

CABINET

12 JUNE 2012

BALFOUR DAY CENTRE

Portfolio Holder: Councillor David Brake, Adult Services

Report from: Rose Collinson, Director of Children and Adults

Author: David Quirke-Thornton, Assistant Director, Adult Social Care

Summary

The purpose of this report is for Cabinet to determine the future of the social care day service at Balfour Day Centre. The service is directly provided by Medway Council and supports adults with physical disabilities. The Council own the site in Pattens Lane, Rochester and service users from across Medway attend the day centre.

1. Budget and Policy Framework

- 1.1 Balfour Day Centre is a directly provided council day care service and therefore the service falls within the Council's budget and policy framework.
- 1.2 The Council has a range of statutory duties and powers to provide services to vulnerable adults who are eligible for support. Duties and powers are contained within the National Assistance Act 1948, the Chronically Sick and Disabled Persons Act 1970, the NHS and Community Care Act 1990, the Mental Health Act 1983 together with other statutes and regulations.
- 1.3 Local authorities can provide or commission services in a variety of ways to meet the needs of those it assesses as eligible for support under Fair Access to Care Services (FACS).

2. Background

- 2.1 The demand for day care from working age adults has decreased significantly in recent years in response to the personalisation agenda. Since direct payments cannot be used to purchase council services, the Council considered de-commissioning Balfour Day Centre and re-providing the care through self-directed support and a range of providers.
- 2.2 The Cabinet approved consultation on the future of the service on 29 November 2011 and received the outcome of the consultation on 14 February

2012. Consultation with service users, carers, staff and other stakeholders found that the service was highly valued and that there was significant concern about, and opposition to, the prospect of de-commissioning the service. A full diversity impact assessment was undertaken.

- 2.3 On the last day of consultation Medway Community Healthcare (MCH), the local provider of NHS community health care, indicated an expression of interest in the day service. Cabinet on 14 February 2012 instructed officers to explore this, consult with service users, carers and staff and report back to Cabinet for determination.
- 2.4 Council officers have met with MCH senior managers and explored their expression of interest in the day service which has resulted in a proposal.
- 2.5 The proposal is for co-production, engaging service users, carers, staff and other stakeholders, particularly the voluntary sector, to create a community resource centre offering health and social care services and support to adults with physical disabilities. MCH currently provide a health care service at the Walter Brice Centre and Medway Council provide the social care service at the Balfour Day Centre. Under this proposal the provisions would be developed together to create a sustainable service and enhanced offer to service users and carers.
- 2.6 In order to facilitate co-production and the creation of the new service it is proposed that the staff team at Balfour Day Centre are seconded to MCH and the existing building leased to them to provide the service in situ during this developmental stage. MCH have a number of options in relation to properties for a new service going forward and the co-production will enable a clear assessment to be made regarding how many people will want and need a building-based service and to identify those opting for community-based services, including rehabilitation, training and access to employment.
- 2.7 Transport would be provided to those who need it, including anyone who currently doesn't use transport but who may need it in future. Lunch and refreshments would continue to be provided too so service users currently using the day service would not experience a reduction in the service offer or experience any inconvenience.

3. Advice and analysis

- 3.1 The proposal has been shared with service users, carers and staff and the initial response has been very positive. Further sessions are planned with service users and carers in advance of Cabinet and their views will be reported to Cabinet to inform the decision.
- 3.2 Medway Council is responding to the Government's Vision for a modern system of social care that is built on seven principles:
 - 3.2.1 **Personalisation:** individuals not institutions take control of their care. Personal budgets and direct payments are provided to all eligible people. Information about care and support is available for all local people regardless of whether or not they fund their own care.

- 3.2.2 **Partnership:** care and support delivered in a partnership between individuals, communities, the voluntary and private sectors, the NHS and councils.
 - 3.2.3 **Plurality:** the variety of people's needs is matched by diverse service provision with a broad market of high quality service providers.
 - 3.2.4 **Protection:** there are sensible safeguards against the risk of abuse or neglect. Risk is no longer an excuse to limit people's freedom.
 - 3.2.5 **Productivity:** greater local accountability will drive improvements and innovation to deliver higher productivity and high quality care and support services. A focus on publishing information about agreed quality outcomes will support transparency and accountability.
 - 3.2.6 **People:** we can draw on a workforce who can provide care and support with skill, compassion and imagination, and who are given the freedom and support to do so.
 - 3.2.7 **Prevention:** empowered people and strong communities will work together to maintain independence. Where the State is needed, it supports communities and helps people to retain and regain independence.
- 3.3 The proposal fulfils this vision and in addition ensures that future service provision is enhanced through integration of health and social care services. Bringing together the services also strengthens the sustainability and stability of provision in a fast changing environment. As an independent, social enterprise, organisation MCH would be able to receive direct payments and to set their own eligibility criteria significantly mitigating the downward trend of demand in a way that the Balfour Day Centre is currently unable to. The Council would fund clients eligible under FACS at Substantial and Critical level, as we do now, through personal budgets, including group arrangements should service users wish to opt for this.
- 3.4 MCH are registered with the Care Quality Commission (CQC), regulated and inspected by the CQC. MCH work closely and effectively with Medway Council in relation to Safeguarding Vulnerable Adults and have a strong track record in providing high quality safe services.

4. Risk Management

Risk	Description	Action to avoid or mitigate risk
Sustainability of day service provision.	The secondment of staff and service development work does not deliver a day service that meets the aspirations of the service users and carers; and is acceptable to MCH and Medway Council in terms of outcomes, cost, location(s) and sustainability.	<ol style="list-style-type: none"> 1. Clarity of shared vision – the creation of a health and social care community resource centre for adults with physical disabilities in Medway. 2. Co-production as an approach and model will ensure that stakeholders are engaged in the service creation and that communication is good, creating conditions for success. 3. Secondment of staff ensures continuity of care for service users and protection for staff in terms of their employment rights, terms and conditions. 4. A lease for use of the building will ensure that both MCH and Medway Council are clear on property matters, expectations and timelines. 5. Agreeing the budget in advance, based on personal budgets for all eligible service users, will ensure that costs are controlled and all stakeholders have a shared understanding of the funding available for the service going forward, including transport.

5. Director's comments

- 5.1 Those that use the Balfour Day Centre value the services and benefits that it provides to them. Carers appreciate the respite it affords them, supporting them to continue to care for their loved ones at home.
- 5.2 This proposal brings together health and social care provision for service users, enhancing the current service offer and delivering it in line with the

personalisation agenda to increase choice and control for service users and carers.

- 5.3 The co-production approach and model will ensure that stakeholders have a meaningful opportunity to engage in the creation of the future service.

6. Legal, Financial and HR implications

6.1 Legal

- 6.1 A property lease would be entered into by Medway Council and MCH to ensure both parties have a shared understanding of the arrangements concerning use of the premises and the Council's interests protected.

- 6.2 Procurement advice will need to be taken depending on the take up of Direct Payments.

6.2 Financial

- 6.2.2 The council must make efficiencies in order to deliver a balanced budget and to respond to the reduction in funding available to the council from central Government.

- 6.2.3 It is estimated that re-providing the social care services provided at Balfour Day Centre through co-production with MCH would save between £100,000 to £200,000 per annum. The final figure is established once every service user has had a review and their personal budget agreed.

6.3 Human Resources

- 6.3.1 Staff working at the Balfour Day Centre would be seconded to MCH for a six month period. Medway Council would work closely with MCH, staff and trade unions in preparing a secondment agreement to facilitate this. Staff would be covered by their existing terms and conditions and paid through the Council's payroll. The secondment agreement will cover the responsibilities of the Council and MCH and Medway Council would still be the employer and maintain control over employment decisions during this secondment period.

- 6.3.2 Any future reorganisation of the service will have an impact on employees. If the new delivery of service is successful, it is envisaged that at the end of the secondment agreement the staff will transfer to MCH. This is subject to MCH providing a comparable pension scheme, or obtaining admitted body status to the Local Government Pension Scheme. Any staff assigned to Balfour Day Centre would be transferred under the Transfer of Undertakings (Protection of employment) Regulations 2006 (TUPE). Staff would be fully consulted prior to any transfer taking effect.

7. Recommendations

- 7.1 That Cabinet note that the Director of Children and Adults will agree an employee secondment arrangement for the staff working at the Balfour Day

Centre. This arrangement will be with MCH in order to facilitate the co-production of a new community resource centre offering health and social care services. The secondment will be for six months, after which point the staff will transfer to MCH if the co-working is successful.

- 7.2 That Cabinet instruct officers to negotiate a six month lease with MCH for the temporary use of the Balfour Day Centre.

8. Suggested reasons for decisions

- 8.1 To ensure compliance with employment legislation and Council HR policy; and to gain the constructive engagement and participation of staff in creating the future service provision.
- 8.2 To ensure that MCH and Medway Council have a shared understanding of the expectations and arrangements for use of the building and to protect the council's interests.

Lead officer contact details

David Quirke-Thornton
Assistant Director, Adult Social Care
Extn. 1212
david.quirkethornton@medway.gov.uk

Background Papers:

none