

Birmingham City Council Adult Social Care – Younger Adults Day Service Consolidation

Executive response to ‘Call-in’ the decision made by Cabinet on 31st July 2018

Cabinet Meeting – 18th September 2018

1. Background

- 1.1 The decision to close two Adult Day Service locations to consolidate service provision from eleven sites to nine was outlined in the report to Cabinet 31st July 2018 “Younger Adult Day Service Consolidation”. The report was approved and Cabinet took a decision to approve the closure of Fairway Day Centre
- 1.2 A Joint Cabinet Member and Chief Officer report on the 18th January 2018 outlined how the decision made in 2016 to close two day centres was being implemented by Officers, the rationale for deciding which two day centres should close and the outcome from engagement and Consultation work with Service Users and Carers.
- 1.3 A request for Call-in was made to Health Overview and Scrutiny Committee by Councillor Alex Aitkin and Councillor Olly Armstrong on the 4th August 2018.
- 1.4 The Health and Social Care O&S Committee met on 16th August 2018 to consider the matter. In doing so, Members heard from Councillor Paulette Hamilton, Cabinet Member for Health and Social Care, Professor Graeme Betts, Corporate Director for Adult Social Care and Health; Melanie Brooks, Assistant Director – Adult Social Care and Health and Sueb Jabbar, Service Manager, Adult Day Services also attended

2. Reason for Call-In

- 2.1 The reason for the Call-in was that:
 - a. the decision appears to be inconsistent with recommendations previously made by an Overview and Scrutiny body (and accepted by the full Council or Executive)
 - b. the Executive appears to have failed to consult relevant stakeholders or other relevant stakeholders or other interested persons before arriving at its decision.
 - c. the Executive appears to have overlooked some relevant consideration in arriving at its decision.

- d. the decision has already generated particular controversy amongst those likely to be affected by it or, in the opinion of the Overview and Scrutiny Committee, it is likely to do so.

3. The Committee Resolution

3.1 The Committee resolved unanimously to call-in the decision for reconsideration by Cabinet, on the grounds that:

- i) the Executive appears to have failed to consult relevant stakeholders or other interested persons before arriving at its decision.
The Committee accepts that the decision to close two sites was not an issue for this Committee as the decision had already been taken as part of the budget savings in March 2016.
 - The decision making process leading to the selection of the two centres for closure was not sufficiently open and transparent.
 - There may have been consultation on the options but lack of consultation on the process to identify centres to be closed.
 - The Cabinet Report of 31st July was not as candid as it could have been about the shortfalls in the earlier stages of the consultation process and the explicit intention to proceed in future with an improved approach to co-production.
 - The Committee would like a clear statement that the decision was in strict compliance with legal requirements and a consideration as to the extent to which the decision process as a whole has been consistent with the Gunning Principles on consultation.
- ii) the Executive appears to have overlooked some relevant consideration in arriving at its decision.
 - The decision needs to be considered again in the context of the future plans for the service as set out in the wider Day Opportunities Strategy in order to mitigate the risk of service users being moved more than once to different sites.
 - The potential redundancy costs were not included when the decision was being considered.

4. Comments in Response

4.1 In response to the concerns raised by the Scrutiny Committee the Cabinet Member for Adult Social Care and Health and Corporate Director for Adult Social Care and Health have considered the evidence/information to support the decision and submit the following to Cabinet:

4.2 Summary of Decision Making Process

4.2.1 The Decision to consolidate Day Centre locations from eleven to nine and close Advanced Enablement and Fairways as service locations was made on

the basis of options appraisal and following consultation, which can be summarised as:

- A budget decision made by Cabinet and Full Council in February 2016
- Joint Cabinet Member and Chief Officer Report in January 2018, which outlined the work being taken through Consultation to that date.

4.3 Cabinet Report 31st July 2018

4.3.1 The report covers the following:

- A summary of the Consultation that has taken place with Service Users and Carers
- A summary of the extended Consultation that has taken place at the Fairway Day Centre
- A summary of Consultation that has taken place with staff.
- A summary of the support that has been put in place to ensure that Service Users have had a recent review of their care and support needs and to ensure that future support meets those needs.
- A summary of the mitigations that the Council has put into place to support Service Users and Carers in distress as well as ensuring friendship groups are maintained.
- A summary of the costed survey of the building work required at the Fairway site.
- A summary of the budget savings realised by the Service consolidation.

Agreed recommendation made at Cabinet – to close the Fairway Day Centre.

4.4 Budget

4.4.1 The Budget saving set out in the Cabinet Report is revenue from within the Adult Social Care Budget and takes account of the pension strain and redundancy costs associated with this proposal.

4.5 Consultation and Engagement

4.5.1 There has been engagement with service users and their carers from September 2017 onwards. Prior to September there had been a gap in consultation and the service had not undertaken the necessary work to close the two centres. It was acknowledged at Health Overview and Scrutiny in June 2018 and an apology to Service Users by the Cabinet Member for Adult Social Care and Health that this was not good practice. Furthermore, when Service Users approached the Cabinet Member for Adult Social Care and Health in November 2017 to complain they were not being listened to, the Consultation period was restarted and support commissioned as requested by an Independent Advocate.

- 4.5.2 From September 2017, the Consultation has been robust at Fairway. In the week commencing 11th September 2017, there were meetings every day with service users and carers (two hours being set aside each day).
- 4.5.2 In November 2017, social work reviews were carried out and social work engagement groups established. This was to ensure an up to date Social Work assessment was in place to ensure it was feasible from an individual perspective to close Fairway.
- 4.5.3 Advocacy Matters were commissioned to undertake an independent engagement process, commencing 11th December 2017 for two weeks. The decision to commission Advocacy Matters was made following a request from the Save Fairway Campaign to have independent Advocates support Service Users in being heard. Advocacy Matters did not undertake consultation, but created a report setting out the views and feelings of Service Users which informed Social Work engagement.
- 4.5.4 There were 67 individuals who attend the centre, and 49 of them had carers.
- 4.5.5 Sessions were facilitated by Advocacy Matters on:
- Thursday 14th December 2017
 - Monday 18th December 2017
 - Wednesday 20th December 2017
 - Tuesday 2nd January 2018
- 4.5.6 Four days were made available and different approaches employed. Two additional dates were programmed, but due to poor weather and travel advice received these were cancelled.
- 4.5.7 Advocacy Matters occupied a space in the day centre and individuals were able to come to talk to them freely whenever it was convenient for them. For some individuals with higher support needs and no independent support Advocacy Matters were able to speak with them on a one to one basis to ensure that their views were recorded.
- 4.5.8 In total 66 service users out of possible 67 (98.5%) and 16 carers (32.7%) were spoken to and their views recorded. All carers were sent letters inviting them to sessions.
- 4.5.9 A total of seven engagement sessions with a minimum of two facilitators per session were held.
- 4.5.10 The aim of the workshops was to engage with service users and their carers at Fairways and to record their feelings about the process of consolidating Fairways Day Service. The workshops were intended to highlight:
- what has been good and what has not been good;
 - what the future of the service should look like;

- what are the available options;
- what would service users need to be able to access these options

4.5.11 A report was produced and this was made available to service users, carers and staff. The report was placed before Cabinet in March 2018. Hard copies were also made available on 31 July 2018 at Cabinet though not as part of the public documents. Four copies were available, one for each of the political group officers. Also Cllr Aitkin (Kings Norton North) requested a copy and this was forwarded to him prior to 31 July 2018.

4.5.12 Further engagement has taken place with service users and their carers by the allocated social work team. The team for Fairways reviews consisted of six social workers. Following a number of meetings to introduce the team and their role; the social workers contacted people individually. Each individual and their family have had the opportunity to co-produce and control the future of their support plan, including the choice of future day care.

4.5.13 By 4th January 2018, 58 people had had a conversation with their social worker and reviews were well under way. Some reviews needed to involve advocates. Some service users did not want to discuss day centre issues until the consultation period was over. Three families do not want any contact with social workers and resisted the engagement process.

4.5.14 By the end of January 2018, 58 (86.6%) service users had been engaged by at least two methods – Individually by social workers, and in group workshop session, and 9 (13.4%) had been engaged by only one method – group workshop session. Only 1 person (1.5%) had not been consulted (this person was hospitalised during the consultation period and sadly passed away).

4.5.15 Of the carers, 16 (32.6%) had been engaged via two methods, whilst 46 (61.2%) had engaged with one method. Only 3 (6.1%) had not engaged fully. Views expressed were captured in the Advocacy Matters report, and also influenced the Equality Assessment (a public appendix to Cabinet report of 31 July 2018).

4.5.16 On 19th December 2017, after receipt of a petition (Petition number 1984), Councillor Andy Cartwright & Councillor Carole Griffiths replied by letter. The purpose of this letter was to provide a response to the petition and stated that the Council was currently engaging with service users and carers at the Fairway Day Centre on a proposal to close the centre. The letter stated that a report, which would address the feasibility of the proposal would be considered by Cabinet. The petition was also considered as part of the engagement process.

4.5.17 There have been further opportunities to engage, including;

- A session with Assistant Director Adult Social Care 29th September 2017 where the reasons for the choice of Fairway to close was outlined.

- A session with Director of Adult Social Care – 5th February 2018, a total of 24 attendees, half of whom were carers
- Six sessions with Assistant Director Adult Social Care – a total of 23 attendees on 16th July 2018

4.5.18 Application of “Gunning Principles”

- **Consultation must be at a time when proposals are still at a formative stage;**

The decision was taken on 31st July 2018. Consultation first began in July 2017 and was then formally restarted in September 2017 and continued through to July 2018. Consultation therefore took place while proposals were at a formative stage.

- **The proposer must give sufficient reasons for any proposal to permit intelligent consideration and response;**

The Public Report dated January 2018 gave detailed reasons for the proposal, in particular in Appendix 2. Sufficient reasons were therefore given to permit intelligent consideration and response. A letter to Service Users and Carers was sent on the 12th September 2017 and the reasons for the proposed closure were explained at a meeting on the 29th September 2017.

- **Adequate time must be given for consideration and response;**

The proposals were made known to consultees in September 2017 and the consultation process continued until July 2018. Therefore, there was adequate time for consideration and response.

- **The product of consultation must have been conscientiously taken into account in finalising any statutory proposals.**

The consultation process (up to that point) was taken into account in the Public Report dated January 2018. Further consultation was taken into account at Cabinet in March 2018. The decision dated 31 July 2018 details the consultation process.

- **There may be an obligation to consult on alternatives in certain circumstances;**

It is not considered that, having regard to the duration and extent of the consultation process, there was a requirement to consult on alternatives.

4.6 Day Opportunity Strategy and Future Service Provision

- 4.6.1 The Day Opportunity Strategy for Adult Social Care was approved by Cabinet on the 31st July 2018 following coproduction and consultation in the previous six months.
- 4.6.2 This strategy indicates the three-year transformation work that will see a move away from building based services to support for individuals to access and make a positive contribution to their communities. It is expected that activities will take place in buildings and for some service users it is likely that they will continue to receive day care as the main focus of their support. The Strategy also indicates that the Council will continue to reduce the amount of day care it provides and that day services that remain will operate differently into the next three years. There is not yet a clear set of commissioning intentions that describes the pace of change or the shape of change, and the strategy sets out clearly how coproduction and consultation will take place as proposals are shaped. Therefore the decision to close Advanced Enablement and Fairway is consistent with the approach the Strategy sets out.
- 4.6.3 The Strategy also describes how the Council will support Adults through their life course and that it is expected that the services that people receive will change over time to meet their changing needs, skills and aspirations. Alongside this, Social Work reviews already take place at least annually to ensure care and support is provided for assessed need. Birmingham City Council will work to ensure people are supported through person centred planning and that assessed care and support needs are provided for. This may include through changing services, different service locations and different types of support at different times. However, the Council always work to minimise disruption for services users and carers and to provide continuity of care where this is important to wellbeing. It is possible that some individuals will receive their care at different locations in the future and it is also possible that they may not. This will always be supported through Social Work and by other Council staff to ensure a consistent focus on individual wellbeing.