

Birmingham City Council

Report to Cabinet

11th February 2020



Subject: **BIRMINGHAM CITY COUNCIL'S STRATEGY FOR DAY OPPORTUNITIES, ADULT SOCIAL CARE**

Report of: **Professor Graeme Betts**
Director for Adult Social Care

Relevant Cabinet Member: **Councillor Hamilton - Health and Social Care**

Relevant O &S Chair(s): **Councillor Rob Pocock - Health and Social Care**

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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 005920/2019		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 Birmingham City Council has aimed to develop and implement an inclusive and responsive approach to consultation and encourage as many people as possible to take part to ensure a cross section of responses from the many different citizens of the City.

1.2 The draft Strategy proposed the following six key aspirations which were the focus of the consultation:

- Focus on the individual, their strengths, choices, assets, and goals through person centred planning.
- Focus on the outcomes that citizens and carers wish to achieve.
- Provide support that enables the person to access a range of opportunities in their own, as well as the wider community as an active and equal citizen.
- Focus on skills development, improving independence in daily living i.e. introducing travel training and employment opportunities where appropriate.
- Maximise the opportunity to use citizens personal social care budgets or direct payments to access support or activities of the citizen's choice.
- Make the most of a vibrant and developing city, ensuring access to the wide range of opportunities Birmingham has to offer.

1.3 The draft Strategy also includes a proposed Day Opportunities Service Model which was also consulted upon, which incorporates the regaining or learning of new skills as well as the promotion of independence and well-being as essential elements. The draft model proposes three levels of support which vary in intensity and length depending on an individual's needs. The levels of support include the stages of Enablement, Personalised Support and Specialist Intensive Support.

1.4 Use of Resources

1.4.1 Underpinning the development and proposed implementation of the draft Day Opportunities Strategy is the imperative to use resources effectively. Every pound that Birmingham spends on care must represent a pound well spent. The pressures on the City Council's resources are enormous and it is essential that resources are maximised.

1.4.2 In planning its services, the council is legally obliged to consider the care and support needs of its citizens. People are living longer which is positive, however an ageing population will experience more complex support needs.

1.4.3 The council also needs to plan for young people transitioning into adulthood. When designing services, the council has a duty to ensure that younger adults can also access services that are suitable and stimulating to promote their health, wellbeing and independence.

1.4.4 Citizen groups accessing day opportunities present different levels of complexity. This requires good planning, and consideration on how resources are utilised is key.

- 1.4.5 Future reinvestment in day opportunities may be required to further shape and influence such areas as the development of community assets, employment options, personal assistant support, community access and the raft of cultural and education opportunities that Birmingham offers. A proposal for any reinvestment would form part of the next Cabinet Report for approval.

2 Recommendations

2.1 The Cabinet approves: -

- The draft Birmingham City Council Day Opportunities Strategy and the Draft Day Service Model, **Appendix A**.
- The development, in co-production with citizens, of a draft Implementation Plan to support the proposed delivery of the Strategy.
- The return of the draft Implementation Plan to Cabinet in January 2021 for approval.

3 Background

- 3.1 The goals that Birmingham City Council are seeking to achieve for adults are that they should be resilient, living independently whenever possible and exercising choice and control so that they can live good quality lives and enjoy good health and wellbeing. Day Opportunities benefit approximately 1600 citizens with a wide range of support needs including older people, people with learning disabilities, autism, physical disability, and people with mental ill health across the city.
- 3.2 Over the years day opportunities provision has seen little investment and development and has predominantly been building based offering relatively limited choice for those that attend. The draft Strategy aims to provide a clear set of design principles and actions to support the further development of day opportunities in Birmingham to ensure that there is sufficient accessible provision across the city.
- 3.3 Key to the draft strategy is the need to address some of the barriers which some adults face in participating fully in communities. The aim is to ensure a range of high quality services are available for all to access.
- 3.4 The proposed strategy would see the Council gradually move away from people exclusively attending day centres by supporting people to access a range of activities in the community. If the draft strategy were to achieve that aim, the Council may need fewer day centres and, in future, it might be proposed to close some centres. However, the Council's proposals in this consultation are not about closing particular day centres; the proposals are about doing things differently to better meet the needs of people now and in future.

- 3.5 The Council is required to consult when reviewing its service provision and policies as laid out in the Local Government Act 1999 and the more recent Revised Best Value Statutory Guidance 2015.
- 3.6 A draft Day Opportunities Strategy was previously considered by Cabinet on the 31st of July 2018, but following a legal challenge, the Cabinet Decision was overturned. Lessons have been learned in relation to how the Council engages and consults with citizens and taking the learning from the previous Council consultations, an extensive consultation exercise was carried out on the draft Strategy between the 8th of April and the 4th of August 2019. Full details of the consultation approach and results are outlined in the Day Opportunities Consultation 2019 Report - **Appendix C**. Cabinet is asked to read this together with all the consultation material which has been provided with this report.

4 Options considered and Recommended Proposal

- 4.1.1. Maintain the 'status quo' - This would not deliver the actions required to modernise Adult Social Care Services or improve longer term outcomes for citizens. Whilst the current offer may be suitable for some, the Council needs to adopt a Strategy that ensures that everyone can have a more personalised approach including those who are transitioning from Children's Services and for whom the Council has a statutory duty to support.
- 4.1.2 Not produce a Day Opportunities Strategy – This would exacerbate the current position in relation to the lack of clarity for citizens in regards to the Council's future intentions for day opportunities provision.
- 4.1.3 Close internal day opportunities services and place all citizens with provision delivered by organisations external to the Council.

4.2 Implementation Plan:

- Birmingham proposes a fundamental shift in practice in the way that we collectively plan, manage, deliver, and commission services to improve the experience that individuals and their carers receive. It is important when developing these services that they meet the needs of a wide range of different citizens including older people, younger people, people with learning disabilities, autism, physical disability, and for people with mental ill health.
- From the consultation, there is broad agreement with most of the principles set out in the draft Strategy and broad support for the draft Day Service Model. However, it is important that citizens' and stakeholders' concerns raised through the consultation are acknowledged and addressed. These concerns are listed in section 5 of this report including a proposed plan of action.

- It is recommended that Cabinet approves this draft Strategy with the caveats outlined at section 5.2.10 of this report which is to develop an implementation plan involving those with a vested interest in day opportunities provision, including citizens, family members, carers and advocates as well as professionals. The Implementation Plan would set out the detail of how the Strategy and the Day Service Model would inform the development of service provision into the future. The Implementation Plan will require further Cabinet approval prior to implementation.
- If the draft Strategy is approved, it is recommended that the co-production process commences. Objectivity, transparency and organisational continuity will be integral to the approach to be taken, as well as ensuring that the necessary human resource capacity is made available.

4.2.1 Below is a high-level plan for development before returning to Cabinet for further approval prior to implementation: -

What	When
Cabinet Meeting seeking Approval	11 th February 2020
Set up Co-production groups	16th March 2020 - 30 th April 2020
Develop Co-production approach and terms of reference	16th March 2020 - 30 th April 2020
Co-production sessions with citizens	4 th May 2020 - 30 th October 2020
Develop report and recommendations, sign off	November 2020 / December 2020
Cabinet meeting seeking approval of implementation plan	January 2021

4.3 Reasons for Decision(s):

4.3.1 To improve outcomes for Birmingham Citizens, including both older adults and younger adults with a Learning or physical disability, autism and mental ill health.

- 4.3.2 Modernise the current Day Opportunities offer to citizens by applying the aspirations of the proposed Strategy and the approach outlined in the Service Model.

5 Consultation

5.1 External

- 5.1.1 A public consultation was held based on the proposed six key aspirations of the draft Strategy which were designed to provide a fundamental shift in the way that Birmingham City Council collectively plan, manage, deliver, and commission Day Opportunities in the future. A draft Day Service Model was also consulted upon which seeks to provide a framework in which the regaining or learning of new skills as well as the promotion of independence and well-being are key elements.
- 5.1.2 The Day Opportunities consultation commenced on the 8th of April 2019 and, as a formal 90 day consultation, was originally due to run until the 6th of July 2019. However, following feedback received from participants during the consultation, amendments were made to a number of the consultation documents. This necessitated the consultation period to be extended for an additional four weeks, closing on the 4th of August 2019. Following the closure of the consultation on the 4th of August 2019, the council gave citizens an additional opportunity to the 23rd of August to send any further comments which may have been informed by the published frequently asked questions and the corresponding responses.
- 5.1.3 A range of stakeholders were invited and given the opportunity to participate in the consultation through public, provider or day centre consultation events. In addition to this there were events which targeted specialist day opportunities provision such as those specialising in dementia as well as young people preparing for adulthood.
- 5.1.4 During consultation, there were two types of questionnaires available for participants to complete which were a standard version and an easy read version. The easy read version was designed primarily for those with a learning disability or those who may have difficulty with reading. In total 960 questionnaires were returned comprising, 428 standard, and 532 easy read versions.
- 5.1.5 The responses specifically in relation to what people thought about the proposals in the draft Day Opportunities Strategy, were that, 47.7% strongly agreed or agreed, 31.1% strongly disagreed or disagreed, 10.1% neither agreed nor disagreed, whilst 9.2% did not know and 1.9% did not answer. It is important to note that a high percentage of those who completed the standard questionnaire were in agreement with the proposals (62% agreed and 18% disagreed), whilst a higher percentage of those who completed the easy read questionnaires were not in agreement with the proposals (41% disagreed and 36% agreed). See **Appendix C** for full consultation findings.
- 5.1.6 It is clear from the analysis that there were 6 key areas of concern expressed by participants including:

- Draft Strategy and Draft Day Service Model - there was a concern that the proposed Strategy and Day Service Model lacked detail which made it very difficult for people to visualise what the services of the future would look like.
- Day centre closures – there was a fear that if the proposed Strategy was implemented this could mean that there would be a reduction in the number of day centre placements made in the future, resulting in day centre closures.
- Friendship groups – there was a fear from some people who attend day centres that the friendship groups they value would be lost and not taken into account if the draft Strategy was agreed.
- Carers - carers who responded to the consultation questionnaire clearly valued the importance of day care as a means of support/respite for their loved ones and it was felt that this should be considered in any decisions made regards agreeing the proposed Strategy.
- Choice – citizens were in favour of more choice and control but were concerned that there are currently insufficient alternative service options available. This included concerns about the lack of available personal assistant provision as well as the lack of the necessary infrastructure to enable direct payments to be a credible alternative.
- Accessibility - people had concerns that community based facilities in Birmingham are not sufficiently accessible for people to be able to exercise real choice in relation to identifying viable alternative service options.

5.1.7 Despite the concerns expressed, the majority of those completing easy read and standard questionnaires were in agreement with the key principles of the draft Strategy, except for the principle to maximise the opportunity to use personal budgets and direct payments to access support or activities. This area of concern will be addressed by the recommendation to develop an Improvement Plan which will support the implementation of the proposed Strategy.

5.1.8 The Council acknowledges the concerns raised through the consultation and these will be addressed by the recommendations outlined in this report. This would involve the development of a day opportunities Service Improvement Plan. Also recommended to address the concerns expressed would be the requirement to develop an Implementation Plan which would be co-produced with all interested parties including citizens and stakeholders. This plan would require cabinet approval before being applied.

5.1.9 It is recommended that the Strategy is approved by Cabinet, acknowledging the comments and concerns raised by citizens:

- Historically day service provision has been neglected and has not been sufficiently developed by the Council to fully meet the needs of citizens.
- The ongoing uncertainty of the future of day opportunities provision has created concerns for citizens and carers. A Strategy would clarify the future intentions of the Council regards day opportunities provision.
- There are concerns that the current provision does not adequately cater for young adults transitioning from children's services. This concern also applies to the needs of different and emerging user groups including those growing old with a learning disability and people with dementia.

5.1.10 It is therefore recommended that the draft Strategy is adopted with the following caveats:

- Set up co-production groups to explore how the Strategy's key aspirations and Day Service model could work in practice from the citizens perspective.
- Through the co-production process develop a draft Implementation Plan relating to the six key aspirations of the proposed Strategy and the Day Service model as agreed by consultees.
- Develop an Improvement Plan of key areas of concern identified throughout the consultation which would include the following elements:
 - Social Work Practice
 - Transport including safety
 - Transition – Preparation for Adulthood
 - Choice of Provision
 - Accessibility to Community Facilities
 - Direct Payments
 - Carers' Considerations
- With reference to the aspiration of maximising the opportunity to use personal budgets or direct payments, consideration would be given as to how the infrastructure for receiving a direct payment can be further developed as part of the Council's overall approach. This would be part of the Improvement Plan. There would be a focus on enhancing the direct payment offer by ensuring that there is clear information and advice, as well as the necessary infrastructure to enable citizens to exercise choice and control if they choose to take a direct payment.
- Return to Cabinet in January 2021 with the results of the above for approval to implement.

5.1.11 A full Day Opportunities Consultation 2019 Report has been produced which presents the full findings from the consultation exercise (**Appendix C**).

5.2 Internal.

5.2.1 Prior to the consultation, engagement took place on the draft Strategy with elected members. This included weekly briefings with the Cabinet Member for Health and Social Care. Councillors across political parties were engaged and informed of the consultation by the Cabinet Member for Health and Social Care. The Health and Social Care Overview and Scrutiny Committee were informed in March and May 2019. The Cabinet Member for Health and Social Care also informed cross party Birmingham MPs of the consultation including details of the extension period. Elected members and MPs also received written correspondence about the consultation pre and post extension.

5.2.2 Sessions were held with Day Centre staff to go through the proposals and discuss their role in the consultation particularly how to support citizens during the consultation process. Other members of staff were kept informed through the Chief Executive's bulletin and other internal publications. The Council Management Team and the Adult Social Care Management Team were also engaged in the process.

6 **Risk Management**

6.1 Concerns have been received from citizens who wish to express their opposition to the draft Day Opportunities Strategy and proposed new Model of Service. Any issue raised will continue to be systematically addressed through the relevant Council processes.

6.2 The Council has duties to meet eligible needs under the 2014 Act; the strategy would be implemented in a manner so as to assist the Council to meet those duties.

7 **Compliance Issues:**

7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 The Day Opportunities draft Strategy is consistent with the Council's 'Vision and Priority 2017-2020' and supports the Health priority 'A great city to grow old in'.

7.1.2 The draft Day Opportunities Strategy also aligns to the priorities set out in the 2017 Birmingham Adult Social Care Vision. This vision includes the promotion of independence of all our citizens; joining up health and social care services so that citizens have the best possible experience of care tailored to their needs; preventing, reducing and delaying dependency and

maximising the resilience and independence of citizens, their families and the community.

7.2 Legal Implications

7.2.1 The draft Day Opportunities Strategy complies with the requirements of the Care Act 2014. Specifically, under the Act (s. 5(1)) 'to promote the efficient and effective operation of a market in services, with a view to ensuring that people have a variety of providers to choose from, have a variety of high quality services to choose from and have sufficient information to make an informed decision about meeting their needs'.

7.2.2 The approach taken to the consultation was based on the public law duty to consult, of, which the key principles are:

- Consultation must be at a time when proposals are still at a formative stage.
- The proposer must give sufficient reasons for its proposals to allow consultees to understand them and respond to them properly.
- Give sufficient time for responses to be made and considered.
- Responses must be conscientiously taken into account.

7.3 Financial Implications

7.3.1 The approval of the draft Day Opportunities Strategy at this stage does not commit the Council to specific expenditure.

7.3.2 Birmingham City Council currently spends approximately £18million on day opportunities provision with approximately £8.7million being spent on external day opportunities run by externally commissioned service providers and approximately £9.2million being spent to run Council day centres.

7.3.3 Birmingham City Council has an ongoing capital investment programme for its day centres. Recent work has been completed on the refurbishment and improvement to a number of Council run day centres between February and June 2019. The work was extensive and included new personal care facilities, decoration, new working spaces and a fire and security system.

7.3.4 Upgrading the personal care suite to improve accessibility based on carer feedback and an improved fire safety system at Heartlands day centre (Nechells) is imminent.

7.3.5 Over the last few years Hockley Day Centre has had a total of £160,000 spent on roof repairs; in addition two changing suites have been refurbished and dining chairs have been replaced, which has improved the overall experience for citizens.

7.3.6 The council is also making an investment in the Fairways Day Centre. A condition survey was carried out in May 2019 and arising from this, the

current fire alarm and safety system will be upgraded, and repairs are also being made to the fabric of the building.

- 7.3.7 The annual Council budget cycle is yet to be completed and currently there are no known savings expected in relation to Day Opportunities for the 2020/21 financial year.

7.4 Public Sector Equality Duty

- 7.4.1 The public sector equality duty is set out in section 149 of the Equality Act 2010. The duty requires that the Council must have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

- 7.4.2 The protected Characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (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.

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

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

- (a) tackle prejudice, and
- (b) promote understanding.

Compliance with the duties in this section may involve treating some persons more favourably than others (but this does not permit conduct that would otherwise be prohibited by the Act).

- 7.4.3 A first equality assessment (EA) was produced prior to the start of the consultation and focussed on the draft Strategy and the approach being taken to the Consultation. During the consultation a review and update of the EA was undertaken in the light of emerging messages and issues. The EA is a live document and has been periodically reviewed and updated during the Day Opportunities draft Strategy development process. Cabinet is asked to read the EA enclosed in (**Appendix B**).

8 Documentation

8.1 List of Appendices accompanying this report:

Appendix A - Adult Social Care Draft Day Opportunities Strategy 2019

Appendix B - Equality Impact Assessment

Appendix C - Day Opportunities Consultation 2019 Report

8.2 Appendix C is supported by the following additional appendices:

Appendix 1 – Easy Read Executive Summary

Appendix 2 – Consultation Findings – Questionnaire Analysis

Appendix 3 – Stakeholder Analysis

Appendix 4 – Consultation Findings - Common Themes from Comments and Questions

Appendix 5 – Frequently Asked Questions and Responses Themed

Appendix 6 – Comments Themed (raw)

Appendix 7 – Consultation Events Data

Appendix 8 – Google Analytics Day Opps Webpage Traffic

Appendix 9 – Consultation Communication Documents

Appendix 10 – Glossary of Terms

8.3 The document set listed below will be made available to support the Cabinet meeting process:

- **Appendix 5** – Frequently Asked Questions and Responses Themed (This document includes the questions that were asked at different Day Opportunities Consultation 2019 events and the responses provided via the consultation website).
- **Appendix 6** – Comments Themed (raw) (This document includes comments that were recorded at different Day Opportunities Consultation 2019 events and taken from the questionnaire responses completed by people. The comments recorded at events are already published on the consultation web site).
- Completed Questionnaires (fully anonymised)
- Consultation Correspondence
- A range of e-briefings
- Easy read / Standard consultation pack
- Stage 1 Day Opportunities Engagement Report
- Stage 2 Co-production Final Report
- NDTi report
- Adult Social Care Vision
- A List of Day Centres
- A Report of Population and Demographics
- Webpage updates
- Consultation on the Draft Day Opportunities Strategy Document (pre amendment)

8.4 Strategy Background Documents

- Background Documents used to compile this report:
- Birmingham City Council Vision and Priorities 2017-2020
- Adult Social Care Vision and Strategy October 2017
- The Care Act 2014