and sex. The complete text of the Equality duty together with a useful publication by the Equality and Human Rights Commission, called Using the Equality Duties to make Fair Financial decisions is set out at Appendix P.

If the recommended proposals are agreed then it is likely that there will be an adverse impact on some groups with protected characteristics, particularly those with learning disabilities and those of an older generation who appear to favour the current day care provision.

Cabinet must pay particular attention to the Equality Impact Assessment which is at Appendix N. Within that document particular attention is drawn to paragraph 5 (Likely Impact).

Having had careful regard to the Equality Analysis, and also the Consultation responses, Cabinet members are under a personal duty to have due (that is, proportionate) regard to the matters set out above and (i) to consider and analyse how the decision is likely to affect those with protected characteristics, in practical terms, (ii) to remove any unlawful discrimination, harassment, victimisation and other prohibited conduct, (iii) to consider whether practical steps should be taken to mitigate or avoid any adverse consequences that the decision is likely to have, for persons with protected characteristics, and, indeed, to consider whether the decision should not be taken at all, in the interests of persons with protected characteristics, (iv) to consider whether steps should be taken to advance equality, foster good relations and generally promote the interests of persons with protected characteristics, either by varying the recommended decision or by taking some other decision.

However, whilst Cabinet Members are under a duty to have serious regard to the need to protect and promote the interests of persons with protected characteristics, in the ways just described, in reaching their decision, they may also take into account other considerations, such as the desirability of providing cost-effective and good quality services and, in particular in the current climate, the need to make budgetary savings. They may decide that those types of considerations ultimately justify their decision.

In terms of any alternatives, whilst savings clearly have to be made across the range of Council functions, the Cabinet should be open to the possibility that it may be necessary to avoid adverse impact to continue current provision and to identify savings elsewhere in the budget or to find ways to generate additional revenue, for example by increasing fees and charges or by raising Council Tax.

7 Financial implications and risks:

- 7.1 There is an MTFS savings target of £500k to be achieved by the financial year 2013/14 in respect to day opportunities for people with learning disabilities. There will be the need for various actions to be taken to achieve this and the agreement of the recommendations set out in this report will make a substantial contribution to this as set out in the previous report to Cabinet in May 2011. Appendix O shows potential savings to be realised. Savings related to salaries budgets are subject to the Councils managing organisational change and redundancy policy. Other savings are dependant on the final cost of the future mode of service delivery. Ongoing monitoring of savings as realised will be necessary to ensure achievement of the MTFS savings target, in the context of the overall LD budget position.
- 7.2 There will be transport savings that will be achieved as a result to the closure of St Bernard's. There is a separate MTFS target in respect of client transport of £500k to be achieved by 2013/14 and these savings will count towards that target.
- 7.3 In terms of potential land disposal, it should be noted that the Council owns Western Road but does not own St Bernard's. Capital receipt figures assumed as part of initial option appraisal are based on estimated values as per the most recent valuations available, and can not be assumed until realised. Due consideration by Members will be given to deployment of the proceeds from the eventual sale of Western Road, as part of the Councils Capital Programme.
- 7.4 In order to develop Day Care provision at the Nason Waters site it is proposed that this project be added to the Councils Capital Programme (subject to the necessary authorities), and the works be funded by existing Adults capital budget. The works are estimated to cost in the region of £300k to be funded by an existing Department of Health capital grant.

8 HR Implications and Risks

- 8.1 The staffing implications of the possible closure of St Bernard's are currently subject to formal consultation with affected staff (10 permanent staff are affected) under the Council's Managing Organisational Change & Redundancy Policy under a 90-day corporate statutory process. This consultation is due to end on

27th October 2011. Staff and Trade Union representatives have expressed a clear view that they do not wish the Council to exercise the potential application of TUPE with regard to finding new service provision for St Bernard's users. Their preference is for suitable alternative employment to be identified by the Council under the redeployment process or to receive a redundancy payment.

- 8.2 Proposed staffing arrangements, job/person profiles with revised job titles and new grading structures have been prepared for the amalgamation of Nason Waters & Western Road. The change management report to deal with these issues, as they sit under the proposals set out in this Cabinet report, will be made available to affected staff (26 permanent staff are affected) and Trade Unions and subject to formal consultation, which should commence in October 2011. Any formal consultation on the amalgamation of these two centres would need to be carried out in accordance with the provisions of the Managing Organisational Change & Redundancy Policy.
- 8.3 The council-wide programme of change towards Havering 2014 has meant that the Council views itself as a 'unit'. Therefore, affected staff under any proposed change management process within the council at a single point must be viewed in terms of being one group. This requires use of an HR1 form, which is lodged with the Department of Business Innovation and Skills on completion to enable a 90-day consultation period to commence as is statutorily required. Notices of redundancy cannot normally be issued until the 90 days of this formal consultation period have elapsed and the affected staff who are identified as being displaced during the implementation stage for these proposals have been identified.
- 8.4 It is anticipated that there would be a minimal number of posts where there is a risk of redundancy for the existing postholders due to rationalisation of staffing levels across these two centres. There is a risk of unfair dismissal claims with any redundancies. However, the likelihood of such a risk, and the potential number of any such claims, can both be minimised by following the Council's Managing Organisational Change and Redundancy Procedure. This would ensure that a fair process is followed in terms of selection for redundancy and that every effort is made to identify suitable alternative employment within the Council for displaced employees, with appropriate support put in place to aid the successful completion of any subsequent trial period within the redeployment process.

REASONS AND OPTIONS

Reasons for the decision:

- Meet national & local policy objectives – there are clear policy objectives that have been set both nationally and locally for personalisation, re-ablement, independence and choice that we are not currently meeting.
- Increasing numbers needing service in future – the number of service users is projected to continue to rise year on year placing significant pressure on budgets;

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- Changing patterns of usage – more individuals are choosing to take new forms of service (Direct Payments, External provision etc.) creating a vicious circle where usage (& sustainability) of internal services is reducing;
- Confusion between carers & users needs – there has been a lack of clarity as to the provision needed to support users and that which provides respite for family carers.
- Little evidence of reducing dependency – current services appear to be a provision for life without showing how they contribute to reducing the need for future support;
- Improve Value for Money; the current model of service is not affordable particularly when considering the growth in demand and the restrictions on Local Authority spending.

Other options considered:

The options considered have been the subject of consultation.

Equalities implications and risks:

An updated Equality and Fairness Assessment has been carried out and is attached as Appendix N.

BACKGROUND PAPERS

- a. Various Budget Reports (2010/11)
- b. Employment data provided by Human Resources
- c. Development of Day Opportunities for People with Learning Disabilities in Havering - Options Paper 18/8/11
- d. Monthly Performance Reports for Adult Social Care.
- e. Consultation material and responses placed into the Member's room (some of the detail of which is exempt from publication because it is private information relating to individuals)

Appendix A



Havering
LONDON BOROUGH

Consultation Document

Review of day opportunities for people with a learning disability

Introduction

On 18 May 2011 Cabinet considered a report looking at the future of day opportunities for people with a learning disability in Havering. This follows work that has been undertaken to review these services. This review has highlighted the need for changes in the way these services are provided. We are committed to consult with people who may be affected by the changes about our preferred options and will listen to all the views we receive.

This note is intended to provide a summary of the Cabinet report to help you understand the reasons for change and the options being considered.

Why do we need to change?

- The review is about encouraging day opportunities that are flexible, centred round the individual, and which provide varied, meaningful and stimulating activities.
- The number of service users is projected to continue rising year on year so we need to ensure there are effective resources in place.
- The number of people choosing to use Council services has really declined. Because our services are very traditional, more and more people are choosing to use external providers or have chosen to have direct payments for individual budgets.
- We need to ensure that our services provide support for carers but they also provide users with positive outcomes for their health, well being, education, and employment.
- The current services need to change to help increase people's skills.
- We need to make sure we deliver services that are fair and focussed on the individual but are also efficient and good value for money. In some cases, better and more cost effective schemes are already being provided by external organisations.

The Financial Position

- Because less people are choosing to use our services, the buildings are underused and becoming expensive to maintain.
- This means that costs per person are more expensive and, at St Bernard's, are significantly more than from external providers.
- Current levels of direct payments being made for external day services are not sustainable.
- The potential to access new funding streams, for example welfare to work, charitable funding, capacity in mainstream services, etc needs to be explored.

A new service model

- Each service user needs a person-centred plan which identifies key targets around their health, employment, social interaction, learning and independence.
- In order to respond flexibly to supporting individual care plans through individual service budgets, the money tied-up in fixed infrastructure (eg buildings and buses) costs has to be reduced.
- We want day opportunities to have positive outcomes and stimulate the local market to provide the opportunities that people with learning disabilities need. This is particularly so for people with low or medium needs.
- The new service should increase access to mainstream services and education, rather than create separate specialist provision which does not support inclusion.
- We will conduct a separate assessment of carers' needs to make sure there is fair support in place.

Managing the transition

- We will support existing users to make the change. The Council has a responsibility to them to manage the pace of change, which allows them to move to new services as they are able. There may be a number of users (legacy users) for whom the Council will need to ensure a continuing support as they are comfortable in the current service.
- We will manage the costs of the market place to make sure they are affordable. This can be achieved through market stimulation, innovative schemes and careful commissioning as well as the use of mainstream services and funding opportunities.

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- We will provide support for each user and their carers to make appropriate choices and set realistic goals.

The proposals

- To close St Bernard's and have an external body providing its services using individual budgets. We will work closely with users and carers to support them through the change.
- Amalgamate Nason Waters & Western Road, ensuring Nason Waters can accommodate the current users of Western Road.
- Change the services at Nason Waters so they provide positive outcomes for people's health, wellbeing, education, employment, social inclusion and independence.
- We will also look at our transport arrangements and make sure they are suitable for our users' needs.
- We will engage with the local market so we can offer advice on current opportunities as well as stimulating new opportunities.
- Undertake separate carers' assessments and review person-centred plans for all users.

The full report is available on our website www.havering.gov.uk but this note hopefully helps people understand what the scope of this consultation is. Your views will be valued and form part of the consideration before any final decision is made.

Timetable:

The consultation will run from 16 June for two months. All contributions need to be received by 22 August 2011.

Consultation will be through the following ways:

- Consultation events will be held for carers of people who attend St Bernard's Day Centre, Nason Waters Day Centre and Western Road Life Skills Centre. Information about these will be sent out shortly.
- A consultation event will be held at Havcare.
- A consultation event will be held at People First Havering Drop-in.
- The Learning Disability Partnership Board will be asked to give its views.

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- Comments and views about the proposals can be e-mailed to: yourviews@haverling.gov.uk
- Comments and views about the proposals can be made by calling 431064.

We are happy to arrange individual meetings with service users and carers if need be.

Support from a specialist advocacy service from Mencap will be provided to people who attend St Bernard's Day Service.

Below, there are a set of questions to enable you to give your views about the proposed changes. If you want to contribute to the consultation process, one way of doing so is by answering these questions and returning the slip in the envelope provided.

Do you agree that the current day services cannot stay as they are and need to be modernised?

Yes/No.

If not why not?

Do you agree that St Bernard's should close and existing clients be helped to find suitable alternatives either from external providers or through individual budgets?

Yes/No.

If not why not?

Do you agree that the services from Nason Waters and Western Road need to be changed so they focus on inclusion rather than a traditional model of care?

Yes/No.

If not why not?

Do you agree Western Road should close and the service be amalgamated with Nason Waters on a refurbished site at Nason Waters?

Yes/No.

If not why not?

Do you have any other comments about the proposals or do you wish to suggest any alternatives?

Easy Read Version

Havering Council

Changing your day services



We need to make some changes to day services.
We want to know what you think about our ideas to
change day services.

Easy read



Tell us what you think about these changes



Before we make any changes we want to know what you and your family think.



There are some questions at the end of this information about what we want to change.



Send your answers to

**The Hermitage
Billet Lane
Hornchurch
Essex
RM11 1XL**



**People who go to St. Bernard's Day Centre will have support from an advocate.
An advocate is someone who helps you to speak up or who can speak up for you.**



We are running meetings for you and your carers at

- your day centre
- Havcare
- People First Havering Drop-in.

You need to tell us what you think by 22nd August 2011

Some of the other reasons we need to change day services



Lots of people are choosing services and support from other groups.

This means each year fewer people are using our day centres.

We need to use the money we have to help people in the best way we can.



Spending a lot of money on things like day centre buildings and mini buses is not really the best way to help people to have interesting things to do.

Individual budgets



More people are choosing to have an **individual budget**.

An **individual budget** means that the money to pay for services comes to you. You choose what you want to spend the money on.



An individual budget gives you more choice and control about what you do in the day.

What the changes will mean for you

You will have a person centred plan.

A person centred plan is about

- what you like to do
- the support you want
- what new skills you want to learn.



You will have more chance to go out and do activities like everyone else does.

How we will help you with the changes



We will make sure you and your family have help to

- choose what new things you will be doing.
- understand about your individual budget.



We will make sure we find out what support your families need.

The change to doing new things will be done slowly.

You will have time to get used to doing different things in the day.

The changes we want to make



We want to close **St. Bernard's Day Centre**.

If you go to St. Bernard's a group, not the council, will support you with things to do in the day.

You will get more choice about what you do.

More about the changes



Join up **Nason Waters Day Centre** and **Western Road Life Skills Centre**.
This means **Western Road will close**.



We will change Nason Waters so there is room for the people that go to Western Road.



We will make changes to what you do at Nason Waters.

The changes will help you to

- learn new skills
- go to activities where you live
- try out new activities.

More about the changes



We will look at the person centred plans you have now.

We will work with you to make sure your plan is right for you.



We will help you to think about what new things you might want to try.



We will look at the different transport people use like mini buses.

We will think about if the transport we have now is the best way to help people get out and about.



On the next pages are some questions to help you say what you think about our plans to change your day services.

Questions about changing your day services



What do you think about changing day services so you have more choice about what to do?



What do you think about closing St. Bernard's?



What do you think about closing Western Road?



What do you think about Western Road closing and changing Nason Waters so everyone can go there?



Anything else you want to tell us about changing your day services?

Questionnaire Analysis

Q	Questionnaire	Y/N	Q	Easy Read
1	Why change things that are working & not broken	N	1	As long as I can continue to attend NW.
2	Fear service users will end up with carers pushing or dragging them round Romford/Lakeside taking no notice of them	N	2	Sorry for those who like it there
3	Only if it benefits users to have more facilities		3	I hate places that are packed
4	Only if it really happens		4	Don't want it to get over packed
5	concentrate on those who deserve it - i.e. not alcoholics & drug addicts		5	I like the people. Don't want to change
1		Y	1	Good to have choice & to learn more
2	Would alternatives be enough	N	2	If St B's closes then NW, W Rd will be 3 services together, 1 will suffer & some lose out
3		Y	3	If smaller than other two then maybe
4		Y	4	Might be good but will everyone benefit?
5			5	Changing day centres is no good without more choice
1		Y	1	Do not know or understand
2		Y	2	N/A
3		Y	3	N/A
4	People at Nason would have to change & overcrowded	N	4	Yes
5			5	X is not capable of understanding money
1	Students are happy at present- they like routine	N	1	Is a good idea
2	Clients know & trust routine	N	2	Wrong to close as they have been there a long time
3	After Spillsbery closure only remaining Day Project is Western	N	3	Sad - but still have somewhere to go
4	Going back 18 years - all services under 1 roof	N	4	It is a good idea
5	Appreciate Financial but LD is the Cinderella of Havering		5	
1		Y	1	I am happy to take on board - I am active and this would give me a challenge
2	Why not form a unit at NW	N	2	
3		Y	3	Sad as I will miss my fellow users
4		Y	4	I would be happy to go to NW
5			5	I am happy - only worry is if places are limited.

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1	We are not asking for modernisation - carry on as normal	N	1	Nice to have more choice
2	All you are trying to do is cut budget & quality of life for disabled people	N	2	N/A
3	N/A		3	Sad
4	N/A		4	Nice to be more involved - but Nason is not central
5	Eastway offers less hours - less weeks - extra costs of respite		5	Perfect if new complex in Central position

1		Y	1	
2		Y	2	
3	WRd in centre NW hidden away. X has only gone		3	
4	Spillsbury Road - smaller projects		4	
5	College at Nason Waters leaves a lot to be desired ?mixing - bad transport. LC picks up after 9am		5	

1	Things are constantly changing - WRd last project after Spillsbury	N	1	X isn't able to choose ...
2		N/A	2	Happy at St B's - they don't like change
3	Ever since ASC have been hearing of Personal Planning	N	3	do not agree - attends StB
4	Where has the idea of small projects gone - allotments a long walk from NW	N	4	do not agree - attends StB
5	?Legacy users ? Market stimulation - Smaller is better		5	Reviews should have been done first - Western Road move into StB's upstairs - all about saving money

1	Gets activities & choice at W RD	N	1	It may be a good idea
2	?no lift		2	It might be a shame
3	What do you mean traditional model - already goes out	N	3	It's a shame
4	Western Rd in better location for activities	N	4	might be a good idea if there is room
5	? Too many in one unit (Spillsbury Rd.) How will skills increase? More users but closing units? X is provided for in health wellbeing & education. ?Transport arrangements		5	

1	Long overdue	Y	1	my sister can't choose - already doing what she wants
2	Sad - purpose built building - why not move to Nason Waters	N	2	Only cutting budget & quality of life
3		Y	3	
4	Focus should be on less able rather than amalgamation	N	4	
5	Long comment - not very clear		5	Eastway has shorter day - worried Eastway will not accept X. Eastway shut 4 weeks

1	They know each other & moving them about will upset relationships		1	Why can't I stay at W Rd & have more choice
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2	Lot of clients cannot go anywhere else - split from friends	N	2	N/A
3	Not room at Nason Waters for both	N	3	Bad - it is upsetting me
4	Not enough space, loss of activities, Building work could upset users & H&S risk	N	4	I like being in Romford - see my Mum & Dad & friends at shops
5	Leave the vulnerable alone - how would you like to sit at home day after day.		5	I am very worried & keep talking about it

1			1	Like going out, art, music - run at H.H Church - costs little
2			2	
3	X is settled - to move her would cause problems	N	3	
4	X doesn't want to go to NW	N	4	
5	Leave students where they are		5	

1	Council has not spent enough on day services	Y	1	Why change what is successful
2	Don't know		2	If it works keep it
3	People with LD have there own friends like themselves - inclusion does not happen in the real world	N	3	If it works keep it
4	Each place is different	N	4	Everyone is happy where they are
5	People only choosing PB because they are not informed of alternatives. PA's not inclusion. PB's spent on private centres that are dearer. Is there really inclusion - how many employed at Billet - at the pub/golf club? Not many		5	Parents, Carers & Clients affected - only means more money for the Council.

1	Stress it causes to X & friends - at NW for 30 years	N	1	
2	N/A		2	Ridiculous
3	Happy with Nason Waters	N	3	Daft to close a well run & loved centre
4	Nason will become overcrowded	N	4	You will run out of space & people may be stuck at home.
5	No common sense - Cut expenses & salaries & stop "Living" Should not have stopped residential attendees. Respect staff at NW but not the rest of you. Residential bad (?Acorn Village)		5	

1	Not qualified to comment		1	
2	Not qualified to comment		2	Not happy but know changes have to be made
3	Not qualified to comment		3	Know nothing of Western Rd
4	This goes back 17 years - Spillsbury Road to 7 projects - now have all gone. There was more choice		4	Never been to either centre
5	Does not show compassion or understanding of needs of special people.		5	

1	in the interests only of each client	Y	1	Not a good idea & there won't be more choice
2	because it is the only special needs day centre I am aware of	N	2	X is very happy there do not want it closed

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3 Not clear what is meant - seem happy at present
 4 There would not be a significant change for my daughter Y
 5 Transport arrangements if not designed to meet the needs of users would waste the investment in Nason Waters

3
 4
 5 All about money - if X in care then cost more - We have saved thousands - our choice is St B's. You don't want our suggestions you have already decided.

1 Old ground - closure of Spillsbury Road gave 7 projects then closed. Y
 2 N/A
 3 N/A
 4 NW is the furthest & most remote N
 5 Change is not always good - going in a complete circle. Should be more central. Issue of the Transport depot moving out of borough & now back in.

1 X should stay where they are - it is like home
 2
 3 It will harm the students
 4
 5

1 Y
 2 Y
 3 Y
 4 Y
 5 We would like disabled people to live their life like normal people & do what they want

1 May have less choice
 2 Not qualified to comment
 3
 4
 5 Clock back 17 years Kings Fund mandated - sold Spillsbury & created 7 new community projects. Now all gone. Opportunity wasted.

1 Very happy at St B & friendship N
 2 Very vulnerable people - show respect - go back to when previous manager when they went out before H&S taken to extremes N
 3 DC should be kept - look at private care homes. What would happen to our children. Only Eastway in Borough N
 4 Client at Western enjoy lots including travel. Can't be done from Nason, in back of beyond N
 5 What Council has done this is disgusting. 1 man to make decision is dictatorship. None involved in decision have a disabled child or family member to look after. All about saving money - money for I pads found! Stop taking from vulnerable & helpless. Let Eastway run St Bernard's at Peel Way. Councillors should visit to see who they are hurting.

1 Not right - most can choose now.
 2 Shameful - greed taken over Council. Why open Eastway when St B's & Western not full
 3 Should not close
 4 NW in back of beyond with no transport access. Most like it at Western & it would be further to travel.
 5 Don't change them. Move clients from Eastway into St B's. They have been there longer than Eastway.



DAY OPPORTUNITIES FOR PEOPLE WITH A LEARNING DISABILITY

CONSULTATION MEETING

ST. BERNARD'S DAY SERVICE

30TH June 2011

Attendees

Four families plus Havecare were represented at the meeting. A further two families sent apologies.

Bob Morgan (BM) - London Borough Of Havering (LBH): Interim Strategic Review Manager

Linda McMeakin - London Borough Of Havering: Adults Transformation Projects Manager. Minute taker.

Introduction and background

BM explained that in July 2010 he had carried out a review of LBH's three in-house day services for people with a learning disability, and, based on the findings of this review, wrote the report which was presented to Cabinet on 18th May 2011, setting out the options on which consultation is now taking place. A summary of the options given in the Report is given in the consultation document which has been sent to all carers of people who use the day services, and an accessible, easy-read version to service users. Everyone had received a copy of this.

Purpose of consultation meeting

BM said that the meeting is an opportunity for people to get clarification and to ask questions.

He said that he would try to meet with everyone who could not attend this meeting, if they wished to.

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BM said that questions would be recorded and would form part of the consultation outcome.

Consultation process and period

The consultation ends on 22nd August 2011.

The Report detailing the outcome of the consultation will be finalised at the end of August.

Overview and Scrutiny Committee will give its views on the process towards end of August (since this meeting, the date has been confirmed as 23rd August).

BM acknowledged that it is a difficult and anxious time for clients, carers and also staff as, at the moment, the options are only proposals, and not decisions. He emphasised, though, that we need to go through the process in order to make the right decision.

BM also stressed that the proposals are not about taking services away, but about changing them. LBH continues to have a responsibility to meet assessed needs and it will make sure that it does so.

The consultation is not only about this meeting. People are asked to give their responses and views by completing the questionnaire at the end of the consultation documents, or by e-mailing yourviews@haverling.gov.uk or by using the telephone number dedicated to the consultation process: 01708 431064.

BM said that he would also try to respond if people wished to put questions to him in the future, not just today.

Reassessments

A care manager has been appointed specifically to carry out reassessments and to enable service users and carers to be clear about available choices should the outcome of the consultation be that St. Bernard's is to close.

BM said that there are various ways in which service users' assessed needs could be met, examples being:

- Eastway Care
- Direct Payments
- LBH is in discussion with Crossroads about a possible small-scale service, but no definitive decisions have been made as yet.

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- Other services for which LBH pays, which are outside the Borough (BM said he was not suggesting that these be used; he was merely indicating that there are a range of services that LBH currently commissions).

BM said that he would try to facilitate visits to services if people would find this helpful, and look at the potential to talk to people who use those services.

Support for service users and carers during consultation

BM said that there is a need to support both service users and carers through the consultation process. Mencap Advocacy Service has been appointed by LBH, but is separate from them, to provide independent advocacy, primarily for service users, but will also be available to support carers if they wish it, and should be arranging surgeries for carers. They will engage as much as they are able to with clients, and will provide a report on their findings. Mencap began its work on 23rd June.

Issue raised: Carers have not been informed that Mencap had commenced its work **(this was taken up with Mencap following the meeting; letters to carers had been sent that day by Mencap).**

Questions, comments and discussion points

Q.1. What is the reasoning behind closing St. Bernard's?

Response: The use has decreased so it is less sustainable, both in terms of cost and in the ability to provide a full range of services.

Comment: Some parents from Ravensbourne School had not heard of St. Bernard's, and it seemed that they were not being given information about it.

Response: Everyone in transition is given information about all available appropriate services. For some people. St. Bernard's would not be a suitable option. Some choose not to go there after visiting it, and over the last 18 months, there has only been one new client.

Q.2. Eastway Care:

1. People were told that the facilities at Eastway Care would be exactly the same as those provided at St. Bernard's. This is not the case, as Eastways is closed for four weeks of the year.
2. Carers have been told that Eastways will only take the clients that they wish to.

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3. Carers have also been told that Eastways would need further development in order to take all clients from St. Bernard's.
4. How much cheaper is Eastways Care in comparison with St. Bernard's?
5. Cllr. Kelly has stated that he brought Eastway Care into the borough 2 years ago in order to take on service users from St. Bernard's. Did we let the service run down in light of this?
6. Could Eastway Care take over St. Bernard's? There could be a lot of merit in this. Some service users would like to stay in the Centre on some days, and Eastway Care cannot provide this.

Responses:

1. It is correct that Eastways closes for 4 weeks. LBH has to ensure that any assessment of need is met and would therefore have to put something in place if an assessment indicated that support for 52 weeks of the year is required.
2. It has never been suggested that Eastways provides the same service as that at St. Bernard's. It can support clients with similar levels of needs to those at St. Bernard's, but has a different style of provision and support. In the same way that LBH has to carry out assessments of needs, Eastway Care also carries out an assessment to ensure that it can fully meet a client's needs and is an appropriate provision.
3. There have been discussions with St. Bernard's about their capacity, and Eastway have confirmed that they have sufficient to meet the potential number of clients who may go there. There is not a decision that all current service users at St. Bernard's will go to Eastways. This will depend on whether it is most appropriate for an individual, and this will be considered during the reassessment process. It is also not possible at this stage to enter into direct discussion with Eastways about contracts, levels of business etc as no decision has yet been made to close St. Bernard's.
4. In terms of unit cost, Eastway is £100 less per day than St. Bernard's.
5. The Council was paying for 2 vehicles to take people to Eastway Care in Leytonstone, which was a high cost to the Borough and also meant that service users were travelling for long periods of time. Eastway Care was brought into the Borough to change this situation for the better for both the Council and for service users.

6. This has not been completely ruled out. However, Eastway Care is trying to find an additional unit in Stanton Gate to enable clients to remain and do activities in the Centre, if that better meets their needs. There will need to be an appropriate transition plan for each service user, and the need for quiet times met for those people who need them.

Q.3. Sustainability of St. Bernard's

1. Why has the council allowed St. Bernard's to become a service which people do not choose to use, and therefore to become unsustainable?

Response: It has not been allowed to happen, but it has happened over time, gradually proving less popular. It also has high fixed overheads, which makes it expensive to sustain in comparison with some external services, where costs can be scalable.

2. Why has there not been more use made of the building e.g. installation of a lift?

Response: There has been no financial capacity to do this sort of work and there are technical issues, as the Council does not own the building.

Q. 4. Who is responsible for ensuring that clients and carers get the best possible service?

Response: The Council is responsible to the tax payer in terms of ensuring best value, to clients and carers in terms of meeting assessed needs, and has to work within the legislation to ensure that services that are provided meet government guidance requirements.

In the past, local authorities used to both assess needs and provide services, as there was little choice in the external market. Over a number of years changes have taken place, with increased choice, personal budgets, changes in people's expectations, particularly for younger people, with more integration into mainstream services. Councils are increasingly going to become purchasers rather than providers of services, and will not be in a position to provide this type of small-scale, specialist provision in the future.

As people have chosen to take up direct payments, personal budgets or external provision, it has become difficult for councils to sustain the services it provides. A vicious circle is thereby set up. The Council would have liked to invest in St. Bernard's, but the funds were not available as they had to be diverted to direct payments etc.

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It was questioned whether the sole cause could be lack of financial investment.

Response: There had been changes in management at St. Bernard's over the last 2 years to try to reinvigorate St. Bernard's, but there had been no fundamental shift.

Q. I believe in Value for Money. If the Council is going to spend money on private organisations, which will make a profit from it, why cannot the Council make a profit?

Response: Councils cannot make a profit, but do need to run their services efficiently. However, they cannot risk-take or respond quickly to a changing market in the way that private providers can, and have to work within large overheads and a bureaucracy.

Q/Comment: Bob Morgan has been open and honest in his responses. What can we say to stop you from closing St. Bernard's?

Response: In order to achieve this, we would need to be able to:

- Operate it at maximum capacity
- Make it sustainable for the future
- Change the style of operation dramatically to make it attractive for future users

It is difficult to come up with scenario that would encompass all of the above. It could not be ruled out that a one-off investment might improve it, but this is highly improbable.

Q/Comment: We understand that the Council has to make savings, but it is not taking clients' welfare into account. This is a step backwards. Don't close St. Bernard's. Go elsewhere to save money. The impact of savings on someone with a profound learning disability versus the impact of those made elsewhere is much larger.

Response: St. Bernard's is part of an overall programme to save money. The Council has an overall reduction of 23% in its budget. Adult Social Care and Learning Disability Services have to make much lower savings in comparison overall.

Q/Comment: It is clear that we are highly unlikely to come up with a solution to save St. Bernard's. Therefore, what are the alternatives? We need to focus on choices, and on ensuring that friendship groups are maintained. People cannot respond to the consultation if they are not yet aware of the available choices.

Response: As indicated earlier, there is a range of other providers, apart from Eastway Care and the use of personal budgets/direct payments: William Boyce (Essex), Heathlands (Barking and Dagenham), Trinity London Care in Leyton, which is a specialist provision for people with autism, Mildmay (Redbridge). We are also in discussion with Crossroads to provide a domestic scale project for clients with more profound needs.

All service users are having re-assessments carried out as soon as possible and these will factor in choices. Individual needs will be specified and then the best way of meeting those needs will be identified from the range of options. Direct Payments may be one possibility and should be considered; they do not necessarily have to be used to purchase a place at a day centre.

Comment: It seems that the Council just wants to give the money to us and leave us to sort everything out. Also, our sons and daughters find any change very difficult.

Response: We understand that clients may find the change of service difficult initially, but people can change and people with a learning disability where similar changes have been implemented elsewhere have gone through a rapid and very positive transformation. It may be helpful to talk to carers of people who already attend Eastways.

In terms of direct payments, no-one will be forced to have a direct payment if they do not want one.

Comment: Our clients are not like that. They are also different from others at Eastways, both in age and ability. No account has been taken of the impact of this on carers and the stress and worry it has caused for them. We do not have enough information about the options. We

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would much rather see a Crossroads type setting, rather than individuals being 'peeled off', and LBH should be looking to commission something of this type. There is still time to work together to make this happen, but, if it does not, there will be a lot of dissatisfaction.

Response: There is a process in place to ensure that there will be a satisfactory outcome for all concerned:

- Consultation on the broad principles
- Reassessments to ensure that each individual has an appropriate and acceptable solution
- There will be an appropriate process and time-scales for the transition
- Work and consult with staff, whose futures are uncertain, and whose work is valued and who are key to the success of the transition

We need to use this time positively.

Comment: (The person making this point prefaced it with her opinion that Eastway Care seems to be a good service, from what she had seen). After all the reassessments have been carried out, it would be helpful to look at a discrete project for St. Bernard's clients. This would give confidence and reduce the impact of change. It would be helpful to meet at that time to consider this further.

Response: we would be happy to arrange a meeting once the reassessments are complete.

Summary of main issues

- The council has failed to manage St. Bernard's adequately, and this has led to the current position, where it appears that closure is the only option.
- The ability to consult meaningfully has been frustrated by not having a clear idea of where/what the alternative provision will be. There needs to be a focus on this, and on refining what provision there may be.
- There is concern that carers will be expected to manage direct payments to purchase alternative provision, when this should be the Council's responsibility.
- A meeting is to be arranged once all reassessments complete.

Appendix C

London Borough of Havering

Consultation Meeting

**Review of day opportunities for people with learning disability
on 13 July 2011 at the YMCA**

Panel:

Bob Morgan, Strategic Review Service Manager (BM)– (Chair)
Linda McMeakin, Adults Transformation Projects Manager
Josephine Buckle, Learning Disability Team (Minute Taker)

Attendance:

37 Carers attended plus support from Havecare and one Councillor

Bob Morgan opened the meeting and explained that the Consultation meeting was convened to give an opportunity for carers to hear directly from and communicate back to representatives of the Council following the report and recommendation on the future of day opportunities, for people with learning disability in London Borough of Havering. He introduced his two colleagues, Linda McMeakin and Josephine Buckle. Josephine would be taking notes of the meeting to form part of the formal record of consultation, however these would not be a verbatim record, but all issues raised will be included.

The meeting was conducted in the following ways:

1. Questions/Issues for clarification on consultation proposals.
2. Opportunity to understand the processes of the consultation, how decisions will be made and timescales in going forward.
3. Recording of views from this meeting for feeding in to the Consultation.

All responses received on the consultation will form part of the report that goes forward, prior to final decisions being made.

Consultation responses can be sent by email to: yourviews@haverinq.gov.uk or phone call to 01708 431064. 1-1 meetings can also be arranged for service users and carers if this is required.

Summary of Proposals:

The proposals are set out in the report and the consultation documents, Bob checked that everyone had seen these. The following points were clarified following questions.

- Amalgamation of Nason Waters and Western Road services at the Nason Waters site will mean a daily attendance in the region of 65. The current services at Nason Waters has a capacity of 68 (daily attendance of around 45). The proposal is to provide current services available plus extension of choices and activities.
- At the point of transfer, services at Nason Waters will offer current individual activities as well as developing the range of on and off site choices available. This would enable and encourage better contact with other community services and ensure that 'person centre plan' is embedded around every individual. This means agreeing individual outcomes improving the individual's opportunities, health and employment, promotion of independence, if possible, skills or independent living and good social and friendship networks. The Council is planning thjat services and activities on offer are improved and can attract new service users to the centres for the sustainable future.
- The physical review of the structure and building construction at Nason Waters. This review will allow improvement on current facilities and activities, create space for new activities and potentially using the external environment of the centre better in the provision of further choices.
- The proposal on the sale of Western Road: The Councils' Director of Finance will have the agreement on how the money from the sale of Western Road will be used. Part of the money from the sale will provide capital to allow significant work at Nason Waters site. Due to the capital regulations on local authority the revenue is not totally ring fenced.

Issues around amalgamation:

- It was clarified that changes to Direct payments were not part of the consultation and these will still be available but only in line with assessed needs; assessment of individual needs will follow amalgamation unless there is a specific request to do this earlier.
- The impact of changes to parents/users on amalgamation was stressed and was recognised.

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- It was explained that the Council's intention was that staff would transfer with clients to the new service (apart from some rationalisation of management & administration) but this was still subject to agreement with staff & Unions. Transfer of staff at Nason Waters and choices available to individuals
- Standard of services and capacity of service users at both centres were both questioned and reassurances given that the new service will have better facilities and staffing levels alongside new service choices which would be introduced
- Transportation issues – there are no proposed changes to transport arrangements but these are subject to a separate review.
- Social enterprise and educational needs including personal assistant rates
- Information sharing on consultation processes and Nason Waters
- Equality Impact Assessment, support to parents/carers of challenging individuals

Managing the Transition:

- The transitional period will be carried out sensitively. There will be provision of personal visits for individual to manage the transitional anxieties.
- Current days and activities will be maintained at the point of transfer though this may change in the future as new choices are introduced.
- There are no confirmed closure dates for Western Road, but the original working notion was a potential for closure will be around December 2011 but there has been slippage.
- Provision of capital from the sale of Western Road will be utilised partly for building work at Nason Waters.

Social Enterprise:

- Promotion of social enterprise by allowing provision to be managed outside the Council to provide flexibility of services to meet individual needs. This is not part of the current proposals but may be considered in the future.
- No date for set for the opening as building programme would need to be looked at and confirmed.

Equality impact assessment:

- It was stated that account was not taken at Carers/service users in terms of timescales especially for individuals with challenging behaviours. Bob outlined the special arrangements that have been put in place.
- Support and adequate care for individuals with Health Care needs. How can this be provided outside of the Council? Bob cited existing external services already carrying this out.
- Health needs – individual user and carer would need an assessment of needs focusing on outcomes to drive the services that are required. Programme to be developed will support personalised services to client.

Staff consultation at both sites will be conducted sensitively and transition managed effectively prior to final agreement. As part of the consultation, there are provision of 'visits' for clients to both sites in order to manage transitional anxieties and assurances on the service and activities available.

It is to be noted that there is no proposal to change the pattern of services and attendance days. The building programme will be designed to take account of the transitional processes and currently there is no set date of the site opening until the building programme is completed.

Effectively more choices will be on offer going forward. There will be no removal of current services for individuals unless they are choosing to do something different.

For the future, the council will be looking to offer more services and activities outside the Nason Waters Site. There are currently activities taking place outside the community eg drama groups, community activities and the council will look to build on this. The overall capacity will not be affected.

The building project will be looking to create and increase capacity, create smaller spaces, lower ceiling, better lighting and with more built in facilities etc. The facilities will provide flexibility around the individual offering a variety of services and facilities to ensure 'Person Centre Plan' activities. Discussion has been held with to incorporate outside service and the education facilities which will be available on site and will not be withdrawn.

The Council will make a direct provision in going forward by providing a place to support individuals to make the choices and a facility to encourage and promote activities that individuals with learning disability will find useful, valuable and beneficial.

Next Steps:

If individuals have an objection to the amalgamation, they should provide an alternative suggestions to the proposal as a way forward in the context that:

- The Council needs to provide a service for the future to deliver fair and focussed individual services that are efficient and good value for money.
- The Consultation process will take account of demographics for the future provision of services.
- If there are any other comments that has not been aired at this meeting, individuals can contact Bob direct.
- Specific concerns around individual issues can be directed to BM or utilising some of the response avenues listed on the Proposal (this information is available below).
- Updates on the proposal/consultation was requested and emails will be sent to individuals who have given their contact addresses.
- No decisions has been has been made whilst the consultation proposal is carried out.

Action (Bob Morgan):

- To check processes on individual assessment that has been carried out. If any editing has been carried out after an assessment, individuals have the right and option to take it up with the Council.
- Clarification of financial assessment that had not been completed.
- To investigate the concerns raised about staff at Nason Waters/Western Road not having enough information on the Consultation Processes.
- To provide information on the proposed transitional arrangements/programmes when in place.
- Agencies – to look at points raised about difficulties with financial advice for the provision of personal assistants to support individuals.

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Bob stressed that all responses received on the proposals will be reviewed prior to decisions taken on the amalgamation of Nason Waters and Western Road.

Copies of the confirmed notes will be sent to all individuals present at this meeting.

For those individuals who were unable to attend today's meeting, a second Consultation meeting will be held at Scimitar House on Wednesday, 27th July at 10.30 am until 12.30 pm.

Appendix D

<p style="text-align: center;">London Borough of Havering</p> <p style="text-align: center;">Consultation Meeting</p> <p style="text-align: center;">Review of day opportunities for people with learning disability Held on 27 July 2011 at Scimitar House</p>

Panel:

Bob Morgan, Strategic Review Service Manager (BM)– (Chair)
Linda McMeakin, Adults Transformation Projects Manager
Josephine Buckle, Learning Disability Team (Minute Taker)

Attendance:

20 Carers attended plus support from Havecare

Bob Morgan opened the meeting and explained that the Consultation meeting was convened to give an opportunity for carers to hear directly from and communicate back to representatives of the Council following the report and recommendation on the future of day opportunities, for people with learning disability in London Borough of Havering. He introduced his two colleagues, Linda McMeakin and Josephine Buckle. Josephine would be taking notes of the meeting to form part of the formal record of consultation, however these would not be a verbatim record, but all issues raised will be included.

The meeting was conducted in the following ways:

1. Questions/Issues for clarification on consultation proposals.
2. Opportunity to understand the processes of the consultation, how decisions will be made and timescales in going forward.
3. Recording of views from this meeting for feeding in to the Consultation.

All responses received on the consultation will form part of the report that goes forward, prior to final decisions being made. Bob stressed that all responses received on the proposals will be reviewed prior to decisions taken on the amalgamation of Nason Waters and Western Road. Copies of the confirmed notes will be sent to all individuals present at this meeting. Consultation responses can be sent by email to: yourviews@haverinq.gov.uk or phone call to 01708 431064. 1-1 meetings can also be arranged for service users and carers if this is required.

Summary of Proposals:

The proposals are set out in the report and the consultation documents, Bob checked that everyone had seen these. The following points were clarified during the meeting:

- Amalgamation of Nason Waters and Western Road services at the Nason Waters site will mean a daily attendance in the region of 65. The current services at Nason Waters has a capacity of 68 (daily attendance of around 45). The proposal is to provide current services plus extension of choices and activities.
- At the point of transfer, services at Nason Waters will offer current clients the same activities as well as developing the range of on and off site choices available. This would enable and encourage better contact with other community services and ensure that 'person centre plan' is embedded around every individual. This means agreeing individual outcomes improving the individual's opportunities, health and employment, promotion of independence, if possible, skills or independent living and good social and friendship networks. The Council will ensure that services and activities on offer are improved can attract new service users to the centres for the sustainable future.
- The physical review of the structure and building construction at Nason Waters. This review will allow improvement on current facilities and activities, create space for new activities and potentially use the external environment of the centre better in the provision of further choices.
- The proposal on the sale of Western Road: The Councils' Director of Finance will have the agreement on how the money from the sale of Western Road will be used. Part of the money from the sale will provide capital to allow significant work at Nason Waters site.

Issues around amalgamation:

- Transportation issues especially on the drop off points – BM stated that there are no proposed changes to transport arrangements but these are subject to a separate review. The amalgamated service at Nason Waters will continue to be served by the six coaches currently used for both Western Road & Nason Waters. The only difference will be that the vehicles go direct to Nason Waters rather than going via Western Road.
- Lack of appropriate information on the timescales re the closure of Western Road and the amalgamation of Western Road and Nason Waters. BM confirmed that the closure of Western Road and the

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amalgamation of both centres is unlikely to take place prior to the end of 2011. It is anticipated that the closures will happen around the end of the 2011 financial year. This is because of the need to programme and complete the required building works and provide a managed transition programme. There is also a separate requirement to consult with staff on the impact on them of the changes and this will not commence until September. BM agreed to explore the request to extend the timescales on closure of Western Road to June/July 2012 and will put forward a proposal to this effect.

- Lack of direct information to services users on the proposals and processes involved. BM is meeting with service users at both Nason waters and Western Road to inform consultation processes and progress to date as well as engaging through People First; the 3 A's Group and the Quality Circle.
- Issues of developing employment for service users in a supported role (not the usual 9-5pm working patterns).
- Provision of capital from the sale of Western Road will be utilised partly for building work at Nason Waters.
- Staff relocation at Nason Waters and Western Road: BM explained that the Council's intention was that staff would transfer with clients to the new service (apart from some rationalisation of management & administration) but this was still subject to agreement with staff & Unions. Transfer of staff at Nason Waters and choices available will be informed to individuals concerned.
- Standard of services and capacity of service users at both centres were both questioned and reassurances given that the new service will have better facilities and staffing levels alongside new service choices which would be introduced.

Managing the Transition:

- The transitional period will be carried out sensitively. There will be provision of personal visits for individuals to manage the transitional anxieties.
- Current days and activities will be maintained at the point of transfer though this may change in the future as new choices are introduced.
- There are no confirmed closure dates for Western Road. It is anticipated that Western Road closure may be around the end of the 2011 financial year. BM to explore the request to defer

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timescales on closure of Western Road to be around June/July 2012.

Social Enterprise:

- Promotion of social enterprise by allowing provision to be managed outside the Council to provide flexibility of services to meet individual needs. This is not part of the current proposals but may be considered in the future.

Equality impact assessment:

- It was stated that account was not taken at Carers/service users in terms of timescales especially for individuals with challenging behaviours. Bob outlined the special arrangements that have been put in place.
- Support and adequate care for individuals with Health Care needs. How can this be provided outside of the Council? Bob cited existing external services already carrying this out.
- Health needs – individual user and carer would need an assessment of needs focusing on outcomes to drive the services that are required. Programme to be developed will support personalised services to client.

Staff consultation at both sites will be conducted sensitively and transition managed effectively prior to final agreement. As part of the consultation, there are provision of 'visits' for clients to both sites in order to manage transitional anxieties and assurances on the service and activities available.

Effectively there will be:

- more choices will be on offer going forward.
- no proposal to change the pattern of services and attendance days.
- no removal of current services for individuals unless they are choosing to do something different.
- the building programme will be designed to take account of the transitional processes and currently there is no set date of the site opening until the building programme is completed.

For the future, the council will be looking to offer more services and activities outside the Nason Waters Site. The building project will be looking to create and increase capacity, create smaller spaces, lower ceiling, better lighting and with more built in facilities etc. The facilities will provide flexibility around the individual offering a variety of services and facilities to ensure 'Person Centre Plan' activities. The overall capacity will not be reduced. There are currently activities taking place outside the community eg drama groups, community activities will continue and the council will look to build on this.

The Council in these proposals is committed to direct provision in going forward and providing a place to support individuals to make the choices and a facility to encourage and promote activities that

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individuals with learning disability will find useful, valuable and beneficial.

Next Steps:

If individuals have an objection to the amalgamation, they should provide try to provide alternative suggestions to the proposal as a way forward in the context that:

- The Council needs to provide a service for the future to deliver fair and focussed individual services that are efficient and good value for money.
- The Consultation process will take account of demographics for the future provision of services.
- If there are any other comments that has not been aired at this meeting, individuals can contact Bob direct.
- Specific concerns around individual issues can be directed to BM or utilising some of the response avenues listed on the Proposal (this information is available below).
- No decisions has been has been made whilst the consultation proposal is carried out.

Action (Bob Morgan):

- To investigate the concerns raised about transport issues and pick up points.
- The request to defer the move/closure of until the end of June/July 2012.
- To look into the issue of the developing supported employment for service users.
- To investigate the recommendation put forward for developing broader scope and support to work benefits which can start to fulfil aims and objectives and give a sense of achievement to service users.
- To provide the communication/correspondence from the Council to service users/carers informing the termination of attendance to the centres.
- To provide further information on the proposed transitional arrangements/programmes when in place.

Appendix E

People First Talking & Listening Event – Changes to Day Centres in Havering

Held at 2 People First Advocacy Drop Ins 6th
June 4th July 2011

6th June 2011

**Some people who came to the event from Nason
Waters said -**

**Enjoy knitting
Going out**

Bowling

Lunch

**Garden places
Needlework**

Puzzles

More time at Day Centres

More activities

**Keep Day Centres open
education**

Like to learn more

Talking & Listening Event – Changes to Day Centres in Havering

Held at 2 People First Advocacy Drop Ins 6th
June 4th July 2011

4th July 2011

**Some people who came to the event from
Western Road said -**

Upset closure Cutting grass watering plants

**William costuming Victorian Keep fit
Baskets**

Cooking Bowling Pottery

**December – moving Don't know what's
going on.**

**Writing letters Who's going to do drama group
when moving?**

**Going out Outings Dancing Musical
Chairs**

**Transport – not sure Shopping –
lunch**

**Tap dancing Horse
riding**

**What will happen to Western Road building when
closed?**

**Sad Being safe at Nason Waters
Confusion**

Would like to do cooking
dressing up

Themed

Snooker and pool
Woodwork

Sewing

Netball
Cooking Book

Frog Project

Design Healthy

Beauty Therapy Day – women & men
Knock Out

It's A

Womens Group in Church

Appendix F



**Mencap Advocacy Service
St Bernard's Day Service Consultation
June 11**

Introduction

The aim of this report is to provide a summary of the results of the 4 week consultation period with people with a learning disability who attend St Bernard's Day Service and their family Carers.

The aim of the 4 weeks consultation was to give the people with a learning disability and their families the opportunity to share their opinions and feelings with an independent advocacy service that was impartial to all views regarding the possible closure of St Bernard's Day Service.

The process was extended to having the opportunity to look at other Day Provision in the area and that advocacy would be available to attend assessments ensuring that the user's/carer's voice was heard.

The Process

The consultation process sought to ensure that the service users and their family carers were fully engaged and all were invited to contribute throughout the process.

Over the 4 week period the dedicated advocate was available for 30 hours per week to work with service users at St Bernard's ensuring that their voice was heard. A scheduled 2.5 hours per week per service user was initially decided as an appropriate amount of time. This would include observations for individuals and groups taking part in the activities daily at the centre or in the community.

At the start of process we introduced ourselves to the service users and encouraged them to work with us. Getting clients ready for the consultation and allowing them to feel comfortable when talking with or being observed by the advocate was of necessity a slow process.

We worked with the individual service users to enable them to make choices by showing pictures of different activities or buildings where activities could take place. We used other paths of communication that had already been identified by carers or support staff. We acknowledge that services users' mental capacity might be in question on some choices but felt that with the use of communication tools the service users could actively make choices for their day activities.

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The Advocates supported the individual to voice their likes, dislikes, fears and their aspiration goals regarding their day service activity.

All conversations followed the Mencap confidentiality policy.

The first week of the consultation we did not ask any questions regarding the potential closure of St Bernard's, we intermingled with the service user so they got to know us, took part in activities and observed interaction from staff with the service users.

All services users were given the opportunity to engage with us including a small number who were withdrawn by their families from the process. As everyone was in the same large room we did observe everyone and we have included this in the overall conclusion of this report. We took service users in to a private room to discuss the possibility of the closure. Some service users did have a staff member with them to help express their views.

How we engaged with people

Verbal Communication

Observations

Interaction with activity (offering activity to engage with service users who were excluded)

Body Language

Staff assistance

Pictorial

Service Users

During the consultation period all 12 service users had potential access to the advocate but unfortunately some family carers did not want us to engage with their family members. We have still included these service users as part of our observations. The process was specifically organised to engage with service users who had different disabilities and to take into account their special communication needs and understanding.

It became increasingly apparent that the staff had worked with the service users for such a long time that they no longer interacted with the individuals to have choices. Throughout the process we did not see staff giving any choices of activity or encourage people with a more profound disability to join in.

We were given access to service user's files, we found that they were not up to date with activity plans and the service users were not consulted with individual or group activities.

We witnessed no individual activities; the activities that we did witness were around the main table with a small number of service users who were more able, with the other service users with more profound learning disabilities sitting in wheelchairs or seats with little or no interaction. There was a beauty session that everyone took part in.

The main activity was picture dominos for a small number of service users or listening to music. Every afternoon after lunch a quiet time was imposed on the service users whether they wanted to take part or not.

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We did deploy a number of creative ways of engaging with the services users including initiating activities including table games. Due to the lack of communication tools, meetings were held with individuals and staff were present to support the service users to give responses from people who were non verbal. We also utilised our time by carrying out observations of service users when engaging in activities.

Family Carers

We wrote to all 12 service users' family carers regarding our attendance at St Bernard's and gave a brief description of the role that we had been commissioned to carry out. The letters had our contact details, dates and times that we would be available. We also offered 2 specific meetings on an individual basis for family carers at the day centre for them to express their views for this report. The meetings were facilitated by the advocate and the area manager from Mencap. Only three carers took up this offer to voice their views

Staff

The staff at St Bernard's was not part of the advocacy consultation and views were not discussed or noted throughout the 4 week process. Mencap did acknowledge this was a difficult time for them. Separate meetings and team briefings were held which we were not party to or have any knowledge of the content of the meetings.

We did engage staff to help with communication with service users and this was welcomed by the staff as they said they wanted the best outcome for the service users,

Analysis of Themes Arising Out of the Consultation Process

As meetings and observations were the main way for people to give their views and comments summarising the wide range of views has been a challenging exercise. The summary sets out the key issues recorded during the consultation and the main sources of the responses.

Key Messages from Observations

Our main concern was the lack of interaction from staff and the lack of choice of meaningful age appropriate activities available at the centre. The activities did not reflect the individual service user's ages. Everyone done the same activity at St Bernard's and didn't take in to account the age differences for the adults who were older.

- Mencap's advocate made negative comments around observations that staff do not interact well with service users. Activities were based in the main room around a table. Staff could be impatient if service users changed their mind about a game.
- The sensory room and garden was not used in our 4 week attendance
- One beauty activity took place where a female service user had her nails painted and others had a foot spa.

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- We were informed that weekly meetings were held to discuss activity plans but we saw no outcome from these meeting and no additional activities took place.
- No outside activities took place in the 4 weeks of our attendance.
- On one occasion there were more staff than service users but still no outside activity took place. The activity was to sit around the table in the main room
- We did not see any engagement between staff to empower the service user or to offer them choices at any point throughout our 4 week attendance.
- After lunch, staff imposed a rest time with everyone sitting around the table in the main room quietly.
- 2 service users did use the bean bag regularly
- We did not see any meaningful activities or individual age appropriate activities.

Service Users Key Messages

These key messages were obtained by the advocacy service by verbal, pictorial and observations.

- Service users liked St Bernard's and staff
- Service users would like more activities outside the centre
- Service users would like to make friends
- Service users like food and would like Chinese at lunch
- Service users are apprehensive of new services
- Concerned they might not be able to find new day provision if the bus doesn't know where to go
- Would like to learn new skills i.e. cooking, computers

Family Members Key Messages

These key messages were obtained by telephone and face-face meetings

- Opposed to Closure
- Concerned over safety (the main message is that family carers want their people to be safe at a day service and they believe that their family member is safe at St Bernard's)
- Private providers costs
- Concerns over being let down and family member having to stay at home
- Change of staff. St Bernard's staff have known service users and family carers a long time
- Concerns over losing friends and contacts from St Bernard's
- Family members do not want day support delivered in their own homes.
- Too many people at new day services, how would their person be supported?
- Only one big room at a new day service, what if my family member wants a quiet time?
- Concerns that the consultation was genuine
- Concerns over how care would be provided in fewer day centres
- Concerns day centres would be over-filled
- Concerns that their family member will be taken out everyday, when they don't want to.

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- Concerns over having different staff or staff losing their jobs

Visits to Other Day Service Provision in Havering

- Positive acceptance of new service users joining their service
- Eastway gave the impression of being a very professional and personalised service that wanted to empower service users and ensure that the activities that service users took part in was of their choice and age appropriate. We were pleased by the enthusiasm of staff in providing individual activity plans to suit people with complex needs
- Very community focussed activities

Conclusions

Not surprisingly the consultation has been a very difficult event for some service users and carers and there is a strong opposition to the possible closure of St Bernard's. This has been represented consistently at all meetings with service users and family carers. The main concern about the possible closure was the fear of a loss of a familiar service and the impact that the changes will have on the people who have been attending the centre for many years, with people that they perceive as their friends or staff whom they have known for a long time and are very familiar with.

St Bernard's service delivery is very old and institutionalised. The service is not empowering to the individuals who attend there. No choice is offered and no meaningful activities take place. The building is not utilised and only one room out of a very large building is used regularly. Staff came across as not motivated and did not seem to want to enhance the skills of the people they support or do any activities outside.

Mencap Advocacy Service feels that it is in the best interest of the service users that they be moved to a more person centred service where their needs are met, that they have choices in taking part in meaningful activities and that they are in a safe environment. Knowing that everyone's needs are being re-assessed is an excellent practice throughout a change process, and we are reassured that this will be empowering to enable the service users to meet their full potential.

Mencap Advocacy Service feels that more assistance is needed to ensure that service users can express their personal preferences through a carefully managed planning phase. Every effort should be taken to try to accommodate as many individual choices as possible and to ensure that service users are introduced gradually to their new settings. We would recommend that family carers are fully involved in how decisions are made about service users in any new day provision.

Tina Ryan
Mencap Advocacy Service

Cabinet, 28 September 2011

www.mencap.org.uk

Registered charity number 222377

Appendix G
Easy Read Client Responses –



Havering
LONDON BOROUGH

APPENDIX G

What will happen when Western Road and Nason Waters join together?

Western Road



Nason Waters



Questions and Answers.

Easy read

What this booklet is about



Bob Morgan has been meeting with lots of people to talk about Western Road and Nason Waters day services.



He has been finding out what people think about the 2 day services joining together.



He has been answering people's questions about what will happen when the day services join together.



This booklet shows you some of the questions that people asked Bob. It also tells you the answers to the questions so everyone knows more about what is going to happen.



Who did Bob talk to?

Bob talked to

- people that go to Western Road day service
- people that go to Nason Waters day service
- their parents and carers
- staff that work at the 2 day services





Questions and answers

Here are some of the questions that people asked Bob. Bob's answers are written under the questions.

Will I still get to do the things that I do now?



Yes you can carry on doing the same things.

You can also try new things if you want to.

What new things will there be?

We will support you to find activities that will help you

- be healthy
- be independent
- learn new things
- have more friends
- go out and about more



We will also try and start up more outdoor activities that people have asked for like football and gardening.

More questions and answers

Will the Education Project at Nason Waters change?



The project will carry on but we are going to try and make it better for everyone.

Some people have said they would like to use the computers so we will make sure this happens.

Will I have to work?



No you don't have to work if you don't want to.

If you do want to work then we will support you to try and find a job.

Will I still see my friends?



Yes. The same people will still be going on the same days.

There will be more people as well which means you might make some new friends too.

More questions and answers

Will the staff be the same?



We are hoping that the staff from Western road will join the team at Nason Waters. We will have to check that the staff are happy with this first.

How will I get to Nason Waters?



You can still get the coach if this is how you travel to your day service now.

If you travel on your own then you should still be able to do this but we will check to make sure.

Will it be more crowded at Nason Waters?



There is space at Nason Waters at the moment so the people that come from Western Road will make it nearly full.

We will make the centre better and have more staff so other people can join too.



There will also be more chances to do things in the local area so people won't always be at the day centre all day.

More questions and answers

When will the 2 day centres join together?

We think it will happen by the middle of next year.

We will make sure that you know when things are going to happen. We will also make sure you get a say in how the changes happen.



Will I have to pay more for my tea at Nason Waters?



No. We will make sure that no one has to pay more than they do now for their tea.

Can I take my locker to Nason Waters?



No. You can not take your locker with you but you will get a new locker at Nason Waters.

More questions and answers

Can I visit Nason Waters before I start going there?

Yes. If you want to have a look around Nason Waters first then we can sort this out for you.

Can Nason Waters and Western road do some activities together before they join together?

This is a good idea. We will try our best to sort something out.

Can I see what Nason Waters will look like after the changes happen?

The staff are planning to make a model to show you what the centre will look like. You will be able to have a look at this when it is ready.

More questions and answers

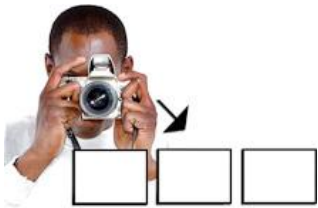
Is the name of Nason Waters going to change when it joins with Western Road?

If people want the name to change then we can talk to everyone about it and think about some ideas.



Can we have some photos of Western road?

Yes. The staff will help you to take some photos if you would you like some.



More Information

If you have any more questions you can



- Call **01708 433446**



- Send an email to **bob.morgan@havering.gov.uk**



- Write a letter to **The Hermitage
Billet Lane**

**Hornchurch
Essex
RM11 1XL**



- speak to a member of staff at your day centre.

Thank you

Bob would like to say a big thank you to everyone that came to ask questions and listen.

He would also like to thank the groups that helped to set up meetings like

- People First
- The 3 A's Group
- The Quality Circle at Nason Water
- HavCare Support



Appendix H

Summary of St. Bernards Reassessments of Need

All 12 service users at St. Bernards have had a re-assessment of need and have been offered Carer's assessments. These assessments have been completed with input from parent, carers, staff (who have known service users for a number of years). MENCAP advocacy was also available to everyone but not all accepted this support. For one client the reassessment identified that there was a need to look at a residential placement now and this is being progressed with family support.

The other 11 service users have all been given at least 3 choices of new provision, all with transport where necessary. These choices include:

- Self directed support
- Heathlands day opportunities
- Eastway Care
- Employment for Life (education provision)
- Nason-Waters (day opportunities)

Some assessments identified additional need for respite care and domiciliary support and this has been offered to all where need has been identified.

On completion of all assessments families, individually, have all been met with and options discussed. Families were given advice and information on these services and supported to visit and talk through the needs of their sons and daughters with staff. A number of service users and carers have now chosen their options and are looking for a date to take up the new provision. Other families are awaiting the final decision on the future of St Bernard's before making a final choice.

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Appendix I

Note of meeting of staff at St Bernard's 19/7/11

Present:- 9 from 10 staff

Bob Morgan opened the meeting and set out the purpose. It is the opportunity for staff to contribute to the consultation on the future of day opportunities for people with learning difficulties in Havering. The consultation will continue until 22 August 2011 and decisions will be made with the benefit of a full presentation of the feedback from consultation. Staff should have seen the consultation documents and have access to the full Cabinet report. If this is not the case Bob would ensure that copies were available. Today was not the only opportunity to comment and staff could feed in through the questionnaire, phone line or e mail as well as any written submission. Bob made it clear that staff should make it clear on their submissions that the submission comes from a member of staff.

Bob explained that he would take the meeting in three parts. First he would deal with any questions about clarifying what was being proposed. Next he would try and clarify the process and timetable and lastly he would seek to record any key messages that staff wished recorded as part of consultation.

In discussion the proposal for closure of St B's was clarified, issues raised related more to the process rather than the background though there was a clear feeling that the service provided by St Bernard's has been undervalued by the Council. There were concerns about the client reassessments and how far these had utilised the expertise of staff. The view was that they had happened too fast and that Mencap had encouraged some clients to have unrealistic expectations. Staff felt that if clients were to transfer to new services then they should be able to work with the new provider on the transfer. Bob felt that this would be essential.

Staff were also concerned that some clients were not attending St Bernard's and parents were taking them to Eastway Care. It was felt that this was dangerous as no handover had happened with the new provider. Bob explained that if Carers were taking them to the new service and remaining there with them then this was their responsibility.

Discussion then focused on the process that would follow for consultation with staff on the potential impact on them of a closure.

B Morgan
19/7/11

Cabinet, 28 September 2011

Appendix J - Note of meeting of staff at Western Road 19/7/11

Present: - 8 From 12 staff.

Bob Morgan opened the meeting and set out the purpose. It is the opportunity for staff to contribute to the consultation on the future of day opportunities for people with learning difficulties in Havering. The consultation will continue until 22 August 2011 and decisions will be made with the benefit of a full presentation of the feedback from consultation. Staff should have seen the consultation documents and have access to the full Cabinet report. If this is not the case Bob would ensure that copies were available. Today was not the only opportunity to comment and staff could feed in through the questionnaire, phone line or e mail as well as any written submission. Bob made it clear that staff should make it clear on their submissions that they come from a member of staff.

Bob explained that he would take the meeting in three parts. First he would deal with any questions about clarifying what was being proposed. Next he would try and clarify the process and timetable and lastly he would seek to record any key messages that staff wished recorded as part of consultation.

The Proposal

Staff wanted to be clear about the fact that the new Centre would operate as one centre and that new working methods would be instituted. There were clear fears that the good work and community focus achieved at Western Road might be lost in any move. Bob responded by explicitly commending the work done and saying that this needed to be taken forward in the new centre.

A commitment to working across the two centres to plan out the new service was shown and Bob laid out the additional resources provided in order to support the two staff groups in taking this forward.

The Process & Timetable

Bob explained that though a decision on the way forward was expected to be made in September, that there was likely to be an extended period whilst building works were planned and carried out and transition arrangements agreed. This would include the consultation with staff and unions on the changes to their contracts. This was likely to get underway in September. There was a discussion of how we might involve clients in the discussions of building changes. Clarification was sought over whether staff would be assimilated into the new staffing structure and Bob explained that for most basic grade staff this would be the proposal but this would be the subject of the consultation with staff and unions.

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Key Messages

There were no additional issues raised.

BM 19/07/11

Appendix K

Note of meeting of staff at Nason Waters 12/7/11

Present:- 11 from 14 staff.

Bob Morgan opened the meeting and set out the purpose. It is the opportunity for staff to contribute to the consultation on the future of day opportunities for people with learning difficulties in Havering. The consultation will continue until 22 August 2011 and decisions will be made with the benefit of a full presentation of the feedback from consultation. Staff should have seen the consultation documents and have access to the full Cabinet report. If this is not the case Bob would ensure that copies were available. Today was not the only opportunity to comment and staff could feed in through the questionnaire, phone line or e mail as well as any written submission. Bob made it clear that staff should make it clear on their submissions that they come from a member of staff.

Bob explained that he would take the meeting in three parts. First he would deal with any questions about clarifying what was being proposed. Next he would try and clarify the process and timetable and lastly he would seek to record any key messages that staff wished recorded as part of consultation.

The Proposal

Staff looked to clarify what change if any there would be with the education for employment project. Bob clarified that the project would continue at Nason Waters but that he was due to meet to discuss the potential for future closer co-operation. He was asked to explain whether other services would be coming into the centre, he explained that the initial priority was to reprovide the current range of activities provided across the Nason Waters & Western Road Services, but the introduction of new choices was the intention and one way off achieving this was to invite into the centre external providers, whether these were mainstream, voluntary or other as well as promoting the centres role in supporting clients in using community facilities or new services such as those being set up by Mencap.

There was a clear enthusiasm from staff to get involved in planning the changes and transition. A lot of ideas were put forward including the improvements to the building and how joint work with Western Road could help plan and manage the transition. Bob explained that there was a provision for additional training and support (six days per member of staff) that was intended to support team building and planning.

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Bob stressed that what the Council was proposing was to achieve efficiencies by amalgamating the two under utilised services but also to invest in the new service to make it the service of choice for new clients under an Individual Service budget in order to ensure a sustainable service into the future. Questions were asked about the advisability of clients having five days of service in one location. Bob explained that Nason Waters already supported clients to access community provision and this is something he would want to see build in the future.

The Process & Timetable

Bob explained that though a decision on the way forward was expected to be made in September, that there was likely to be an extended period whilst building works were planned and carried out and transition arrangements agreed. This would include the consultation with staff and unions on the changes to their contracts. This was likely to get underway in September. There was a discussion of how we might involve clients in the discussions of building changes and some good proposals were put forward including the possibility of using Lego to build a model of the Centre as a focus of discussion. Clarification was sought over whether staff would be assimilated into the new staffing structure and Bob explained that for most basic grade staff this would be the proposal but this would be the subject of the consultation with staff and unions.

A concern was expressed about some carers opting to take Direct Payments now in order to avoid uncertainty over the future of the centres. Bob echoed this and suggested that this would need to be addressed through reassessments to establish what is in the best interest of individual clients. He stressed that the Council do not want to see people opting out as the intention is to make sure that in future that more clients are choosing to use the new service at Nason Waters.

There was some discussion of future changes. Bob said that the possibility of developing a Social Enterprise for the future had been highlighted in the report but that there were no plans to make further changes at Nason Waters but rather to enable it to develop in response to client need and choice.

Key Messages

There were no additional issues raised.

BM 12/07/11

**GMB Response to the Proposed Closure
of St Bernard's Day Centre**

The GMB Union is quite aware of the current financial climate and that the local authority budgets are under a lot of pressure at this time and for the foreseeable future. But we feel that there comes a time when all the hard work and dedication of the staff that work at St Bernard's Day centre is taken in to consideration along with the service users who attend this day centre and the resultant knock on effects to other services.

Many of the service users who attend the day centre don't have a voice of their own to object to this closure and fight for their democratic rights – although we are aware that an advocacy service was provided for the service users during this consultation by an outside agency. People who attend St Bernard's have got complex high dependent needs and enjoy attending St Bernard's as place were they can meet other people with similar needs as their own and have a safe and familiar environment to be in – which also includes outside activities.

We are concerned about the possible closure as this is the only day centre in the borough that can meet all the needs of this client group. This day centre is located in the centre of Harold Wood and in a good location for the service users to be part of the community. St Peters church in Harold Wood have over the years welcomed service users from the centre providing special services and functions for them to attend with parents and carers along with helping within the building and gardens.

This centre has had lots of investment over the years in the form of adaptations and equipment and parents and carers have also contributed to help fund projects that are beneficial to meet the needs of the service users. Also with the help of the local businesses they have sponsored the Mini Bus for the service users to access outside activities.

If this centre were to close the Council will not be able to offer this service for people with learning Disabilities with high support needs at any other day centres around the borough. The GMB would like the members to reconsider their position with regards to the closure of this service and maybe instead look at investment, marketing and modernising the existing facility to encourage and promote the use of the service and not close it down. This would not necessarily be in the building that it is presently situated; maybe they could share the excellent facilities at Yew Tree Lodge or extend the facilities at Nason Waters? It would be sad to lose the expertise and commitment of the staff who know this client group so well.

COLIN KERR
BRANCH SECRETARY
GMB HAVERING

Appendix M – Building Programme

1. Nason Waters

1.1. Background. *The premises was constructed approximately 30 years as an Adult Training Centre much of which has remained unchanged to date. The last Property Condition Survey (PCS) in 2007 addressed all aspects of the accommodation aspects of the premises (building, mechanical & electrical services). In essence, the engineering services require to be upgraded to comply with current legislation and workplace standards.*

1.1.1. The key elements of the engineering services installation which require to be renewed are the Heating & Hot Water boiler & control system and the hot water services. The refurbishment of which will achieve significant the energy consumption improvements and secure considerable financial benefits through reduced the running costs. The lighting controls are basic, and the light fittings throughout are old and need renewal which will address a potential Health & Safety problems as well as achieve further major energy savings through upgrade. The electrical power installation will require testing & inspection and may require some remedial works for compliance.

1.1.2. The PCS identified extensive refurbishment and decoration works, in particular the toilet & welfare areas, to bring the premises up acceptable standards. The Asbestos Register indicates that there is limited asbestos (bitumen floor tiles in a few of locations). The assessed cost to undertake the works over a 5 year period were approx. £153k.

1.1.3. The Energy & Environment Unit commissioned an energy survey in 2011 and produced a feasibility report which re-affirmed the issues above and also identified other energy savings/improvements for the remainder of the building(expected cost of £10.2k with savings of £2.3k). The overall building fabric insulation was also included in the report and a number of recommendations put forward to underpin further energy consumption economies for which cost/saving have yet to be quantified.

1.1.4. The emergency lighting Central Battery Unit has failed and the first phase of individual emergency light fittings has been completed in specific locations around the premises through consultation with Corp. Health & Safety to ensure the continued operation of the Day Service. The second phase will require to be coordinated with any refurbishment programme.

1.2. Building Adaptations. *The curtilage of the building lends itself to easy adaptation without major structural modification to accommodate potential changes to the existing premises room, office & workshop layouts for the re-provision of the Life Skills Centre facility (Western*

Road) in the Nason Waters building. The changes required are deemed the short term priority and will need to offer the key Client Service currently available at Western Road i.e. 6 classrooms/workshop areas and cooking facility.

1.2.1. There are a number of options in respect of location placement of classroom areas within the Nason Waters building which will meet the primary Service need. Those options will need to address the heating, lighting and ventilation aspects and ensure adequate provision of sufficient natural daylight. Although there will be an impact upon the some of the existing Nason Waters Day Centre areas with the potential works, the Service should be able to be sustained without adverse consequence to the Clients through careful planning and effective environmental protection.

1.2.2. With regards to the longer term utilisation of Nason Waters site, the Regeneration (Environmental Strategy Unit) is looking to enhance the Community facilities of the Country Park adjacent to Nason Waters. The tentative discussions have established that Heritage Lottery funding is available for them to provide Portable Classroom/toilet Unit as part of their support for LD services to the Community.

1.3. Financial Aspects. An estimate of the costs to accommodate the relocation of Western Road Life Skills Unit are assessed at around £150-200k, and would include much of the works identified in the PCS and embrace energy conservation improvements opportunities. The longer term utilisation of Nason Waters site will require further £90-100k approx. To minimise unnecessary waste, any future works will need to integrate with the upgrade & refurbishment of those areas of the premises which may not be significantly impacted by the changes.

1.3.1. The monies for the relocation and refurbishment programme would be funded in part from the Dept. of Health Capital Grant [LASSL(DH)(2010)2] allocation which is available for 2011 & (2012 provisional at this time), and the Corp. H&S budget (Emergency Lighting only).

1.4. Project Programme. In conjunction with Asset Management, a more defined project programme will be established with a focus on the initial phase of work for the relocation of Western Road.

At this stage only preliminary discussions have been held with Asset Management around the major elements of the refurbishment project. The more detailed dialogue has been in respect of the Heating & Hot Water boiler & control system and the hot water services, and emergency lighting. The primary concern for Asset Management sits with the planning resources available against the timeframe for the relocation of Western Road unit. Other elements for the future utilisation

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should be able to programmed effectively to align with the resources available.

1.5 Supporting Documents.

*Dept. of Health Capital Grant [LASSL(DH)(2010)2]
Property Condition Survey (PCS) 2007
LBH Energy Efficiency Project Report*

2. Western Road

The closure of Western will necessitate some minor expenditure for relocation to Nason Waters which should not exceed £3-3.5k. Other expenditure with the closure and subsequent disposal of the premises will be within Asset Management's remit.

Appendix N



LONDON BOROUGH OF HAVERING EQUALITY ANALYSIS

PROPOSED POLICY, SERVICE, PROJECT, PROGRAMME, ORGANISATION, OR OTHER
EXECUTIVE DECISION

REVIEW OF DAY OPPORTUNITIES FOR PEOPLE WITH LEARNING DISABILITIES

SCOPE OF PROPOSAL

- 1. What is the scope and intended outcomes of the proposal, in terms of both the Council's organisation and staffing, and services to the community?**

In line with the Transformation Programme, in 2009 the Council decided to review its Day Opportunities for adults with social care needs. Cabinet agreed to focus initially on achieving changes in services for Older People and those with Physical or Sensory Disabilities. In 2010, it was considered timely to consider the development of a more personalised and community integrated service for people with a learning disability, and particularly so for people with low or medium needs.

Work was therefore undertaken to review the day opportunities for people with a learning disability.

Current in-house services

- There are three existing in-house services: St. Bernard's Day Centre, Nason Waters Centre and Western Road Life Skills Centre
- All the centres are operating significantly below capacity and are not getting new clients
- Despite the efforts of staff, the centres are struggling to provide personalised services
- All three Centres are valued by the current service users and their carers

The review also took into account demographic and service trends in relation to people with a learning disability.

General demographic and service trends

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- The Borough provides for less people with learning disabilities in the community than would be expected, but for a higher number of people in nursing or residential care
- The use of in-house day services is reducing
- There is a marked difference in the age profile between users of Council services and users of external and community options, with younger people less likely to use local authority day centres
- Growth has mainly been in the use of Direct Payments and External Provision
- If more users are returned to live in supported settings within the borough, as is occurring, this will lead to a need for increased day opportunities.
- Demographic trends would suggest that more service users from ethnic minority groups will be coming forward for services in future years

The review highlighted the need for a radical change to the ways in which day opportunities for people with a learning disability are provided, resulting in proposed changes to the Council's three in-house day services for people with a learning disability.

As well as meeting the policy objectives of Valuing People Now, personalisation and transformation, the intended outcomes of the proposals are to address the budget pressures caused by supporting new choices (Direct Payments, Individual Budgets and external services), whilst maintaining current internal services for a reduced clientele, and to deliver efficiency savings to contribute to the targets set under the Council's Medium Term Financial Strategy (MTFS).

A report was presented to Cabinet on 18th May, 2011 requesting agreement for consultation on the proposed changes to the day services. Following a 2-month formal consultation process with service users, carers and staff, which ended on 22nd August 2011, the main recommendations pertinent to this Equality Analysis are to:

- Close St. Bernard's Day Centre as soon as all individual clients have packages in place that continue to ensure they receive appropriate support
- Close Western Road Life Skills Centre and amalgamate its current day care provision with Nason Waters Day Centre once a refurbishment programme at the Nason Waters site has been completed.
- Work with all service users on their future individual service plans that address the achievement of realistic goals for improving health, independence, skills and social engagement.
- Note the progress in developing new opportunities locally and how these can integrate with the work of the new Nason Waters.
- Work with staff and Trades Unions in line with the Council's Change Management policies to minimise redundancies and to support the workforce to achieve the required service changes.

These recommendations will be presented to Cabinet on 28th Sept 2011 for a decision to be made about whether or not they should be implemented. This Equality Analysis will inform the decision-making process.

1 (a) Organisation and Staffing

St. Bernard's Day Centre

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The closure of St. Bernard's Day Centre will give rise to a risk of redundancy affecting all staff there, all of whom are female. They would have rights in relation to redundancy pay and possibly pension, in accordance with the Council's Managing Organisational Change and Redundancy Policy and Procedures.

Western Road Life Skills Centre and Nason Waters Day Centre

The amalgamation of Western Road Life Skills Centre and Nason Waters Day Centre will give rise to a risk of a small number of redundancies due to rationalisation of staffing levels across the two centres.

Some staff at the two centres currently have different job titles, grading structures and job descriptions, all of which will have to be reviewed in light of the revised requirements of the amalgamated centre.

1 (b) Services to the Community

The broad scope of the proposals is to address the needs of people with a learning disability who require community support (either funded or unfunded) to enable them to have much wider access to a wide range of opportunities which promote independence i.e.:

- meaningful and paid employment
- relevant and meaningful education and training, with an emphasis on mainstream provision
- leisure pursuits
- genuine and purposeful social interaction and community involvement, such as volunteering

The intended outcomes of all of the above are to ensure that people with a learning disability are able to access:

- individualised services which offer real choice and control
- services which focus on enablement and re-enablement
- services which maximise independence and which have positive impacts for their health, economic well-being and social and community integration

In addition, the needs of the carers of people with a learning disability for respite and support are included in the scope.

All of the above will be achieved by the development of new external services and the development of the Council's mainstream services, both of which are underway, and by making the changes to the existing three in-house services as described above.

PEOPLE AFFECTED

2. Which individuals and groups are likely to be affected by the proposal?

2 (a) Staff Individuals and Groups

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Staff at St. Bernard's Day Centre, Western Road Life Skills Centre and Nason Waters Day Centre will all be affected by the proposal.

The post of Resource Centre Manager will also be affected. This post manages the three current centres, but has not been filled for some time, whilst the future of the centres was discussed. The current post-holder has been acting up into a different role. Redeployment or redundancy will need to be explored for this individual if the Resource Centre Manager post is deleted.

There will be implications for the Transport Service from both the closure of St. Bernard's (possible loss of two current rounds – Driver and Escort) and the rationalisation of remaining routes. This Equality Analysis does not include the impact on the Transport Service as this is subject to a separate process which looks at the overall position of transport given the changes faced not just in this service area. A separate Equality Analysis has been carried out in relation to those proposals.

2 (b) Community Individuals and Groups *(including voluntary organisations)*

Current users of the three in-house day services (adults with a learning disability)
Parents, carers and family members of current users
Potential future users of day service provision, and their carers and family members
No community groups are directly affected, although Havcare, which supports carers of people with a learning disability, and a local advocacy organisation, People First (Havering) have been actively involved in the consultation process.

There is likely to be a positive impact on potential providers of day opportunities for people with a learning disability, whether from the voluntary, private or statutory sector, given that London Borough of Havering is actively seeking to broaden the market for day opportunities.

DATA AND INFORMATION

3. What data/information do you have about the presence of people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, sexual orientation) or other socio-economic disadvantage (eg low income households, looked-after children, vulnerable adults) among these individuals and groups? What information do you have about how they will be affected by the proposal? Will you be seeking further information in order to assess the equalities impact of the proposal? How is this information being used to influence decisions on the proposal?

3 (a) Staff

St. Bernard's Day Centre

- There are a number of vacancies at St Bernard's Day Centre
- No recruitment has taken place in recent years
- 10 staff are affected by the project.

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- The affected group of staff are all female, with no ethnic minority members of staff and none with disabilities. The vast majority of affected staff are aged 55 or under.

As all of the workforce is female, the proposed closure will affect a disproportionately high number of female staff. One member of staff was on maternity leave when the formal consultation process began, but she was invited to both group and one to one meetings, which she has attended. Support to enable her to attend these meetings was offered, although has not been required. The same process has been followed with 2 members of staff who are term-time workers.

Individual training plans are being discussed with members of staff and their trade union representatives, to develop skills where appropriate to enhance employability.

Western Road Life Skills Centre and Nason Waters Day Centre

- 26 staff are affected across both centres
- 31% are male (8 members of staff) and 69% are female (18 members of staff)
- 54% (14 people) are aged 55 or older
- 1 member of staff is from an ethnic minority group
- 3 members of staff (12%) have a declared disability

Other than the risk of redundancy for a small number of staff due to the rationalisation of the service, the impact on other staff will be largely as a result of the amalgamation of 2 staff teams, and, for staff currently working at Western Road, working at a different site. Staff from both centres have displayed a positive attitude to these proposed changes.

New job descriptions have been written for posts which are being changed due to the amalgamation. These have to be evaluated and, if the jobs are wider in scope, it is possible that they will be of a higher grade than the existing equivalent posts.

3 (b) Community

St. Bernard's Day Centre

St. Bernard's specialises in providing day activities for people with complex learning, physical, sensory and high support needs.

There are currently 12 service users who attend St. Bernard's Day Centre. The age profile is as follows:

1 person - aged 64
1 person - aged 53
1 person - aged 51
1 person - aged 50
1 person - aged 48
1 person - aged 42
1 person - aged 41
1 person - aged 40
2 people - aged 39
1 person - aged 37

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1 person - aged 24

The average age of those attending St. Bernard's Day Centre is 44.

Two service users are from ethnic minority groups.

The average number of days per week that people attend St. Bernard's is 4.42, with 9 people attending 5 days per week.

Information on how service users and carers will be affected by the proposal

All of the above service users will be affected by the proposed closure of St. Bernard's, particularly given that most are over 40, have been attending St. Bernard's for many years and attend for several days per week. They are very familiar with the environment, staff and the routine of their journey to the Centre and back home. It is therefore acknowledged that any change for the majority of this group of people is going to prove difficult and disruptive for them, particularly as changes cannot easily be explained to them. Therefore, any change has to be dealt with extremely sensitively and over a period of time, involving people with whom they are familiar in order to reassure them.

The staff at St. Bernard's also work closely with carers and relatives, who very much value the service provided there. The majority of the carers and family members are elderly, some of whom have their own health problems, and they have high anxiety levels about its proposed closure, so there is an adverse impact on these, too. They are concerned for the safety and well-being of their family members who attend St. Bernard's, but also rely on St. Bernard's to provide needed respite from their demanding carer role.

Western Road Life Skills Centre and Nason Waters

There are 25 service users who attend Western Road Life Skills Centre only. Their ages range from 21 to 55, with the average age being 40.12.

The impact of the proposed amalgamation of the two services is likely to be greatest on these, particularly the older service users, in that they are not familiar with Nason Waters Day Service and change for this group of people can be difficult.

The ages of those who attend Nason Waters, including some who also attend Western Road, range from 20 to 77. There are 86 people who attend in total, of whom 26 also attend Western Road Life Skills Centre.

There are only two people who attend either Western Road or Nason Waters who are recorded as being from an ethnic minority group.

Some, particularly older service users, may initially find new service users and staff attending and working at Nason Waters disruptive and create some anxiety.

Carers and family members of people who attend Nason Waters and Western Road Day Centres have been extremely anxious about the proposed changes. It is acknowledged that the consultation process and period leading to it has been a time

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of apprehension and concern, particularly for older carers, and that there has been particular pressure for them in having to deal with the anxieties of their family members who use the day services.

CONSULTATION

- 4. What consultation have you carried out with individuals and groups who are likely to be affected by the proposal, including those with protected characteristics or other socio-economic disadvantage? Will you be carrying out further consultation in order to assess the equalities impact of the proposal? How are the results of consultation being used to influence decisions on the proposal?**

4 (a) Staff

Information and briefings have been provided to all staff as well as a specific consultation meeting at each of the day centres. This is separate from the formal consultation processes with staff about how the changes will affect them. This has been commenced for St Bernard's already given the potential closure and loss of jobs but will happen for the other two centres later.

A formal consultation response has been received from GMB, one of the two Unions representing staff within the service.

4 (b) Community

There was a formal consultation process which ran from the end of 21st June 2011 to the 22nd August 2011.

Questionnaires

Over 100 questionnaires were distributed to Carers. An easy read version was produced for service users and sent to all people who use any of the three day s centres. Only 17 Carer and 14 Easy Read returns have been received. Responses were mixed but generally against the closures. A detailed analysis of the responses is included in the Report to be presented to Cabinet on 28th September, of which this Equality Analysis will form part, and therefore the detailed responses are not included here.

Dedicated telephone line and e-mail address

Comments and views about the proposals could also be e-mailed or phoned into dedicated lines set up for the purpose of this consultation. The use of these has been very limited.

Consultation with service users

St. Bernard's Day Centre

All service users have benefited from a reassessment and at least three choices of alternative services have been identified each person. These have been discussed

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with families in order to agree what future arrangements will be put in place in the event of closure of St Bernard's. A number of families have chosen to take up these options prior to any final decision on the future of St Bernard's; however service users and carers have been reassured that the service would not be closed until satisfactory alternative services are in place.

Mencap Advocacy Service was commissioned to provide advocacy support for individual clients through the consultation process over a period of four weeks. The advocates engaged with service users in the following ways, depending on individual abilities and needs:

Verbal Communication

Observations

Interaction through activities

Body Language

Staff assistance

Pictorial

Support for carers was also offered, although only 3 people took advantage of this. Mencap has submitted a report of its overall findings, the key messages of which in relation to service users are:

- they like St. Bernard's and its staff, and fear the loss of a familiar service and of people they perceive as friends, along with staff whom they have known for many years
- they are apprehensive of new services
- they are concerned they might not be able to find the new day provision if the bus does not know where to go
- they would like to learn new skills
- they would like more activities outside the Centre
- they would like to make friends

Nason Waters and Western Road Day Services

People First (Havering) provided support to individuals where required.

There were open sessions conducted by People First culminating in an open session where questions they had prepared were put to the Council representative.

There have also been sessions with the 3 A's group (representative users of the Centres) ; The Quality Circle at Nason Waters (which also involves Carers & Staff), four Open meetings (two with HavCare support) held at Western Road and Nason Waters and individual conversations with clients where requested at both Nason Waters and Western Road.

There was a great deal of overlap in relation to the issues and concerns raised between all the sessions for service users who attend Nason Waters and Western Road:

- reassurance that people could continue to do the activities they like and would not be forced to "work"

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- that they will be with people & staff they are familiar with
- that they can travel on the same coaches as currently
- that they will have the opportunity to choose to do new things
- clarification of the timescales
- clarification about the building works

Suggestions were made to:

- enable people who are not familiar with Nason Waters to visit the Centre
- to encourage social and other activity between the centres
- to publish an easy read facts sheet for clients

All of these will be acted upon. There has already been a 'joint day' held, where service users from Western Road, along with staff, spent the day at Nason Waters. This was extremely successful, and more such days will be arranged to ensure that all service users are able to become familiar with the new environment.

There were a number of practical questions raised, such as:

- Will I pay more for my tea at Nason Waters?
- Will the name change?
- Can I take my locker?

These were responded to but they will continue to be discussed and communicated throughout the transition if the amalgamation is agreed.

A document in easy read format has been prepared, setting out the issues raised and the responses. This is going to be distributed to all clients.

Consultation with carers

St. Bernard's Day Centre

All carers have been offered assessments of their needs. A budget is being created to ensure that identified specific need for support for carers can be met.

A consultation meeting was held for carers of people who attend St. Bernard's Day Centre.

The key issues that were raised fell into three areas:

- concern over how the Centre had been allowed to reach a point that closure was the only real option;
- the level of monitoring that there would be for external providers;
- a view that some Carers would wish the Council to manage the relationship with new providers rather than through the use of Direct Payments.

These were all responded to and information given during the meeting and recorded in the minutes.

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In relation to the level of monitoring, in the light of the specific changes to Day Opportunities for people with learning disabilities an increase in the Quality Team resources is planned in order to be able to provide effective independent monitoring of provision.

If carers/clients wish the Council to continue to manage contracts with providers, rather than use Direct Payments, then this will be accommodated.

Only 3 carers took up the offer to meet with the Mencap Advocacy Service. The key messages identified by Mencap in relation to carers are:

- they are opposed to its closure
- they are concerned about the safety of their family members if they attend another provision
- they fear being let down by new provision and their family member having to stay at home
- change of staff
- loss of friends and contacts
- concerns family members will be taken out every day, even if they do not wish to go out

Carers have had the opportunity and been supported to visit alternative provision. As a result of this, a number of families have chosen to take up an alternative option prior to any final decision on the future of St Bernard's; however service users and carers have been reassured that the service would not be closed until satisfactory alternative services are in place for each service user.

Nason Waters and Western Road

Two consultation events were held for carers/family members of people who use Nason Waters Day Centre and Western Road Life Skills Centre; some carers from St Bernard's also attended. These meetings were recorded and the minutes form part of the report to be presented to Cabinet on 28th September.

Both meetings were well attended. Individual meetings were also offered if Carers were unable to attend and two carers took up this opportunity.

Key issues were:

- clarification of timescales
- assurances on the long term future of Nason Waters
- the future of transport, particularly in the light of the introduction of "meeting points" for school transport
- the management of the building works
- the capacity and location of Nason Waters
- the impact of new choices being introduced

Information and reassurances were given on all of the above, and are dealt with in detail in the Report to Cabinet.

Changes to proposals as a result of the consultation

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Many of the questions from carers and clients who attend Nason Waters and Western Road centred on the issue of the timetable for change. The lack of certainty about the planned date for amalgamation was seen to be undermining their confidence in the eventual outcome. In response it was suggested at one of the carer consultation meetings and reiterated at the other that setting a timetable that was clear that the amalgamation was planned to happen next June/July (even if there was further slippage) would be of great assistance to all parties as it would provide a clear timeframe.

Officers have reviewed this and believe that this does provide a realistic timeframe and if it assists in removing uncertainty should be agreed by Cabinet.

Reassurance has also been given on the long-term future of the new amalgamated service at Nason Waters; there is going to be a physical review of the structure and building construction at Nason Waters. This review will allow improvement on current facilities and activities, create space for new activities and potentially improved usage of the external environment of the centre in the provision of further choices. The Council is planning that the improved services and activities on offer can attract new service users to the centres and ensure a sustainable future.

Some carers from St. Bernard's expressed the wish that the Council should continue to contract directly with any new service provision rather than requiring clients to take a Direct Payment or to manage their own provision through an Individual Service Budget. Though officers see positive benefits for the future in carers and clients exercising more direct control over the services they receive it is not a requirement of the closure of St Bernard's that these arrangements apply for all. If carers/clients wish the Council to continue to manage the contracts then this will be possible.

LIKELY IMPACT

5. Based on the above information and consultation, what will be the likely impact of the proposal on individuals and groups with protected characteristics or other socio-economic disadvantage?

5 (a) Staff

St. Bernard's Day Centre

As already noted, 10 permanent staff, all of whom are female, are at risk of redundancy due to the possible closure of St. Bernard's, resulting in a disproportionately high impact on this group. This impact is due purely to the make-up of the workforce.

These staffing implications are currently subject to formal consultation with affected staff under the Council's Managing Organisational Change & Redundancy Policy under a 90-day corporate statutory process. This consultation is due to end on 27th October 2011. Staff and Trade Union representatives have expressed a clear view that they do not wish the Council to exercise the potential application of TUPE with

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regard to finding new service provision for St Bernard's users. Their preference is for suitable alternative employment to be identified by the Council under the redeployment process or to receive a redundancy payment.

As noted earlier, the post of Resource Centre Manager will also be affected. This post manages the three current centres, but has not been filled for some time, whilst the future of the centres was discussed. The current post-holder, who is male, has been acting up into a different role. Redeployment or redundancy will need to be explored for this individual if the Resource Centre Manager post is deleted.

Western Road and Nason Waters

As already noted, the amalgamation of Western Road Life Skills Centre and Nason Waters Day Centre will give rise to a risk of a small number of redundancies due to rationalisation of staffing levels across the two centres.

Proposed staffing arrangements, job/person profiles with revised job titles and new grading structures have been prepared for the amalgamation of Nason Waters & Western Road. Any formal consultation on the amalgamation of these two centres, where 26 permanent staff are affected, will need to be carried out in accordance with the provisions of the Managing Organisational Change & Redundancy Policy.

5 (b) Community

St. Bernard's Day Service

As a result of their complex disabilities, their special communication needs and their understanding, it is recognised and acknowledged that the majority, if not all of the service users will experience, at least for a period of time, an adverse impact if the decision is made that St. Bernard's should close. This will be particularly so for those who have attended St. Bernard's for a considerable number of years and those who are older, along with their relatives and carers. It is not possible to predict how this may manifest itself as this will depend on each individual, but is likely to result in high levels of anxiety and may have a detrimental impact on service users' health and behaviour, which could further impact on the health and well-being of their carers, especially those who are older and frail. 2 carers themselves are in poor health, and one has a disability. It is not possible to predict the period of time needed for service users to adjust to a new setting and therefore for the adverse impact of the closure of St. Bernard's to reduce or be eliminated completely.

The findings in the report submitted by the Mencap Advocacy Service indicate that service users like St. Bernard's and its staff are apprehensive about new services, adding weight to the likely adverse impact of the closure. There will also be a loss of contact with familiar staff, which could cause unhappiness whilst new relationships are made, as also noted in the Mencap Advocacy Service report.

There will be, or may be, in some cases, a loss of contact with some other service users, which again could cause unhappiness whilst new relationships are made.

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All of the above notwithstanding, Mencap is unequivocal in its conclusion that it is in the best interests of service users that they move to a more person-centred service, where they are afforded choices not available to them at St. Bernard's, which they describe as institutionalised, and where they can participate in meaningful activities, appropriate to them as adults, whether young or older.

Furthermore, service users indicated that, though they may have some apprehensions, they would like to make new friends, engage in more activities outside St. Bernard's and learn new skills, all of which is likely to be more possible in a different environment.

One of the major concerns for service users and carers has been the potential choices of alternative services which would be available in the event of closure of St. Bernard's. In order to take this forward in a positive manner a dedicated Care Manager was appointed to carry out reassessments of need, which was applauded by Mencap.

All clients and their carers have benefited from a reassessment and at least three choices of alternative services have been identified for all service users. These have been discussed with families in order to agree what future arrangements will be put in place in the event of closure of St Bernard's. A number of families have chosen to take up these options prior to any final decision on the future of St Bernard's; however clients and carers have been reassured that the service would not be closed until satisfactory alternative services are in place.

There is a private service provider for people with complex needs based within the Borough, as well as other options elsewhere. The Council already contracts for several service users with the provider based within the Borough. It is able to provide an individualised service and is highly valued by both service users who currently attend it as well as their carers. An advocate from Mencap visited this service. In the report from Mencap, it states that, '(this service) gave the impression of being a very professional and personalised service that wants to empower service users and ensure that the activities that service users take part in are of their choice and are age appropriate. We were pleased by the enthusiasm of staff in providing individual activity plans to suit people with complex needs'.

It is therefore possible that, with careful and sensitive management of the transition from St. Bernard's to this alternative service, which several people have already indicated they would wish to attend, once service users have had time to adjust to what will inevitably be a huge change for them, their experience of day opportunities will be extremely positive, with improved outcomes for them. However, it is acknowledged that carers are likely to continue to experience considerable anxiety in relation to the proposed closure of St. Bernard's, until they are reassured that any new service provision provides a safe, high-quality and reliable provision for their family members.

Mencap recommends that there is a carefully managed transition process, with service users being gradually introduced to any new setting. All necessary steps will be taken to ensure that this is in place, with existing staff at St. Bernard's assisting in this so that service users are supported by staff whom they know well, through this

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difficult time and process. Carers and family members will also be fully involved in how decisions are made about service users in any new day provision.

Western Road and Nason Waters

As indicated above, the impact of the proposed amalgamation of the two services is likely to be greatest on those service users who do not currently attend Nason Waters, particularly the older service users, in that they are not familiar with Nason Waters Day Service and change for this group of people can be difficult.

However, as indicated earlier, there has already been a 'joint day' held at Nason Waters, and further visits and 'joint days' are being planned to enable service users to become familiar with the new setting. Staff from Western Road will also be transferring to the new amalgamated service, which will greatly assist in allaying service users' anxieties; they will also continue to participate in their current activities. They will also continue to travel by Council transport if they currently do so.

Some, particularly older service users who currently attend Nason Waters, may initially find new service users and staff attending and working there disruptive and create some anxiety, although, given that they will still be in an environment that is familiar to them and with staff and other service users whom they know, the adverse impact of this is not likely to be great or long-lasting.

It is also likely that some service users will experience a positive impact from the start, with the possibility of making new friends and benefitting from a wider choice of activities if they wish.

Building works are going to be carried out to re-furbish and improve the environment at Nason Waters and to ensure that it accommodates the increased numbers of service users and staff comfortably. Both staff and service users are being involved in planning the re-modelling of the building.

Over the next year, it is planned that reassessments and person-centred reviews are carried out to ascertain what other activities service users may wish to engage in, so that, over time, they will have increased choice in what they do, if they wish this.

It is also proposed that other community groups, such as Crossroads or Mencap may be able to use the facilities at the re-modelled Nason Waters, thereby further increasing the choice and variety of activities available to service users.

Transport arrangements

There is a review of transport provision generally and the outcome of that is not yet known. The issues around transport are being considered entirely separately to the matters under consideration for the Day Opportunities Review. If any consultation is required in relation to transport issues this will be undertaken. Cabinet is not being asked to make any decisions in relation to transport as part of these recommendations, and transport does not form part of this equality analysis. However, transport has been a source of concern for St. Bernard's carers as well as carers for users of Nason Waters and Western Road.

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For service users from St. Bernard's, transport will either be provided as part of the service offered by the alternative provider, or Council transport will be provided. If someone chooses an individual budget then they would have the flexibility to arrange for what alternative services they consider appropriate, including transport.

Service users from Western Road and Nason Waters have been reassured that current transport arrangements will be unaffected by the move of location. In two cases current travel arrangements will need to be reassessed as the service users travel independently to Western Road and this may not be possible after a move to Nason Waters. If this proves to be the case, alternative arrangements to meet the service users' needs will be put in place, including provision of Council transport if appropriate.

Future service users

Younger service users, who may wish to access day opportunities in the future, and their carers, including those from BME groups, are likely to experience only a positive impact, resulting from a greater range of individualised and flexible services. For example, at one of the local alternative services, a young woman from an Afro-Caribbean background who has recently begun attending there is being afforded the opportunity to join in activities with her peers, both in terms of interest, age and ethnicity.

PREVENTING DISCRIMINATION

- 6. How will you ensure that the proposal minimises the potential for discrimination against, or disproportionate impact upon, individuals and groups with protected characteristics or other socio-economic disadvantage? How can any disproportionate impact be justified?**

6 (a) Staff

As acknowledged, the impact on female staff is disproportionately high due to the make up of the workforce. It is considered that the impact on staff is justified because the proposals have been developed in the light of the need to enable people with a learning disability to access personalised services which maximise independence, choice and control and which positively impact on their health, economic well-being and social and community integration.

As already indicated, the proposed changes which affect staff are being managed and implemented in accordance with the Council's Managing Organisational Change and Redundancy policy, with staff being supported through timely management and HR support. On-going support and training will be provided to ensure that staff are adequately skilled to carry out changed roles, or to increase skills to enhance employability for those staff at risk of redundancy.

6 (b) Community

By the nature of the changes to services proposed, those affected will be adults with a learning disability and their carers. Therefore, there will be a disproportionate

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impact on these groups. Actions to try to minimise the impact of the changes have been taken, such as reassessments to ensure that any new service provision will meet service users' needs and lead to improved outcomes. However, as described elsewhere in this Equality Analysis, particularly for those service users who attend St. Bernard's, the initial impact is likely to be great.

The intended purpose of the proposals is not to discriminate against these groups, but is necessary for the following reasons:

- To meet national and local policy objectives – there are clear policy objectives that have been set both nationally and locally for personalisation, re-ablement, independence and choice that we are not currently meeting.
- To achieve better outcomes for individual service users.
- To accommodate changing patterns of usage – more individuals are choosing to take new forms of service (Direct Payments, External provision etc.) creating a vicious circle where usage (and sustainability) of internal services is reducing.
- To meet the needs of increasing numbers of people who are likely to need a service in the future – the number of service users is projected to continue to rise year on year, placing significant pressure on budgets.
- To resolve confusion between carers' and users' needs – there has been a lack of clarity as to the provision needed to support users and that which provides respite for family carers.
- To reduce dependency – current services appear to be a provision for life without showing how they contribute to reducing the need for future support.
- To improve Value for Money; the current model of service is not affordable particularly when considering the growth in demand and the restrictions on Local Authority spending.

PROMOTING EQUALITY

7. How will the proposal help the Council fulfil its legal duty to advance equality of opportunities, and reduce inequality of outcomes due to socio-economic disadvantage, in the way Council services are provided?

7 (a) Staff

It is not possible to take any further actions to reduce inequality of opportunity in relation to staff, other than those already described elsewhere in this Equality Analysis.

7 (b) Community

As indicated earlier in this analysis, the Borough is committed to enabling people with a learning disability to have access to:

- meaningful and paid employment
- relevant and meaningful education and training, with an emphasis on mainstream provision

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- leisure pursuits
- genuine and purposeful social interaction and community involvement, such as volunteering

The intended outcomes of all of the above are to ensure that people with a learning disability are able to access:

- individualised services which offer real choice and control
- services which focus on enablement and re-enablement
- services which maximise independence and which have positive impacts for their health, economic well-being and social and community integration

Such services will advance equality of opportunities for people with a learning disability, and help to reduce inequality of outcomes.

SPECIFIC NEEDS

8. What steps will be taken to ensure that the specific needs of individuals and groups with protected characteristics or other socio-economic disadvantage will continue to be met following implementation of the proposal?

8 (a) Staff

Staff will continue to receive support in accordance with the Council's Managing Organisational Change and Redundancy Policy, including individual consultation for those whose jobs are at risk. Staff from Western Road and Nason Waters Day Services will receive management and HR support as required during and after the transition to an amalgamated service.

8 (b) Community

The Council will continue to consider and review the specific needs of all adults with a learning disability affected by these proposed changes.

For people who currently attend St. Bernard's, who will move to an alternative service, a review will be carried out after 6 weeks to ensure that the new service meets the service user's assessed needs. Should a review be requested in advance of that time scale, as a result of any difficulties arising, this will be facilitated urgently.

Annual, or, if deemed necessary, more frequent reviews will be carried out to take a holistic look at each person's situation.

Over the next twelve months, person-centred reassessments are going to be carried out for all service users who currently attend Western Road and Nason Waters Day Service.

Carers' assessments will be offered to all carers.

MONITORING/REVIEWING

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9. Once implemented, how do you intend to monitor and review the actual impact of the proposal upon individuals and groups with protected characteristics or other socio-economic disadvantage?

9 (a) Staff

There are already established regular staff meetings, and these will be used to monitor the impact of the proposals and adapt as necessary.

9 (b) Community

- Care managers will carry out annual reviews of service users needs.
- There will be close liaison with HavCare and People first (Havering) who will provide feedback from affected services users and carers.
- Feedback will be sought from the 3 A's Group and the Quality Action Group.
- Commissioning will ensure a robust framework of contracting and provider management.
- In the light of the specific changes to Day Opportunities for people with learning disabilities an increase in the Quality Team resources is planned in order to be able to provide effective independent monitoring of provision, with regular formal inspection visits being carried out.
- Any complaints, compliments or issues arising from the changes will be recorded, reviewed and escalated as appropriate.

HEAD OF SERVICE

Name:

Date:

Signature:

Finance

Appendix O

Day Opportunities Review savings analysis

Options as per Day Opportunities Options report	Subjective Area Type	A	B	B - A	
		ORIGINAL BUDGET 2011/12	Proposed Cost	(Saving) v Budget	
Reduce Transport Services	St Bernard's		0		
	Nason Waters		183,000		
	Western & Nason				
	LD DAY CENTRE TRANSPORT	475,800	183,000	(292,800)	See note 1
a) Amalgamate Nason Waters & Western Road					
	Staffing	816,210	653,370	(162,840)	
	Building costs	46,720	35,800	(10,920)	
	Running costs	48,880	48,070	(810)	
	Income	(23,040)	(34,300)	(11,260)	
		973,630	702,940	(185,830)	
b) Reprovide on same cost basis as external provider					
	SKILLS FOR LIFE EDUCATION	104,340	67,320	(37,020)	See note 2
c) Move users of St Bernard's to external provider and close					
	Staffing	466,600			
	Building costs	11,430			
	Running costs	13,420			
	Income	0			
	ST BERNARD'S DAY CENTRE	491,450	401,300	(90,150)	See note 2 & 3

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Shaw Trust	LDD FUND SHAW TRUST	60,000	46,000	(14,000)	See note 4
Review Jacksons Café	Running costs	113,680			
	Overheads				
	JACKSON'S CAFÉ	113,680	35,190	(78,490)	See note 2
Subtotal - Estimated Savings		2,218,900	1,435,750	(405,490)	
	Plus saving from Resource Manager			(57,000)	
	Carers' budget			50,000	
Total projected saving				(412,490)	

Notes:

- 1 Transport savings committed to another MTFS target
- 2 Proposed budget based on proposed cost of new service (as per LD Service Manager)
Skills for life @ £30 per day benchmark x 44 'client days' per week x 51 weeks per year
Jacksons café @ £30 per day benchmark x 23 'client days' per week x 51 weeks per year
St Bernard's
@ £183 (highest private provider unit cost) x 5 days per week x 51 weeks per year x 8.60 average users per week
£30 per day unit costs based on available budget for provision of service
- 3 Basis of external unit cost calculation is invoices paid 2009/10 divided by average days service provided in total. Internal unit costs are calculated based on 2009/10 outturn @ 5 days per week, 51 weeks per year, divided by number of attendees in an average week
- 4 Cost based on available budget for service provision

Assumptions:

- 1 No transport savings have been assumed
Staffing savings do not factor in any exit costs due to those being met from corporate budgets
- 2 budgets
- 3 Staffing savings will be achieved under the Councils managing organisational change policy
- 4 All savings are best estimates and are contingent on any base pressures being addressed
- 5 All savings are contingent on proposed costs being as projected

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Appendix P

Equality Act 2010
s149 Public sector equality duty

- (1) A public authority must, in the exercise of its functions, have due regard to the need to -
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) 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 –
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) 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;
 - (c) 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.
- (4) 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.
- (5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and

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persons who do not share it involves having due regard, in particular, to the need to -

- (a) tackle prejudice, and
 - (b) promote understanding.
- (6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) The relevant protected characteristics are-
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;
 - race;
 - religion or belief;
 - sex;
 - sexual orientation.
- (8) A reference to conduct that is prohibited by or under this Act includes a reference to-
- (a) a breach of an equality clause or rule;
 - (b) a breach of a non-discrimination rule.
- (9) Schedule 18 (exceptions) has effect.