


Cabinet Decision 6 November 2013	
Report of: Robert McCulloch-Graham, Corporate Director, Education, Social Care and Wellbeing	Classification: Unrestricted
Day Services for Older People	

Lead Member	Cllr Abdul Asad, Cabinet Member for Health and Wellbeing
Originating Officer(s)	Barbara Disney, Service Manager, Strategic Commissioning
Wards affected	All Wards
Community Plan Theme	A Safe and Supportive Community, A Healthy Community
Key Decision?	Yes

Executive Summary

The Council currently spends a total of £2,033,100 on the provision of Day Care Services for older people who meet FACS¹ eligibility. These services are delivered through two in-house provisions (costing £978,000), three externally commissioned block contracts (costing £1,824,100) and additional spot purchased provisions to meet specific needs or user choice (costing £209,000). An initial review of these services indicates that the block contracts are underutilised.

These block contracts are due to expire on the 31st March 2014 and this report recommends that the authority enter into spot purchased arrangements with current providers, for a duration of 12 months starting 1st April 2014, to ensure continuity of service for users and allow for a comprehensive review of day care provision which will take account of potential changes that are likely to be introduced by the Care Bill.

The Care Bill, published on 10th May 2013 and currently going through Parliament, establishes a new legal framework which puts the wellbeing of individuals at the heart of care and support services. It seeks a system that enables people to remain as independent as possible for as long as possible, by connecting people to their local communities, increasing partnership working and collaboration across local authorities, providers, the voluntary and community sector, financial services organisations and individuals and carers playing a vital role. There will be a strengthened focus on the local authority and its universal responsibilities towards its residents not just those with higher need, who meet FACS eligibility and will

¹ FACS = Fair Access to Care Services

provide an opportunity to redesign services that better meets user needs and aspirations.

Recommendations:

The Mayor in Cabinet is recommended to:

- § Agree to offer new 12 month, spot contractual arrangements from 1st April 2014 to 31st March 2015, with three current day service providers for older people which are currently block contracted. These providers are:
 - § Sonali Gardens (St Hildas) in Tarling Street, E1 (focusses on Bangladeshi elders)
 - § Sundial Centre (Peabody Trust) in Shipton Street, E2
 - § St Hilda's Weekend Day Centre, E2

All provide borough wide services to older residents who meet FACS² eligibility criteria.

- § Agree that extensive consultation with current day service users and other stakeholders, and outcomes from the review and vision of *The Care Bill* should inform the model for a potential service redesign.
- § Agree a further paper to Cabinet in September 2014 with recommendations to be discussed and permission sought to go to the Market with clear outcomes for future Older Peoples Day Opportunities

² FACS = Fair Access to Care Services

1. **REASONS FOR THE DECISIONS**

- 1.1 To provide consistency and continuity of care services for vulnerable older people in Tower Hamlets whilst extensive consultation and an in-depth, strategic review of both in-house and externally commissioned day services is undertaken in light of outcomes from *The Care Bill*, currently going through Parliament and any demographic change brought to light by the review of the Joint Strategic Needs Assessment.

2. **ALTERNATIVE OPTIONS**

- 2.1 The Mayor in Cabinet may decide not to award new, twelve month spot contracts with the current providers. This option is not recommended as it may leave vulnerable older people without access to the support they need to maintain their wellbeing and maximise their independence.

3. **DETAILS OF REPORT**

- 3.1 There are three externally commissioned day services for older people in Tower Hamlets which have block contract arrangements and which are due to expire at the end of March 2014:

- § Sonali Gardens (St Hilda's) in Tarling Street (E1) focusses on Bangladeshi elders
- § St Hilda's East Weekend Day Centre (E2)
- § Sundial Centre (Peabody Trust) in Shipton Street (E2)

3.2 *Sonali Gardens*

Based in Shadwell, Sonali Gardens is managed by St Hilda's East and offers care and support to primarily Bangladeshi service users who live in Tower Hamlets. The service offers a bilingual Bengali speaking staff team within a building designed to meet the religious needs of the community. This includes separate, well-appointed prayer, ablution and recreation facilities for men and women. The annual contract value of the service is £392,000, which also includes costs for a lunch and transport service.

3.3 *Sundial Centre*

Peabody Trust provides the day care service at the Sundial Centre, Shipton Street, which is also part of the LinkAge Plus partnership and next door to the new Extra Care Sheltered Housing provision for people with Dementia.

The service is contracted on a block arrangement for 30 places. The value of the contract is £380,000 including lunch and transport.

3.4 *St Hilda's (Weekend Day Centre)*

This is the only weekend, FACS eligible day service offered over the weekend in the Borough. The service takes place at St Hilda's Community East in Club

Row. The service has an annual block contract value of £74,000 which includes lunch and transport, and a capacity to serve 12 people per day.

- 3.5 LBTH spends an average of £406 per person per week compared to LB Southwark at £357, City of Westminster at £344 and LB Richmond at £238 (Personal Social Services Expenditure Return. 2011-12). This is the highest in London and represents very poor value for money. By offering spot contracts during the consultation and review period, an efficiency saving will be achieved.
- 3.5 Access to day services is through an assessment of need undertaken with a social worker. Social care needs arise where an individual needs support to be able to achieve a level of independence that without a disability or impairment enjoy. Assessments are done collaboratively with the person exploring their own resources, strengths and networks, and their carer(s). For those who meet 'Fair Access to Care' eligibility criteria Day Service provision may be an appropriate option to meeting their needs. The Council currently provides services to those who meeting Critical and Substantial categories of risk.
- 3.6 With the expected increase in the older population over the next few decades, the demand for health and social care services is likely to rise and effective planning and interventions need to be in place. The Joint Strategic Needs Assessment (2010-11) indicates an increase in people aged over 65 from 4,800 in 2010 to 6,600 by 2025 and it is this cohort of residents that are more likely to need social care and support. An updated version of the Joint Strategic Needs Assessment will be available at the end of this year (2013) and will include the findings of the 2010 Census. This may also identify any changing patterns of demand.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1. The authority has five day centre provisions throughout the borough which cater for older people. Two are internally provided (costing £978,100 per annum) and three are externally provided (costing £846,000 per annum). In addition, the authority spot purchases a small number of placements costing £209,000 to deliver specific need and personal choice.
- 4.2. This report recommends the Mayor at Cabinet approve award of 12 month spot contract arrangements with the three current providers of externally commissioned day care services as detailed in sections 3.1 to 3.4 above.
- 4.3. Current budget for these externally commissioned block contracts is £846,000 per annum. However, the current block contracts are underutilised and while the wider review of day service provision progressed, the proposed spot arrangements will enable the service to address the inefficiencies associated with underutilisation and allow the service to deliver the £40k savings target approved by members as part of the directorate savings programme.

5. LEGAL COMMENTS

- 5.1 Under Section 29 National Assistance Act 1948 and Section 2 of the Chronically Sick and Disabled Persons Act 1970, the Council has a duty to provide disabled and chronically ill people in its area with services such as social and recreational activities (including through the provision of day centres), and help with travel costs.
- 5.2 The Council has a duty under S47 of the NHS & Community Care Act 1990 to assess people with chronic ill health and/or disabilities who appear to need community care services, and to decide on the basis of that assessment whether it is necessary for the Council to arrange or provide services to meet any identified need.
- 5.3 The decision about whether someone is eligible for help from the Council is to be based on an evaluation of the risk to a person's independence posed by their needs and circumstances, following a community care assessment. Currently this is governed by the Fair Access to Care Guidance 2010.
- 5.4 Direct payments were brought in under the Health and Social Care Act 2001 and the relevant directions presently are the Community Care, Services for Carers and Children Services (Direct Payments) Regulations 2009. The Care Bill, which will come into effect in April 2015 includes plans to make personal budgets a mandatory part of all care plans, meaning they would apply to all council-funded users. Personal budgets can be a mixture of direct payments and in-house services. This may impact on the number of service users choosing to access day centres.
- 5.5 Additionally, the Care Bill proposes to place a duty on local authorities to assess the carers of disabled persons, and provide them with services to support them in caring for the service user if the carer is assessed as having an eligible need.
- 5.6 The local authority has a duty to provide services to meet people's eligible assessed needs, either through directly providing or commissioning a service or through a direct payment or a combination of both. Before an individual's support plan can be changed, for example because it is proposed that a day centre closes, a review of their needs should be carried out. The local authority, in consultation with the service user, must ensure that the new support plan makes provision for services to meet the service user's eligible need for involvement in wider community life and involvement in work, education and learning.

Consultation

- 5.7 As a matter of public law the Council is required to put out to consultation, the proposals for changes to the groups affected by those changes, including carers. The consultation must be undertaken at a time whilst the proposals are in a formative stage and give sufficient reasons for the proposals and sufficient time for consultation to allow those consulted to be able to give a

considered response. The results of that consultation must be taken into account when the final decision is made.

- 5.8 The public sector equalities duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have 'due regard' to the need to eliminate discrimination (both direct and indirect discrimination), harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic.
- 5.9 The equality duty arises where the Council is deciding how to exercise its statutory powers and duties under the 1948 and 1970 Acts, as well as the proposals contained within the Care Bill. The Council's duty under Section 149 of the Equality Act is to have 'due regard' to the matters set out in relation to equalities when considering and making decisions in relation to its statutory duties to provide services. Accordingly due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the consultation and decision making process.
- 5.10 An Equalities Impact Assessment must be carried out to consider in detail what impact the proposals could have on the protected characteristics (age, disability, gender re-assignment, pregnancy, maternity, race, religion or belief, gender and sexual orientation) of the service users as well as carers and action that will be taken to mitigate the risk of disproportionate impacts upon protected characteristics.
- 5.11 Section 3 of the Local Government Act 1999 requires best value authorities, including the Council, to "make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness".
- 5.12 The Public Services (Social Values) Act 2013 came into force on 31st January 2013. This requires the Council to consider how the services it commissions and procures might improve the economic, social and environmental well being of the area.
- 5.13 The planned procurement described above complies with the those statutory duties and the Council's procurement procedures and should be open for Cabinet to conclude that the proposed contracts will result in best value having regard to the duty outlined above.
- 5.14 The plan has a long lead in time to allow the services to be redesigned and to take into account the views of service users and their carers and the current providers who provide the premises as well as the staff.
- 5.15 The contracts are for Part B Services and so the full provisions of the Public Contract Regulations 2006 do not apply. However they are still expressly subject to the equality and transparency obligations under the Regulations

and there is a requirement to have a fair and transparent process. This report explains how that will be achieved.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The current configuration offers specific day services to specific communities. The proposal to consult extensively, and await updated information through the Joint Strategic Needs Assessment will ensure that any future provision will meet the needs of local residents. An Equality Analysis will ensure that any potential advice implications are mitigated appropriately.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 There are no adverse environmental impacts generated through the proposals in this report.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 The contracts for Older People's Day Services come to an end on 31st March 2014. If the Council goes to the market now for the re-commissioning of longer term block contracts for these Services to start on 1st April 2014, there is a risk that the opportunity is missed to really understand changing needs in the community and create innovative ways of improving the health and wellbeing of our older residents.
- 8.2 *The Care Bill* is likely to necessitate change in the way we deliver services. To offer sustainability to our providers and consistency to our service users for the interim period will enable mitigate any disruption for individual service users and their families

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no crime and disorder reduction implications identified.

10. EFFICIENCY STATEMENT

- 10.1 By offering spot contracts rather than block contracts there may be some contribution to the Directorate Savings targets. This cannot be confirmed at the time of writing as individual negotiations will need to take place with providers.
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Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

- None

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None.

Officer contact details for documents:

- N/A