

Notice of Non-key Executive Decision

Subject Heading:	Request to temporarily close Yew Tree Day Service and the Avelon Road Centre
Cabinet Member:	Councillor Jason Frost
SLT Lead:	Barbara Nicholls
Report Author and contact details:	Andrew Sykes, Service Manager for Disabilities, Adult Social Care
Policy context:	Government advice following the outbreak of Covid 19 virus in the UK
Financial summary:	There are no additional financial costs associated with this decision.
Relevant OSC:	
Is this decision exempt from being called-in?	Action is required following the taking of the decision so urgently as to justify exemption from being called in

Non-key Executive Decision

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

Communities making Havering	[X]
Places making Havering	[X]
Opportunities making Havering	[X]
Connections making Havering	[X]

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To temporarily close the Yew Tree Day Service and the Avelon Road Centre (ARC) for the foreseeable future.

AUTHORITY UNDER WHICH DECISION IS MADE

Second Tier managers have the following relevant powers at Part 3 section 3.4

- (a) To take any steps necessary for proper management and administration for their allocated portfolios.
- (b) ...
- (c) To manage buildings and facilities under their control including letting, hiring or otherwise permitting the use of such premises and property for occasional purposes...
- (d) To be responsible and accountable for all health and safety matters.

STATEMENT OF THE REASONS FOR THE DECISION

The proposals are being made in response to recent government requirements relating to Coronavirus (Covid 19) to avoid infection of service users and staff. Every effort will be made to return to normal service delivery as soon as possible.

We remain acutely aware of how important and valued these services are to the people that attend them and also to relatives and carers. As a result we have tried to keep the Centres fully open for as long as possible but it is no longer possible. A reduced service aimed at meeting priority and urgent placement requirements only was put in place at ARC from Monday 23rd March 2020. However it is now necessary to temporarily close this provision too.

The general safety of the people we support, our volunteers, our staff and members of the public remains our priority. We acknowledge that this decision may cause difficulty for some service users and their families however we are currently considering the alternative ways in which we can support our most vulnerable service users.

Adult social care day service users will be contacted and advised that if the decision to close and restrict our day services causes difficulty that they should contact the Havering Access Team who will be able to provide advice and support.

Non-key Executive Decision

OTHER OPTIONS CONSIDERED AND REJECTED

PRE-DECISION CONSULTATION

The Lead Member for Adult Social Care has been consulted on all these service changes prior to the decision.

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Andrew Sykes

Designation: Service Manager for Disabilities

A handwritten signature in black ink that reads "A. J. Syke". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Signature:

Date: 20th March 2020

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Local Authority does not have a duty to provide day care centres, although their provision is useful as it will often meet assessed needs for clients with needs for care and support pursuant to the duty under s 18 Care Act 2014.

In the event that a day care user has been assessed as requiring day care in their care and support plan commissioned by the Authority, rather than by receipt of a direct payment, the Authority has a duty to continue meeting that need.

The Coronavirus Act 2020 has provisions which suspend the duty to provide care and support under the Care Act 2014 and limit this to cases where the failure to provide support would amount to a breach of the individual's European Convention human rights. This has now been implemented by order of the Secretary of State and provides sufficient flexibility to close Day Care Centres and to decide not to provide alternatives as it is extremely unlikely that the failure to provide day care would meet the threshold for a breach of human rights. The Guidance issued in respect of this indicates that the implementation of these easements to the Care Act duties needs to be taken locally after consideration of various matters, and this has not yet been undertaken in Havering.

In the meantime the proposals set out a proportionate approach to the issue of ensuring that needs are met within the limited availability of resources in the current crisis. They also ensure that the Authority's duties to ensure the health and safety of its staff and visitors to its buildings are performed.

If there are individual cases which require alternative plans to be made the proposals give sufficient flexibility to enable this to happen. Legal advice will be available if this is required in individual cases

FINANCIAL IMPLICATIONS AND RISKS

As a response to the Covid-19 pandemic, a decision is being made in relation to the temporary closure of the Yew Tree Day Service and operate a reduced service at Avelon Road Centre as of 23rd March 2020. This will be for an interim period while the risks of the pandemic are deemed too high. Avelon Road Centre is now subject to closure as well.

There is a financial risk that where we are required to provide alternative day care arrangements for existing clients of Yew Tree and Avelon Road, the costs of this provision will be higher in the private sector market, than our own provision, leading to increased costs.

Any additional costs that are incurred, that are directly in relation to Covid-19 related activity, will be charged to a specific Covid-19 cost centre, and will come from the contingency reserve in the short term, until Covid-19 grant funding is received from Central Government.

Non-key Executive Decision

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

The proposals contained in this report will directly impact on all staff that work at the ASC Day Centres who will be managed in accordance with the Council's published COVID-19 Managers Guidance.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

An EqHIA (Equality and Health Impact Assessment) is usually carried out when a current or planned service/policy/activity is likely to affect staff, service users, or other residents. It is acknowledged that in emergency or urgent situations it will not always be possible to carry out an EqHIA in advance of a relevant activity, however, managers will undertake the required EqHIAs at the earliest opportunity. Where managers are already clear that protected groups/users will be impacted negatively by the intended activity, then this will be noted in the next paragraph and/or put into EqHIAs. Where the negative impact of the intended activity can be mitigated, this too should be set out in this report and/or the EqHIA.

In all situations, urgent or not, the Council will seek to ensure equality, inclusion, and dignity for all.

BACKGROUND PAPERS

None

Non-key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 20 March 2020

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____