



Report to Cabinet

Date: 8 October 2024

Title: **Better Lives in the Community**

Cabinet Member(s): **Angela Macpherson**

Contact officer: Sara Turnbull

Ward(s) affected: All

Recommendations:

Cabinet is asked to approve the proposal to go out to public consultation and seek views on the preferred operating model for adult social care day opportunities and overnight respite services.

Cabinet is asked to note that following the public consultation exercise a report will come back to Cabinet on the consultation findings with a recommendation on the future operating model.

Reason for recommendation:

To enable all adults who need care and support to live independently and well in the community through offering high quality day opportunities and overnight respite services, as well as ensuring that services are cost-effective and sustainable.

1. Executive summary

- 1.1. This report sets out our vision for day opportunities and overnight respite so that all adults with care and support needs can live well and independently as part of their communities. These services provide vital support for people to learn daily life skills and provide care to support independence.
- 1.2. Day opportunities and overnight respite are delivered from many sites and run by external providers along with a council-run service called 'the short breaks service'. Our current service model needs to ensure that we can meet the changing needs of adults with care and support needs in the community and achieve our vision.
- 1.3. Most of our care and support is delivered through a variety of external providers. This model enables us to offer a wide variety of different opportunities and locations for care and support to be delivered from, so that we can meet the diverse needs of adults across Buckinghamshire. We want to build upon this model to strengthen and expand the options and services available in the external market to meet need.
- 1.4. There are three key drivers for change.
 - Firstly, we need to ensure that we have the right service model to deliver our vision for day opportunities that focusses on supporting adults to live independently and well in the community, aligned to our Better Lives Strategy.
 - Secondly, we want to ensure that adults supported can access high quality facilities and buildings that meet their needs.
 - Thirdly, we must provide value for money to the Council and taxpayers.
- 1.5. This council-run service provides day opportunities from seven centres, including one that also delivers overnight respite (Seeleys House). It is highly valued by both the carers and those adults who access the service. However, the traditional model of building-based day care is now out-dated. Over the last few years, the need for building-based provision has reduced considerably. Firstly, this is because of the work that has taken place to increase community-focused provision enabling access to mainstream activities including enabling participation in leisure facilities, facilitating access to shops to purchase provisions and enhancing daily living skills. Secondly, work has taken place with residential and supported living providers to strengthen their day activities offer, so that residents no longer must travel to a separate day centre to access meaningful activities during the day. And, thirdly, we have seen an increase in the take up of direct payments which offer greater choice and flexibility for those that need care and support and their families/carers.
- 1.6. Three overall options for change have been considered. The first option is to continue to keep 7 council day centres and the same operating model. The second option is to keep 3 day centres and no longer deliver the service from the 4 other

centres, as well as increasing external market provision. The third option considered is to close the Council's Short Breaks service and deliver all day opportunities and overnight respite services through external providers alone.

1.7 Option 2 is recommended, which is to keep 3 council day centres and no longer deliver adult social care services from the 4 other centres. No decision has been taken on these options and we are proposing to consult to gather views to inform a decision.

1.8 Key elements of the preferred future service operating model are:

- Council-run day opportunities that support adults with the most complex need to enable high quality, specialist care.
- Seeking an external autism accreditation in at least one of the remaining day centres to provide specialist autism and learning disabilities services.
- Investing in the remaining council day centres to enhance the environment, including kitchen facilities, outdoor space and sensory equipment.
- Developing a new community outreach service for adults with learning disabilities, including strengthening our supported employment offer so that we can better meet the needs of a wider cohort of adults in need.
- A new commissioning model to ensure improvements in access to overnight respite for all adults in need across the county, and sufficient day opportunity placements in the external market to meet needs.

1.9 The key benefits of the preferred new operating model proposed for consultation are:

- **Better services:** A more focused offer for adults with complex needs from a dedicated council-run countywide specialist service, and greater use of external community provision. Wider choice for adults requiring support from external providers through increasing new long-term contracts which will provide continuity of care.
- **Better buildings:** Investing in our remaining buildings to ensure adults supported have access to high-quality facilities and environment which will enhance their experience and wellbeing.

1.10 The proposed preferred operating model will deliver financial benefits as well as improved services and buildings. If all buildings are kept then it would require significant investment to bring them up to a good standard, as well as the additional running costs associated with seven sites.

1.11 The cost of running council-run day centres and overnight respite is higher than externally run comparable services. An analysis of spend per person based on needs was completed. The Council-run service has additional overheads from running seven

sites with a low number of people supported at each centre with higher staffing costs. As of May 2024, we are currently spending £3.4 million on provision for 128 adults with care and support needs accessing council-run day opportunities and overnight respite.

- 1.12 Buckinghamshire Council must save a total of £95.3 million over the next three years, with £41.3 million to be saved in the current financial year (2024/25). Adult social care costs are rising with increased demand. Adult social care must make savings of £14.4 million by April 2026. The Council's Short Breaks service must save 700k. Without changing the operating model this will not be possible.
- 1.13 A preferred option for service delivery has been identified that we want views from adults supported, families and carers, staff, and all our partners and providers on. These views are important to help us improve our services and will inform plans on the future service operating model for day opportunities and overnight respite.

2 Background

- 2.2 Adult social care provides statutory care and support services for adults with care and support needs. Services are delivered by a range of providers and by the council-run 'short breaks' service.
- 2.3 Day opportunities are vital in helping adults to live well in the community. Through the services and activities offered, adult can gain valuable skills for progression, as well as an important role in the wellbeing of individuals, in line with the Local Authority's statutory duties under the Care Act 2014. They also support unpaid carers through offering day respite, alongside overnight respite.
- 2.4 The council's short break service delivers day opportunities from seven day centres, with one of those centres (Seeleys House) also providing overnight respite. 83% of the adults supported in the Council's short breaks service are adults between 18-64 with learning disabilities and complex needs who require significant individual support from staff. Approximately 72% of adults who attend our council-run day centres have medium level needs, and 28% have high needs. Medium level needs are defined as adults who have increased behaviour, physical or other complex needs that require at least one staff member per three adults supported. Those with high needs require more intensive support and always need a staff member present to ensure safety and may require up to three staff members per adult supported.
- 2.5 There are 457 adults supported by adult social care who access day opportunities and 192 adults who access overnight respite overall. The table below provides further details on the breakdown:

	Day Opportunities		Overnight respite		Total
	Number People	Percent	Number People	Percent	
Council-run centres	110	24%	18	9%	128
External centres	347	76%	174	91%	521
Total adults supported	457	100%	192	100%	649

- 2.6 Adult social care supports a wide range of people with different needs and of all ages over 18. Most providers specialise in different types of care for younger adults and older adults over 65. Overall, we have 27 providers for day opportunities and 53 providers for overnight respite, with 6 of these providers specialising in provision for the 18-64 cohort.
- 2.7 The way that day opportunity services are provided by councils has changed nationally and locally as adult social care services have adapted services to strengthen their approach considering the wellbeing duties in the Care Act 2014 including supporting independence. Over the last few years, the need for traditional building-based services has reduced considerably with a shift to increasing the range of community support and facilities available to adults with learning disabilities. A key part of this shift has been the increasing focus on providing families and carers with more choice and control through the introduction of personal budgets and direct payments.
- 2.6 In 2011 the former County Council developed a new model for day care that reflected an ambition to move away from traditional building-based care to more community-based provision. The model nevertheless recognised that such provision had to be balanced against a requirement for some specialist building based services to provide support to individuals with profound and multiple disabilities.
- 2.7 Since that time, there has been a continuing decline in the need for building-based provision reflected in the low number of adults supported and unused space in our council-run adult social care day centres. In 2020 there were 330 people accessing the short breaks service and now there are 128. This is a 61% decline in attendance. Whilst the trend for increased demand for community-based provision has occurred over some years, there has been a significant decrease in the numbers attending council-run day centres since the pandemic.
- 2.8 There are three key reasons for the reduced numbers of people using the Council's day centres. Firstly because of the work that has taken place to increase community-

focused provision so that adults can access a more diverse-range of support locally, such as support to access leisure facilities, accessing the shops, and developing daily living skills. Secondly, because a significant cohort of adults who previously attended the centres were travelling from residential or supported living settings which is no longer required. The Council has worked with providers to increase day activities at care settings so that people do not need to travel to a separate day centre to access day opportunities but can do so where they live. And thirdly, because of the increasing focus on offering adult supported and their family's choice and control through a direct payment. Direct payments enable individuals and their families to have the flexibility to set up their own personalised arrangements to best meet needs.

- 2.9 We know that adults that we support, and families/carers want more community-based provision and to access activities outside of attending a day centre. The LGA have evidenced¹ as part of their learning from the pandemic, that traditional services (such as residential care, domiciliary care and day centres) will continue to have a role to play in the future, but they need to be part of a much broader local offer including smaller, more bespoke providers, micro-enterprises, a vibrant voluntary sector and wider community assets.
- 2.10 We want adults with learning disabilities to be able to be included as part of local communities and to be able to access facilities. Day centres are important for those adults who have particularly complex needs and benefit from building-based specialist provision and that is a key part of our proposed vision for day opportunities and overnight respite.
- 2.11 We know that there are increasing numbers of young people with complex disabilities in Buckinghamshire, which is a national trend. As of 31st Dec 2023, there were 6,634 children and young people with EHCPs in Buckinghamshire and it is expected that some of these children will require support from Adult Social Care in the future and therefore it is vital that the proposed vision for day opportunities and overnight respite accounts for this.
- 2.12 Before the Covid pandemic (2019), Buckinghamshire County Council consulted with adults supported and carers on a new approach to day opportunities. From this, we heard that having choice and a range of opportunities was important to people (92% and 89% of respondents respectively). Feedback from focus groups reinforced this view, with participants wanting to access a wide range of activities appropriate to their abilities and needs, such as bowling, acting, swimming, going to the pub/café and weekends away. People were interested in being able to access mainstream activities in the community over attending a day centre alone.

¹ <https://www.local.gov.uk/sites/default/files/documents/what-good-looks-optional--2e4.pdf>

- 2.13 Given the strong evidence of the increase in demand for community-focused provision for younger adults with learning disabilities and other care and support needs, and the corresponding decline in demand for building-based provision, a new service delivery model is needed.
- 2.14 Prior to this recent review, a previous review completed in 2019 identified a need for relocating the overnight respite provision at Seeleys House. The reasons for that proposed relocation of overnight respite remain, which are difficulties in recruiting and retaining staff at the site in Beaconsfield, limited access to public transport, and a need to ensure the sites for overnight respite are delivered from locations of high need and demand. Owing to staffing capacity, Seeleys House is currently only able to open 11 days per fortnight for overnight respite rather than offer a 7 day per week service. Currently there are 15 staff posts based at the Seeleys House. The current vacancy rate for Social Care Assistant's at Seeleys is 27% compared to a 17% vacancy rate across the rest of the Short Breaks service.
- 2.15 In 2019, the former Buckinghamshire County Council's Cabinet made the decision to relocate overnight respite services from Seeleys House to Aylesbury Opportunities Centre. During Covid-19 this planned change was put on hold as the service was focused on responding to the pandemic.
- 2.16 As part of this current review the preferred option also includes a proposal to relocate overnight respite services from Seeley's House. However, it is not now recommended to relocate the overnight provision to Aylesbury Opportunity Centre. This relocation option has been reconsidered but there are some significant challenges with this approach. Firstly, having an overnight respite facility on this site would mean a reduced number of adults would be able to attend the day centre. Secondly, it would entail significant disruption for adults supported at the Aylesbury Opportunity Centre with building works meaning that people would need to relocate whilst the building works were completed. And, thirdly a recent estimated cost of the investment for the Council would be over £6 million.
- 2.17 We know from feedback from families and carers that overnight respite is a vital service in supporting unpaid carers. It is critical to preventing carer breakdown and highly valued by those who access the support. Current practice is the 'spot' purchase of each individual overnight respite placement might can result in a lack of consistency of provider for the cared for, along with changing bed capacity making it difficult for unpaid carers to book respite in advance to enable forward planning. We want to improve our respite offer and work in partnership with the market to increase provision. As part of the public consultation process, we will invite feedback on how access to overnight respite could be improved.

3 The Case for Change

- 3.1 There are three key drivers for change in how we deliver day opportunities for adults with care and support needs:
- Firstly, we need to ensure that we have the right service model to deliver our vision for day opportunities that focusses on supporting adults to live well in the community as part of our Better Lives Strategy.
 - Secondly, we want to ensure that adults supported can access high quality facilities and buildings that meet their needs.
 - Thirdly, we must provide value for money to the Council and taxpayers.
- 3.2 Whilst external community-focused services have increased over the last few years, the same service delivery model has remained for the council's short breaks service. The short breaks service now supports only 128 people (a drop of 61% since 2020) across all seven sites. The low number of adults supported per site can make it more difficult to maintain a consistent broad range of activities and outreach.
- 3.3 The service staffing model is designed to be flexible to support all adults with support and care needs. People need adult social care support for very different reasons. This might be because they have learning disabilities, physical disabilities, profound autism, mental health needs or dementia. Best practice for day centres and day care is to ensure the right specialist support for catering for adults with these very different needs. We need a service delivery model that provides the right specialist support, as well as community-based provision.
- 3.4 The right environment and facilities at day centres has a significant impact on the wellbeing and quality of care that adults experience. Some of our council-run day centres are in a poor condition. For example, at Hillcrest Day Centre (council-run site in High Wycombe) the upstairs half of the building is unable to be used; and in Burnham day centre only half of the building is usable as well. It is estimated that the total capital investment needed to bring all seven day centres up to a good service standard is approximately £1.75 m. This investment is based upon assessing recent property condition surveys and operational needs.
- 3.5 Our council-run 'short breaks' service is not providing value for money. In 2023/24, approximately £3.4 m was spent on supporting approximately 128 adults. In addition, a total £1.2 m was spent on transporting adults to the centres. The day opportunities council-run service costs equates to, on average, £28k per person per year compared to £8k per person per year on external day services. Likewise, it costs on average £801 per night per person to provide overnight respite at Seeleys House compared to £286 per night per person with an external provider for 18-64 provision.

4 Service Vision and Preferred Delivery Model

- 4.1 Our Council's Better Lives Strategy sets out our overall vision and approach to supporting adults to lead better lives. We want all adults with care and support needs access high quality day opportunities and overnight respite so that they can live well and independently as part of their communities.
- 4.2 Our services need to work to support our aspirations for all adults. Our vision for day opportunities and overnight respite services is aimed at achieving the following outcomes:
- Better Services – So that adults are supported to live independently and well, meeting requirements under the Care Act 2014.
 - Better Facilities – So that the council-owned day centres have the right, high quality environment and facilities to meet the needs of adults with complex needs.
- 4.3 Our service delivery, regardless of whether provided internally or by external providers is underpinned by the following principles:
- Personalised - We provide support tailored to individual needs, preferences, and aspirations, considering strengths, abilities, and interests.
 - Inclusive - We promote social inclusion and community integration by helping people access mainstream activities and facilities, as well as specialist provision when needed, and connect with others who share their passions and goals.
 - Outcomes-focused and progression - We focus on the outcomes each person wants from their day opportunities, such as social opportunities, developing daily living skills, or supported employment or volunteering.
 - Co-produced- We co-produce our day opportunities with users, their families, carers, and other stakeholders, ensuring their involvement in design, delivery, and evaluation of the services and support available.
- 4.4 Where adults are supported to attend day centres there will be a strong focus on supporting with valuable life skills along with activities of daily living that support independence. These include:
- Communication skills
 - Social skills
 - Speaking up
 - Participating in the community
 - Money management
 - Cooking and nutrition
 - Home skills

4.5 We know that each adult with care and support needs requirements are different, and we want to offer a diverse range of services across the county to meet the needs through a tiered model. This approach means we can draw on a diversity of services in the external market and focus council-run services on providing high quality support for those with the most complex needs.

4.6 The three tiers of support are:

Tier	Type	Types of Support Offered
1	Community Initiatives	Support to access open access to universal services (leisure, cultural, educational and vocational). This might be through signposting to local groups, advice and guidance.
2	Community & Low-Level Support	This might include supported employment or voluntary opportunities or accessing external provision at a diverse range of sites with support on daily living skills.
3	Specialist Day Centres	Building-based provision to be offered to adults with the highest level of dependency and complex needs who benefit from access to high-quality building-based day support. This might be at an external or council-run specialist day centre.

4.7 There is a vital and continuing role for building-based support for adults with the most complex needs who are often unable to access mainstream services. For this cohort it is important that the services provided have the right specialist support. It is also important to ensure that the distinct specialist needs of different cohorts of adults with learning disabilities, autism, physical disability, mental health needs or dementia are understood as different services are required to meet needs.

4.8 To deliver the service vision, the preferred option identified is to deliver a council-run specialist adult social care day opportunities service from three sites in Aylesbury, High Wycombe and Chesham. This service would focus on providing support to adults predominantly 18-64 with complex needs. These sites have been identified as the preferred option for consultation based on a range of factors: consideration of demographics and needs across the county; sites suitable for recruitment and retention of staff; and the building suitability and condition.

4.9 Whilst the number of council-run sites is proposed to reduce in the new preferred model the overall capacity is not. Currently 110 adults are supported across seven sites. Under the new preferred model, it is estimated that approximately the same number of adults can be supported at the remaining three council-run sites. By increasing staff at the remaining centres and investing in the buildings we can support more adults in those centres.

4.10 We also propose to work with the external market to increase our day opportunities and overnight respite provision. We will do this through engaging with existing

providers and developing strategic relationships with new care providers along with procuring long term contracts to meet assessed care and support needs.

4.11 Key elements of the preferred future service operating model are:

- Council-run day opportunities that support adults with the most complex need to enable high quality, specialist care.
- Seeking an external autism accreditation in at least one of the retained day centres to provide specialist autism and learning disabilities services.
- Investing in the retained council day centres to enhance the environment, including kitchen facilities, outdoor space and sensory equipment.
- A new supported employment offer that can better meet the needs of a wider cohort of adults in need.
- A new commissioning model to ensure improvements in access to overnight respite for all adults in need across the county, and sufficient day opportunity placements in the external market to meet needs.

4.12 The key risks of the new operating model are:

Risks	Mitigation
<p>Changing the location of service delivery for adults with care needs may adversely impact on the wellbeing of individuals and families/carers.</p>	<ul style="list-style-type: none"> • During the consultation process the views and needs of those receiving support, as well as families and carers, will be an important part of the process. The communications plan reflects that. • Face to face events will be held, as well as individual letters sent. • The recommendation of the preferred model is made on the basis that suitable alternative services will be available to meet needs at different locations, either at remaining council-run sites or with providers.
<p>A lack of suitable alternative external providers locally to meet needs.</p>	<p>To mitigate this risk an engagement exercise is underway for overnight respite and planned for additional day capacity in High Wycombe which is identified as an area with particular need. We aim to develop long term partnership arrangements with providers as we seek to move away from purchasing individual placements. These are often commissioned at short notice, with limited choices available and with a range of providers this makes building trusted relationships with carers difficult.</p>

4.13 During the project the risks will continue to be mitigated. Cabinet will be provided with an updated assessment of risks and mitigation, as well as an equality impact assessment following the public consultation exercise.

Other options considered



4.14 A wide range of alternative options have been initially considered to the preferred service delivery option outlined above. Through the public consultation exercise and provider engagement further information and views will be gathered. This will inform a subsequent Cabinet decision on the best service delivery model to take forward.

4.15 The following alternative options and key considerations are set out below:

	Do Nothing/Keep All 7 Centres	External Provision Model
Description	7 council-run sites Purchasing of individual placements only when needed, no long-term contracts.	Close all council-run sites and the Council's in house 'short breaks' service. Externalise all provision.
Advantages	No disruption to current staff or adults supported.	No investment required in centres. Increased capital savings. Increased revenue savings in short term from reduction in staff.
Disadvantages	Service model not sustainable. Does not provide the service model of community focused provision that feedback from adults supported and families supports. Not in the best interests of adults less intense support needs who would benefit more from community-based over building-based provision. Continued underuse of buildings Internal service costing significantly higher than external and costs continuing to rise. Unable to meet MTFP savings target Requires capital investment of £1.75m to bring buildings up to an adequate standard	Impact of changes on families, carers and staff. Risk that the external market in Buckinghamshire is unable to provide sufficient provision to meet statutory care needs for all adults. Likely to lead to overall higher costs of care from a 100% reliance on external provision to meet needs and risks inability to meet statutory care duties. May result in increased number of adults with care and support needs being required to travel long distances to out of county provision, and an increase in residential use. Would not support the Council's Better Lives Strategy to maximise support in the community for adults to live well and as independently as possible.

5 Legal and Financial Implications

Financial Implications

5.1 The MTFP savings for day opportunities are: £250k 2024/25 and an additional £700k 2025/26 with no additional saving attached to day opportunities in 2026/27. The savings target for 2024/25 is on track to achieve the 250k from a range of service efficiencies. The additional savings target of 700k is needed to be achieved from this review and proposals.

5.2 The Short Breaks service has undertaken a range of efficiency improvements which include maximising income as well as reducing expenditure. All adult social care day centres are already rented out for hire to local groups with a limited return of £13k per year overall. The buildings are suitable for community groups which attract low rental value in competition from neighbouring village and community hall

facilities. Increased rental income has been considered and this might be possible with significant investment in the buildings and managing the properties in a different way, such as through releasing buildings no longer required by adult social care for commercial property rental. This is an option that could be subsequently considered if a decision is taken that some buildings are no longer needed for use by adult social care and if the Council wishes to keep them.

- 5.3 The assumed annual revenue savings for adult social care from when the proposed new operating model is live (financial year 2027/28) is in the region of £740k. This is an estimated annual revenue saving which considers factors such as staffing costs; the costs of transport for adults with care needs; and the costs of external market provision.
- 5.4 A significant element of the savings relates to the alternative use of the Buckingham Centre for SEND college day provision. The proposed repurposing of the Buckingham Day Opportunities Centre into Post-19 provision for young people with special educational needs and disabilities would provide a vital additional 30 additional specialist education places, in line with Buckinghamshire's Education Sufficiency Strategy and Delivery Better Value programme. This provision would support in managing and reducing the financial pressures across High Needs Block funding. This change of use of the site would reduce the need for young people to have to travel long distances out of county because we don't have the right specialist local educational provision.
- 5.5 This proposed change will help us make better use of the building space, as well as being cost-effective. In addition to the saving outlined above for adult social care, it is estimated that an additional £815k saving will be achieved against the Dedicated Schools Grant (DSG) budget. It is likely that there will be an increase in Home to School Transport costs of approximately £200k. This is because there would be an increased need for daily transport to the college rather than termly transport to a residential college. After taking into account transport costs there is still a significant financial overall benefit to the Council. To mitigate the additional transport costs work will take place to encourage travel training and other alternatives such as personal transport budgets.
- 5.6 The below table shows the expected cumulative revenue savings annually for adult social care from this review. The new operating model will take time to fully implement and therefore achieve the ongoing revenue saving. To mitigate the savings gap in 2025/26 and 2026/27 before the new operating model is live, the Adults and Health Directorate are working to stretch existing targets for additional income and efficiencies across all services.

	2025-26	2026-27	2027-28
MTFP Saving Target Agreed (after efficiency savings)	£700,000	£700,000	£700,000
New Operating Model Savings Day Opportunities & Overnight Respite	£60,000	£ 523,000	£740,000
Remaining Savings to be achieved from stretch efficiency targets across all Adult Social Care	£640,000	£177,000	£0


Capital Implications

- 5.7 The preferred change option identified in the business case has the potential to generate capital receipts. The potential capital receipt from the sale of Seeleys House, Hillcrest Day Centre and Burnham Day Centre, is estimated within the range of £2.14 m – £6.77 m. These figures are dependent on planning and title constraints and pre-planning advice is currently being sought.
- 5.8 To realise the revenue and capital benefits outlined in this report, there is a need for a capital investment of approximately £640k in the remaining council buildings.
- 5.9 This investment is a requirement to deliver the vision and new operating model for day opportunities proposed, so that adults with complex needs can benefit from high quality facilities and environment.
- 5.10 There are financial risks that may impact the overall savings, the key ones being:
- Transport costs for adults attending day centres may change and therefore the associated costs. This has been considered in the financial modelling for the savings and taken into account. To mitigate this risk further modelling of cost impact will be monitored as the project progresses and where possible, routes will be shared.
 - Generating additional market capacity may not be possible quickly enough to maximise savings potential. This risk is mitigated by the market engagement exercise and commissioning plans underway to generate care provider interest.

Legal Implications

Care Act 2014

- 5.11 Section 1 of the Care Act 2014 places a general duty on local authorities in England to arrange services that promote the wellbeing of individuals, including preventing or delaying the development of needs for care and support.

- 5.12 Well-being' is not defined within the Care Act 2014 and is a broad concept. Section 1(2) lists nine individual aspects of well-being as follows:
- (a) personal dignity (including treatment of the individual with respect);
 - (b) physical and mental health and emotional well-being;
 - (c) protection from abuse and neglect;
 - (d) control by the individual over day-to-day life (including over care and support, or support, provided to the individual and the way in which it is provided);
 - (e) participation in work, education, training or recreation;
 - (f) social and economic well-being;
 - (g) domestic, family and personal relationships;
 - (h) suitability of living accommodation;
 - (i) the individual's contribution to society.
- 5.13 The principle of promoting wellbeing should be embedded through the local authority care and support system. The Care and Support Guidance is clear that the principle does not only apply specifically when the Council makes a decision in relation to an individual, it should also be considered by the Council when it undertakes broader, strategic functions.
- 5.14 The Council is not required by way of statutory duty to specifically provide any in-house direct care provision, including day centres and respite care. The Care Act moved away from placing such specific duties on a local authority to the concept of 'meeting needs' (set out in sections 8 and 18 to 20 of the Act).
- 5.15 However, the Care Act does place duties on a local authority to promote the efficient and effective operation of the market for adult care, including using a wide range of approaches to encourage and shape it, so that it meets the needs of all people in their area who need care and support.
- 5.16 A local authority must also have regard to ensuring a sufficiency of provision – in terms of both capacity and capability – to meet anticipated needs for all people in their area needing care and support – regardless of how they are funded. A local authority must take steps to identify and understand both the current and future demand for support, and the supply in terms of services, facilities and other resources available.
- 5.17 Section 18 Care Act 2014 provides that where an adult is assessed as having eligible needs, the Council is under a duty to meet those needs; This means that where a person, following assessment, has identified eligible care needs, and provision of day services is assessed as necessary to meet that eligible need, the Council has a statutory duty to meet that eligible need. It does not have to do so directly by the provision of internal day provision, but it must ensure that alternative arrangements to meet those eligible needs are and can be made.
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Adult Social Care Outcomes Framework (ASCOF)

- 5.18 The ASCOF also sets outcomes-based priorities for care and support, focused around 6 key objectives for people who draw on care and support, unpaid carers and professionals who provide care and support:
- 1 Quality of life: people's quality of life is maximised by the support and services which they access, given their needs and aspirations, while ensuring that public resources are allocated efficiently.
 - 2 Independence: people are enabled by adult social care to maintain their independence and, where appropriate, regain it.
 - 3 Empowerment - information and advice: individuals, their families and unpaid carers are empowered by access to good quality information and advice to have choice and control over the care they access.
 - 4 Safety: people have access to care and support that is safe, and which is appropriate to their needs.
 - 5 Social connections: people are enabled by adult social care to maintain and, where appropriate, regain their connections to their own home, family and community.
 - 6 Continuity and quality of care: people receive quality care, underpinned by a sustainable and high-quality care market and an adequate supply of appropriately qualified and trained staff.
- 5.19 Through joint strategic needs assessments (JSNAs), health and wellbeing boards should identify the current and future health and care needs of the local population, building a robust evidence base of local needs to drive local services, and delivering improved outcomes for local communities.
- 5.20 Section 10.27 of the Care and Support Guidance states that in determining how to meet needs, the local authority may also take into reasonable consideration its own finances and budgetary position and must comply with its related public law duties. The authority may take decisions on a case-by-case basis which weigh up the total costs of different potential options for meeting needs and include the cost as a relevant factor in deciding between suitable alternative options for meeting needs. This does not mean choosing the cheapest option; but the one which delivers the outcomes desired for the best value.

Consultation

- 5.21 Proposals to make significant changes in service provision require consultation with the public and those directly affected, including adults supported, their family/carers, staff and relevant stakeholders.

- 5.22 Case law has established minimum requirements of consultation, which are:
- a) Consultation must be at a time when proposals are at a formative stage;
 - b) Sufficient information must be given to permit a person to “give an intelligent consideration and response”;
 - c) Adequate time must be given for consideration and response; and
 - d) The results of the consultation must be conscientiously considered in finalising any proposal and provided to the decision maker to inform their decision

Equality Act 2010

- 5.23 In assessing these proposals, the Council should also have regard to the Public Sector Equality Duty (PSED) under the Equality Act 2010. The PSED requires public authorities to have "due regard" to:
- 1 The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010 (section 149(1) (a)).
 - 2 The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1) (b)). This involves having due regard to the needs to:
 - 3 remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
 - 4 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 (section 149(4)); and
 - 5 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.
 - 6 The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it (section 149(1)(C)).
- 5.24 Preliminary consideration has been given to the impact of the proposals on persons with protected characteristics in drawing up these proposals. In particular, it is recognised that the methods and content of the consultation will need to be designed so as to fully reflect the needs of the relevant protected groups, in particular disabled people.
- 5.25 A full Equalities Impact Assessment will be prepared during the consultation process reflecting issues that are raised during the consultation process.

5A Director of Legal & Democratic Services comment

The Director of Legal and Democratic Services' nominee has been involved with the development of the consultation documentation and will continue to be involved with the project moving forward, ensuring legal input as required. The legal matters are outlined above in the body of the report.

5B Section 151 Officer Comment

There are three key financial reasons for the preferred option identified. The “do nothing” approach will mean significant investment costs of over £1.75m will be required to keep the status quo. Secondly, the day centres are underutilised and therefore are high-cost compared to external provision. Thirdly, capital receipts could be generated. These could partly be used to make the remaining day centres fit for purpose to support adults with the greatest and most complex level of needs. Overall, this proposal is expected to generate savings of around £740k by 2027-28.

There are risks around the delivery of these savings. Firstly, the lead in time for the project is significant taking into account the need for a full 12 week public consultation exercise and further consideration of all options which means the delivery of the savings is likely to be later than anticipated in the MTFP, but to mitigate this the underachievement in 25-26 will need to be addressed with other savings within adult social care. Secondly, there are several complex factors that could affect the level of savings, however these will be managed as the project progresses.

6.0 Corporate Implications

- 6.1 This business case supports the Council's [Better Lives Strategy](#) and links to the key priority on supporting vulnerable people in the corporate plan. Corporately the key implications beyond adult social care are regarding how we make best use of our properties and estates. This is a key element of the proposed changes for consultation, and ongoing discussions are underway on the proposal for investment in remaining council owned day centres to ensure all buildings are brought up to a good standard to support service delivery, as well as potential alternative use of the buildings.
- 6.2 There are a range of potential alternative uses of the buildings if they are no longer required by adult social care. Children's services are engaged in consideration of sites to support increased educational placements for post-19 young adults with special educational needs and disabilities. These options will be explored further as part of the consultation process.

- 6.3 During the public consultation exercise staff will be engaged to seek their views on the model proposals. If a decision is taken to implement the preferred option, then a staffing consultation will take place. The preferred model would require more staff at the remaining sites to support additional adults. All efforts would be made to work with staff affected by this option, to redeploy them to remaining sites where possible.

Local councillors & community boards consultation & views

- 6.4 A key part of the consultation exercise will be to engage with local councillors and community boards to gather views. A briefing will be held for all members with an encouragement for survey responses to be completed. All community boards will be notified of the consultation to seek views.

7 Communication, engagement & further consultation

- 7.1 A robust 12 week public consultation exercise will be carried out to ensure that the views of all key stakeholders are gathered to inform a new operating model. Views will be sought on the service objectives, delivery options, and how services can be improved to meet the needs of adults supported and their carers/families.

- 7.2 Key consultation methods will include:

- Adults supported engagement: direct letters, Easy Read documents, drop-in sessions and meetings at each day centre, and online briefing for families and carers, and another for providers.
- Public, provider, partner and voluntary and community sector engagement: an online public consultation event, briefing packs to be provided and Local MPs, Members and Town and Parish Councils will be informed and engaged.

8 Next steps and review

Public Consultation	Tuesday 15 October 24-Tuesday 7 January 25
Cabinet Decision	June 25
Phased Implementation of New Model (If decision to proceed)	Summer 25 to March 26

9 Background papers

- a. [Better Lives Strategy](#)
- b. Appendix 1: Change Proposal Summary

10 Your questions and views (for key decisions)

- c. If you have any questions about the matters contained in this report, please contact the author of this report. If you have any views that you would like the cabinet member to consider, please inform the democratic services team by 5pm on Friday 4 October 2024. This can be done by email to democracy@buckinghamshire.gov.uk.

