



**ADULTS AND COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE**  
**1 NOVEMBER 2016**

**COMMUNITY LIFE CHOICES FRAMEWORK 2017-20**  
**OUTCOME OF CONSULTATION ON FUTURE DELIVERY**

**CALL-IN OF THE CABINET DECISION**

**SUPPLEMENTARY REPORT OF THE CHIEF EXECUTIVE AND**  
**DIRECTOR OF ADULTS AND COMMUNITIES**

**Purpose**

1. The purpose of this report is to respond to the call-in of the decision of the Cabinet on the Community Life Choices (CLC) Framework 2017-20, Outcome of Consultation on Future Delivery.

**Previous Consideration of the Issue**

**Adults and Communities Overview and Scrutiny Committee**

2. A report on the future delivery of CLC (often referred to as “Day Services”) was considered by this Committee at its meeting on 6 September 2016. A copy of the Cabinet report, together with the appended consultation summary and Equality and Human Rights Impact Assessments (EHRIsAs), have already been circulated to members with the main Agenda Pack.
3. The views of the Committee on this matter were included in the report to the Cabinet’s meeting on 11 October 2016.

**Consideration by the Cabinet**

4. The Cabinet considered this matter on 11 October 2016 and had before it, as part of its report, the views expressed at the Overview and Scrutiny meeting. Also submissions that were subsequently received from members of the public were brought to the attention of the Cabinet.

***(Copies of the submissions received by the Cabinet are attached to the main Agenda Pack for this meeting from pages 63 to 76.)***

5. The decision of the Cabinet and its reasons are set out below (in italics):

**Decision**

- a) *That the outcome of the public consultation exercise, including the comments of the Adults and Communities Overview and Scrutiny Committee be noted;*

b) *That the Director of Adults and Communities be authorised to:*

- (i) *Implement Proposals A and B for the future delivery of Community Life Choices as detailed in paragraphs 32-42 of the report;*
- (ii) *Take mitigating actions as detailed in paragraph 53 of the report in order to respond to the concerns raised during the consultation;*
- (iii) *Agree any individual exceptions to the implementation of Proposals A and B where an individual review of needs identifies a clear likelihood of there being a significant adverse impact on the safety or wellbeing of an individual.*

NB: Proposal A - Service users who are in long term residential care (receiving support on a 24/7 basis) should no longer receive CLC services in addition to this. Proposal B - The current number of commissioned weeks of service be reduced from 50 weeks per annum to 48 weeks per annum.

*Reasons for decision:*

*The new delivery model will support an outcomes-based approach to commissioning; delivering a progressive model of support in line with the principles set out in the Adult Social Care Strategy 2016-20, and savings as set out in the Medium Term Financial Strategy (MTFS) 2016/17–2019/20.*

*A recent review of current Community Life Choices (CLC) services highlighted that the current practice for individuals in residential care to access CLC does not represent a cost-effective or equitable approach to commissioning individual support as it is not applied consistently to all service user groups. Significant concern was raised by most consultation respondents about potential negative impacts on the welfare of affected people currently living in residential care, and a range of measures to mitigate these impacts will ensure that eligible service users will still have their care and support needs met appropriately. The affected service users will all be offered an individual review of their needs before changes to their CLC services are considered.*

*The review identified the potential to reduce the number of weeks of CLC-commissioned services in order to deliver efficiency savings. Whilst a majority of consultation responses were not in favour of this many recognised that it would have a low impact on most service users. Where there is the likelihood of a negative impact on individual welfare exceptions will be considered for those who require alternative care during any CLC holiday closures.*

Were these changes not made other measures would be needed to achieve the required MTFS savings. The consultation did not identify any alternative ways to make the required savings.

### **Response to the Grounds for Call-in**

6. The grounds for the call-in are that the Cabinet did not address the following:

**Comments submitted to Cabinet provide new evidence that had not previously been considered as part of the scrutiny process. These comments not only highlighted some of the negative impacts of the proposed savings, but also pointed towards potential alternatives that may lead to a fairer way of making the required savings.**

7. Consideration of the negative impacts of the proposed savings, and the potential alternatives detailed within the comments submitted will be addressed in turn.

### **Negative Impacts of Proposed Savings**

8. The Cabinet had before it comments submitted by Clive Hadfield, Chairman of the Family Carers Subgroup of the Leicestershire Learning Disabilities Partnership Board, Clare Clarkson and Peter Warlow, Chief Executive of the Glebe House Project.
9. The Leader of the Council in introducing the paper drew the Cabinet's attention to the representations received, the EHRIA and the views of the Adults and Communities Overview and Scrutiny Committee.
10. The Cabinet and Overview and Scrutiny Committee were advised that the review of CLC had been the subject of a public consultation. For the benefit of Members, a summary of the consultation and engagement undertaken is included in the main Agenda Pack from pages 31-37.
11. The Leader highlighted the extensive consultation activity undertaken, leading to a significant number of responses; 486 completed questionnaires and 427 attendees at consultation events. It was highlighted by officers during the presentation of the report to the Cabinet, that the majority of respondents did not support both proposals.
12. The Cabinet noted that concerns were particularly evident from carers of people with learning disabilities and that these were reflected in the three representations received. Such concerns related to people having reduced opportunities for social interaction and purposeful activity, and that this would have a negative impact on individuals' health and wellbeing.
13. The consultation summary which was attached to the report to the Cabinet highlighted the responses regarding Proposal A as follows:

*'In response to a question about the impact of this proposal on residents who currently receive this support, the most commonly cited concerns were that people would become 'housebound' and isolated, lacking in stimulation and would have little or no choices open to them. There is also concern about the impact upon friendships and if or how these could be maintained; the impact upon individual's mental wellbeing – a perceived likelihood of depression; and a potential increase in behaviours that challenge. Attending CLC services whilst living in residential care is also viewed as a safety net for the identification of any safeguarding issues, both by family carers and by CLC staff.'*

14. In response to Proposal B, the consultation summary also highlighted that:

*"Family carers expressed concerns about additional strain upon their caring capacity, especially for older carers, and/or family finances if they needed to pay for additional support. This proposed change was perceived to be difficult for working carers who may not be able to take additional time off work, or who will have to use all their leave to provide the support and have no time to 'recharge their own batteries'."*

15. Taking account of the above concerns, it was recommended that the Cabinet agree both Proposals A and B for the following reasons:

- The changes in Proposal A would ensure that different groups of service users living in care homes are treated equitably. No alternative means of achieving fairness between different groups had been identified;
- The proposed arrangements were the more cost effective;
- The Consultation did not identify viable alternatives that would meet the required savings.

16. In recognition of the concerns raised through the consultation process, Members noted alongside the recommendations, mitigating actions that had been identified. The Director said that these balanced the need to provide a more equitable service with the need to ensure that eligible service users still had their care and support needs met appropriately. The mitigating actions were also highlighted in the report including the following:

- An individual's health and wellbeing will be considered before changes are made for individuals in residential care attending CLC;
- Work will be undertaken with care homes to ensure that a range of social and purposeful activities are available to residents;
- The reduction to 48 weeks per annum will be undertaken in a planned way with providers to minimise the impact on service users and carers. Individual concerns of service users and carers will be considered during the review process; Individual exceptions to the proposals will be considered where appropriate.

17. Mr. Houseman CC, Lead Member for Adult Social Care, emphasised that meeting individuals' needs was a priority and confirmed that service users would be offered an individual review of their needs before changes to their CLC services were implemented, allowing for exceptions to be made which might affect the full level of savings achieved.

18. In addition, it was highlighted that the impact on people with protected characteristics had been explored in detail through the completion of the EHRIA including the possibility of exceptions if the change would be deemed to have a significant negative impact on the service user/family carer. It provided particularly careful consideration to the impact of the proposals on people with learning disabilities.

19. It must be noted that it would not be consistent with the Council's responsibilities under the Equalities Act to operate a blanket exemption to policy only for people with learning disabilities, where, in our judgement, similar consideration should be attributed to the needs of people with other kinds of disabilities.

20. The Department is committed to ensuring fairness and whilst concerns raised through the consultation and subsequent representations have been recognised, it is essential that all service users can expect support to be allocated in a fair way, based on level of need. It cannot be ignored that the review highlighted a potentially inconsistent approach to supporting people in residential care.

### **Potential Alternatives that May Lead to a Fairer Way of Making the Required Savings**

21. The Council should consider all alternative options before turning to service cuts. To ensure any alternatives were considered the CLC consultation (which took place between 25 July to 18 September 2016) asked specifically for feedback/suggestions to achieve the MTFs savings required.

22. In relation to potential alternatives, a number of points raised by Mr Hadfield relate to the previous redesign and implementation of CLC (known as “Day Services” at the time of reporting). Reports of relevance are those presented to the Cabinet in March 2010, October 2010 and April 2011.
23. On 9 March 2010, the Cabinet agreed to a formal consultation on day services exploring options to develop a strategy for day services and re-focus in- house services to move towards a reablement/enablement model together with support for people with complex needs.
24. A report was presented to the Cabinet in April 2011 with the outcome of the consultation and with recommendations for future delivery. The Cabinet agreed the re-focussing of in-house provision to individuals requiring building based services associated with their needs. Through the implementation of the Strategy, a significant number of service users had a change in day service provision (such as a move from in-house to independent provision or building based, to community based provision) once individual reviews had been undertaken.
25. The total CLC budget (in-house and independent sector) for 2016/17 is £7.7 million and proposed savings outlined in the 2016 MTFS are £500,000 in 2017/18, and a further £250,000 in 2018/19. The proposed saving includes all types of day activities (independent and in-house provision) and overall the target for gross savings to be achieved will represent approximately 9.5% of the current CLC budget.
26. In addition to the two proposals recommended to the Cabinet, savings will also be achieved through the introduction of a pricing schedule for CLC services, enabling the Department to ensure cost effective delivery.
27. Alternative suggestions set out by Mr. Hadfield are included below, along with the Director’s response:

a) **Public Resources Ignored**

*Three Councils (County, District and Town) have several buildings in Lutterworth, which are suitable for day centre use, at NIL cost to the overall public purse (Public body to Public body transfers may be ignored if the Public bodies are serving the public overall). Also, there are Churches offering free or low prices accommodation, as part of their Community Service. Similarly, the Councils offer educational and recreational activities which, if freely offered to Learning Disabled Adults, would provide many of the necessary stimulæ at a potential overall saving to the public purse.*

**Director response:** The Council, through the commissioning of CLC aims to ensure there is sufficient supply of services both in terms of location and quantity. The Council does not determine the venue used for activities for CLC/day services but encourages contracted organisations to consider and make use of low/zero cost facilities and it is not the expectation that all services are building based. In the delivery of CLC, it is important that any building base which may be available to utilise is suitable, particularly from a health and safety perspective. Some of the public buildings mentioned above may not meet these requirements and may also incur a cost.

In response to the suggestion relating to the removal of charges for educational and recreational activities, this change would result in increased costs for the Council rather than a saving.

b) **Poor Contractual Arrangements**

*When there was a day centre activity in Lutterworth, the premises contract was fairly expensive. The landlord abused the use of the premises in many ways and, so, it was bad value for money. When the Lutterworth day centre was disbanded, the landlord levied a £10,000 contract termination charge onto the Council.*

**Director response:** Through the redesign of In-house day service provision previously conducted, a significant number of attendees transferred to alternative provision (at a quicker pace than anticipated), which meant continuing use of the Lutterworth premises became unviable. It was necessary for the Council to terminate the contract with the landlord, and even though this incurred costs (although at a much lower cost than the value stated by Mr Hadfield), this was more cost effective than continuing service provision for the small number of remaining attendees at the Lutterworth premises.

In essence this relates to costs which can on occasion be incurred when transitioning into new models of service provision and represents a one off cost, not an ongoing reduction in the cost of providing CLC (day services).

c) **Refusal to Accept Money**

*Waitrose at Lutterworth offered about £400 to the Learning Disabled Day Centre Group at Lutterworth. The Council refused to accept the money on the grounds that "There is no mechanism to accept the money".*

**Director response:** In the above circumstance which arose in January 2013, the Council subsequently identified a mechanism through which to accept donations. However Waitrose did not proceed with the intended one-off fundraising activity. Although the Council welcomes charitable donations, this does not represent a viable or sustainable alternative means of funding CLC services or meeting the scale of the savings required.

d) **Destruction of Local Links**

*The main activity of the twenty or so Learning Disabled Adults at the Lutterworth Day Centre was the preparation and presentation of two concerts per year. The activity was very low cost/no cost. Individuals did singing, dancing, readings and mini sketches. The concerts were very much appreciated by the local Community, until the Council stopped them.*

**Director response:** Due to the redesign of service provision previously undertaken, the number of attendees at Lutterworth reduced significantly, it was therefore not viable to continue with this activity.

In line with the new model of CLC provision, services will be based on the concept that providers can deliver support for many people to find a range of non-social

care funded activities in the community, building social networks, increasing confidence and independence as well as supporting carers. The new model will also enable and support people to gain employment/volunteering opportunities and improve their life skills.

It is expected that providers will regularly engage with individuals they support in order to identify appropriate activities that can increase skills and promote independence including activities and groups that are available to all in the community. Clearly any activity that requires the support of paid staff will require funding.

The following is taken from the CLC Service Specification and demonstrates the flexibility and responsive services that we expect the contracted organisations to deliver under the new framework:

*‘Service providers will facilitate opportunities for service users to maintain existing valued roles, natural supports and community involvement, as well as assist in the development of new community engagement opportunities through the delivery of support activities, delivered via individual, group or network basis.’*

e) **Set up Large New Transport Costs**

*The twenty or so Learning Disabled Adults, who attended at Lutterworth, had either nil or very low local transport costs. The dispersal, mostly to Market Harborough, has incurred lots of new individual transport costs. I guesstimate the added transport costs as between £50,000 and £100,000 pa.*

**Director response:** The Adults and Communities Cost Effective Care Policy sets out the Department’s commitment to providing the right amount of support to people with eligible needs without it costing more than it needs to, and this will include consideration of transport costs. The Department seeks to meet outcomes in a way that provides good value for money for the Council. In addition the Council’s Transport Policy aims to ensure that the provision of assisted transport is equitable and consistent for service users as well as ensuring the best use of resources for the County Council.

Due to the reducing number of people attending the in house service in Lutterworth, it was more cost effective to transport the small number of individuals to attend a base at Market Harborough. The alternative option would have to continue providing services at Lutterworth, transporting staff from another base in Roman Way in order to provide support within the Lutterworth location and to pay the ongoing costs for the building itself.

It must also be noted that within the current MTFs the Environment and Transport Department need to deliver savings relating to Social Care Transport totalling £300,000 by 2017/18. Therefore specific savings related to transport will be attributed to this rather than to the savings for CLC.

f) **Inefficient Individual Transport Arrangements**

*The distance between Lutterworth and Market Harborough is 14 miles. To transport one individual by taxi from Lutterworth to Market Harborough requires a taxi mileage*

*of 112 miles per day, under the arrangements made by the Council. That individual has a “one to one” supporter, who is an authorised car user. The supporter could meet some of the transport needs at a much lower daily distance and at a much lower cost to the Council.*

**Director response:** The situation described is, of course, an individual case and it would not be appropriate to comment in detail. However, it must be noted that the Department regularly engages with colleagues in Environment and Transport to find more cost effective approaches to providing transport for service users in line with the savings requirements set out in the MTFS relating to Social Care Transport.

g) **Rules Stop Common Sense**

*The Lutterworth Individual would like to attend a private day centre in Lutterworth for one day per week. That would exchange 112 miles of taxi costs for a return bus fare between Harborough and Lutterworth for the necessary and established “one to one” supporter. Unfortunately, the trusted “one to one” supporter is contracted to the Council’s Roman Way Day Centre in Market Harborough. There is a Rule that the trusted contracted “one to one” supporter cannot accompany the Learning Disabled Individual to a non Council Day Centre. So, the wishes of the Individual Learning Disabled Adult cannot be met AND the Council cannot make a cash saving.*

**Director response:** The situation described is an individual case and it would not be appropriate to comment in detail. It is, however, correct that due to insurance liability and potential service duplication and inefficiencies, employees of the local authority are unable to provide direct support to individuals in non-council funded CLC provision. It must be highlighted however that the individual review process is a mechanism whereby any alternative approaches to meeting needs in a more cost effective manner are explored. Where an individual wishes to attend a private service, they can request a direct payment to employ a Personal Assistant through a personal budget if they wish. Alternative solutions may also be explored alongside the CLC support provider.

- 28 In summary, the points raised by Mr. Hadfield refer either to individual circumstances or to the outcomes of service redesign that was undertaken for in-house services. It is the Director’s view that the proposals from Mr. Hadfield will not achieve the ongoing savings as set out within the MTFS relating to CLC provision, nor do they address the current inequity across client groups identified through the review process.

**Conclusions/Recommendations**

- 29 The Committee is asked to have regard to the information now provided in respect of what action, if any, it proposes to take in response to the call-in.

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### **Background Papers**

- Report titled “Community Life Choices Framework 2017-20 Outcome of Consultation on Delivery” and appendices to the Cabinet meeting on 11 October 2016 - <http://ow.ly/RKYH305tzc6>
- Report titled “Community Life Choices Framework 2017-20 and Consultation on Future Delivery” and appendices to the Adults and Communities Overview and Scrutiny Committee meeting on 6 September 2016 - <http://ow.ly/mrDz305txs5>
- Report titled “Adult Social Care Day Services Strategy and Review of Employment Services – Outcome of Consultation” and appendices to the Cabinet meeting on 5 April 2011 - <http://ow.ly/Ono0305vF1p>
- Report titled “Adult Social Care Day Services Strategy” and appendices to the Cabinet meeting on 12 October 2010 <http://ow.ly/7ZB9305vEZ9>
- Report titled “Adult Social Care Day Services Strategy” and appendices to the Cabinet meeting on 9 March 2010 - <http://ow.ly/FR2f305vEWv>

### **Relevant Impact Assessments**

Cabinet report (See Agenda Pack previously circulated)

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