

To:	Health & Social Care Overview & Scrutiny Committee
From:	Linda Harper – Interim Assistant Director, Community Services, Adult Social Care
Subject:	Day Opportunities- Consultation
Document Purpose:	To brief Scrutiny Committee on the proposed planning, approach and timescales for the Day Opportunities consultation
Date:	19 th March 2019

1. Context

Birmingham City Council (BCC) has a duty to consult on its draft Day Opportunities Strategy and draft Day Service Model which is aligned to the Adult Social Care Strategy and Vision approved by the Council in 2017. Whilst the draft Day Opportunities Strategy was previously considered by Cabinet on the 31st of July 2018, the decision to approve was quashed following a legal challenge. Subsequently, lessons have been learned in relation to how the Council engages and consults with citizens and as such, this consultation process and approach will be robust, meaningful, in line with good practice and reflective of legal duties.

1.1 Best Value Duty to Consult

The Council is under a statutory general Best Value Duty to consult when reviewing its service provision and policies as laid out in the Local Government Act 1999 and the more recent Best Value Statutory Guidance 2011. The guidance states that: *'to achieve the right balance – and before deciding how to fulfil their Best Value Duty – authorities are under a Duty to Consult representatives of a wide range of local persons; this is not optional. Authorities must consult representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in any area within which the authority carries out functions. Authorities should include local voluntary and community organisations and small businesses in such consultation. This should apply at all stages of the commissioning cycle, including when considering the decommissioning of services...'*

The draft Day Opportunities Strategy was considered by Cabinet on 31st July 2018 and will be consulted on prior to being formally adopted. The draft Strategy, attached as Appendix 1 to this Report, sets out high level proposals to re-design and modernise the service to ensure that the Council is in a strong position to deliver good quality and meaningful day opportunities that promote independence and recovery, reduce isolation and loneliness and promote employment and volunteering now and in the future. It is important to note that the draft Strategy will be reviewed by a group of champion citizens and carers in relation to its format and accessibility following internal consideration by the Council and prior to its release at the beginning of the consultation.

A draft Day Service model has been developed in line with the Adults Social Care Vision and overall Adult Social Care Strategy. The proposed draft model sets out how the Council might seek to develop, commission and provide day services in the future. The consultation will seek to engage and formally consult Birmingham Citizens and stakeholders on the proposed draft Service Model for both internally provided and externally commissioned day opportunities services, ensuring that outcomes for citizens remain at the heart of what we do.

In summary, the consultation will focus on:-

- The draft Day Opportunities Strategy
- The draft Day Opportunities Model outlined in the draft Day Opportunities Strategy

2. Consultation Legal Principles

The Council has learned a number of lessons in the way it engages and consults its citizens. In order to run a successful consultation, legal consultation principles will be followed to ensure that the council meets its obligations, and that the consultation is lawful and meaningful.

- **Consultation must be at a place when proposals are still at a formative stage** - the draft Day Opportunities Strategy has previously been considered, however, this has now been refreshed to take into account legal advice to ensure that there is no assumption or predetermination of it being adopted or implemented. The draft Day Service Model is in its formative stage. Its focus is to promote independence, health and well-being which is consistent with the fundamental principles of the approved Adult Social Care Strategy
- **The proposer must give sufficient reasons for its proposals to allow consultees to understand them and respond to them properly** – at every stage of planning the proposed consultation approach, legal advice has been sought to ensure that the reasons for the proposals are understood by the reader to enable them to respond in a meaningful way. The aim is to test the draft documents with a select group of citizen champions to ensure the language used is clear and easy to understand
- **Give sufficient time for responses to be made and considered** – the consultation will run for a period of 90 days. This will give sufficient time for people to respond in a meaningful way. Prior to the start of the formal consultation, dates and venues will be publicised through our corporate communications teams. For citizens that currently use day centres, a letter will be sent to them in advance to ensure they are fully aware of the pending consultation activities which will be followed up by a reminder at their local day centre
- **Responses must be conscientiously taken into account** – following consultation, a report of the consultation results will be developed. In addition, a paper will be presented to Cabinet summarising the consultation results, what consultees have said and recommendations made. Cabinet will have the full information to enable them to make a decision.

3. Consultation Planning

To ensure a robust consultation process, the following has been put in place:

- A weekly officer Consultation Working Group has been set up chaired by the interim Assistant Director, Community Services, adult Social Care. The group has representations from Legal, HR, Finance, Day Service and Corporate Communications. The group will oversee consultation activities and advise on how to progress different specialist elements as reflected by the membership. There is also a sub group that is focussing on the development of the materials and planning for the logistics of the consultation meetings.
- Appointment of a Consultation Lead to ensure robust planning, tracking and recording of all consultation meetings and activities. The role will also have responsibility for liaising with Legal Services to ensure consultation is meaningful and adheres to the Councils legal duties

- The commissioning of legal counsel to provide external challenge in relation to the consultation

The focus has been to ensure that the consultation is meaningful and legal and that consultation documentation and background information is accessible and inclusive.

4. Consultation Methods

It is proposed to use a number of different ways to consult and engage with stakeholders. A stakeholder analysis has been conducted to ensure that messages and consultation methods are tailored to them. Below is how some of the key stakeholders will be engaged and consulted. A total of 24 consultation meetings are being planned for:

- 10 consultation meetings at internal day centres
- 10 consultation meetings in each of the social work constituencies
- 4 meetings for providers of day opportunities across the city
- In relation to the Voluntary and Community Sector dedicated meetings will be scheduled to ensure that the breadth of representation and feedback is captured to inform the outcomes of the consultation in a meaningful way
- In relation to partners such as Health, existing joint meetings will be identified to ensure they have an opportunity to contribute to the consultation in a meaningful way, this will include the SEND Improvement Board which will specifically focus on the future facing views from young people preparing for adulthood

Who	How
Service users and carers including families – BCC operated day centres	<ul style="list-style-type: none"> ▪ A letter will be sent containing information about the up and coming consultation, including dates and venues and how to get involved. This will include consultation meetings that will take place in the internal day centres ▪ Consultation meetings led by Assistant Director, Community Services, Adult Social Care will be held across 10 day centres to ensure service users and carers have their say.
Service users and carers including families – external day centres	<ul style="list-style-type: none"> ▪ Commissioning will work with externally commissioned providers to ensure that feedback is sought from those using external day centres. Where providers are able to conduct meetings, officers of the council will support the meetings to ensure consultation is meaningful, consistent and legal. ▪ A letter will be sent (through the provider) to those service users receiving social care support, informing them of the up and coming consultation and how to get involved.
Day Centre Staff	<ul style="list-style-type: none"> ▪ The Assistant Director and Head of Service will hold meetings with internal day centre staff to brief them on the consultation proposals and how they can support service users during the process.

Who	How
	<p>Please note that there are no implications for staff in this consultation. Staff will also be encouraged to contribute to the consultation in their own right as citizens of Birmingham</p>
Scrutiny Committee	<ul style="list-style-type: none"> ▪ Scrutiny Committee Chairman briefing to agree approach on how to engage with Scrutiny Committee Members ▪ The Scrutiny Committee will be briefed on the proposed plans for consultation. ▪ A consultation meeting has also been planned to enable members to provide feedback on proposals. ▪ Post consultation, a summary of the results will be presented at a later date.
Trade Unions	<ul style="list-style-type: none"> ▪ Prior to engaging with staff, Unions will be briefed using existing scheduled meetings on how staff will be expected to support service users and carers during consultation meetings within the day centres
Cabinet	<ul style="list-style-type: none"> ▪ Through regular Cabinet Member briefings before, during and after the consultation.
Citizens	<ul style="list-style-type: none"> ▪ Consultation meeting dates and venue will be publicised through corporate communication using the most appropriate and inclusive communication channels. ▪ The plan is to hold 10 consultation meetings led by Assistant Director, Community Services, Adult Social Care, in each of the social work constituencies
External Day Centre providers	<ul style="list-style-type: none"> ▪ A letter will be sent to providers to inform them of the upcoming consultation. The plan is to hold 4 meetings across the city aimed at providers to ensure they understand the council's proposals and enable them to support consultation meetings in their relevant centres
Partners including NHS	<ul style="list-style-type: none"> ▪ Partners will be engaged through their existing meetings. It is envisaged that dedicated officers will attend meetings such as multi agency boards to brief them on the consultation.
Councillors	<ul style="list-style-type: none"> ▪ A briefing note to all Councillors to be sent by Cabinet Member on the consultation approach and dates. Councillors would be encouraged to get involved. ▪ The Cabinet Member to write to all Councillors before the start of the consultation to invite them to

Who	How
	get involved particularly at a local level and how they can feedback on the proposals.
Cross Party Members Consultation Working Group	<ul style="list-style-type: none"> The Cabinet Member is keen to involve members from all parties. A cross party working group is to be established to feed into the consultation process
Group Opposition Leaders	<ul style="list-style-type: none"> The Cabinet Member is keen to involve Group Leaders – a monthly consultation briefing will take place with Group Leaders
Executive Leadership Team (ELT)	<ul style="list-style-type: none"> The Cabinet will be engaged with the process to ensure they are involved prior to Cabinet decision in the autumn

The proposed consultation programme of scheduled meetings is attached as Appendix 2 to this report. It is important to note that the programme of consultation meetings outlined are those that focus on citizens and people who use the services and is subsequently not exhaustive and does not reflect the full programme of activities in relation to wider stakeholder groups. The whole programme will be reflected in the post consultation analysis.

3. Consultation planning timelines & Next Steps

It is recommended to carry out a three month consultation starting from 8th April 2019. This will allow for robust planning and execution as outlined above.

What	When
Consultation Officer Working Group set up (in place)	January 2019
Consultation & Engagement Lead appointment (offered & accepted)	January 2019
Detailed consultation planning and development of consultation documentation and background information	January – March 2019
Cabinet Member Briefing	February 2019
Pre Consultation activities including Adult Social Care Management Meeting, CMT, Scrutiny Committee	February – March 2019
Set up Cross Party Members Working Group	March – August 2019
Set up Opposition Group Leaders Briefings	March – August 2019
Set up EMT briefings	March – August 2019
Consultation Launch – Draft Day Opportunities Strategy and draft Day Service Model	Mon 8/4/19 – Sat 6/7/19 (90 days)
Cabinet Member Briefing – consultation results	July 2019
Scrutiny Briefing – consultation results	TBC
Slippage/contingency time for delayed consultation closure	Sun 7/7/19 – Sat 27/7/19 (3 weeks)
Cabinet Support deadline for draft report	Mid-August for October Cabinet (date to be confirmed by Cabinet Support)
Report to Cabinet for approval	October 2019 – date to be confirmed

A	Meeting/Event	Date (2019)	Time	Audience
Internal Day Centre Events				
Fairways Day Centre	Consultation Event	Wednesday 10th April	13.30-14.45	Day Centre service users & Carers
Beeches Goldd	Consultation Event	Wednesday 17th April	13.30-14.45	Day Centre service users & Carers
Elwood Day Centre	Consultation Event	Tuesday 23rd April	10.30-12.15	Day Centre service users & Carers
Moseley Day Centre	Consultation Event	Tuesday 30th April	10.30-12.15	Day Centre service users & Carers
Moseley Day Centre	Consultation Event	Tuesday 30th April	13.30-14.45	Day Centre service users & Carers
Heartlands Resource Centre	Consultation Event	Wednesday 8th May	13.30-14.45	Day Centre service users & Carers
Ebrook Day Centre Session to be held at Elwood.	Consultation Event	Thursday 9th May	10.30-12.15	Day Centre service users & Carers
Harborne Day Centre	Consultation Event	Wednesday 15th May	13.30-14.45	Day Centre service users & Carers
Hockley Day Centre	Consultation Event	Thursday 23rd May	10.30-12.15	Day Centre service users & Carers
Hockley Day Centre	Consultation Event	Thursday 23rd May	13.30-14.45	Day Centre service users & Carers
Alderman Bowen Day Centre	Consultation Event	Tuesday 28th May	10.30-12.15	Day Centre service users & Carers
Alderman Bowen Day Centre	Consultation Event	Tuesday 28th May	13.30-14.45	Day Centre service users & Carers
Provider Events				
Hollyfield Centre Club	Consultation Event	Tuesday 9th April	10.00-13.00	Day Service Providers
Hollyfield Centre Club	Consultation Event	Tuesday 16th April	10.00-13.00	Day Service Providers
Highbury Hall	Consultation Event	Thursday 11th April	10.00-13.00	Day Service Providers
Highbury Hall	Consultation Event	Thursday 18th April	10.00-13.00	Day Service Providers
Public Events				
Quinborne /Edgbaston	Consultation Event	Wednesday 24th April	14.00-16.00	Public
H Suite	Consultation Event	Thursday 2nd May	10.30-12.30	People for Public Service Citizen Group
Mere Green Community Centre & Library /Sutton Coldfield	Consultation Event	Tuesday 7th May	10.00-12.00	Public
St Barnabas Church Centre / Erdington	Consultation Event	Tuesday 7th May	18.00-20.00	Public
Signing Tree / Ladywood	Consultation Event	Tuesday 14th May	10.00-12.00	Public
Norton Hall /Hodge Hill	Consultation Event	Tuesday 21st May	10.00-12.00	Public
Stirchley Baths	Consultation Event	Wednesday 29th May	10.00-12.00	Public
Kings Heath Community Centre Hall Green	Consultation Event	Tuesday 4th June	14.00-16.00	Public
Alexander Stadium /Perry Barr	Consultation Event	Wednesday 12th June	14.00-16.00	Public
Factory / Northfield	Consultation Event	TBC	TBC	Public

Carer Groups (Requested)				
Forward Carers	Consultation Event	TBC	TBC	Forward Carers
Black Carers Group	Consultation Event	Friday 3rd May	10.00-12.00	Black Carers Group
Scrutiny Consultation Meeting				
Meeting	Scrutiny Update	19-Mar	10	Scrutiny Committee

APPENDIX 2