

<b>Report to:</b>	<b>Performance Scrutiny Committee</b>
<b>Date of Meeting:</b>	<b>29<sup>th</sup> September 2016</b>
<b>Lead Member/Officer:</b>	<b>Lead Member of Social Care (Adults and Children's Service/ Head of Community Support Services</b>
<b>Report Author:</b>	<b>Elected Member Task and Finish Group</b>
<b>Title:</b>	<b>In House Care Services Update</b>

### **1. What is the report about?**

To inform Performance Scrutiny Committee about progress regarding Hafan Dê g, Dolwen, Cysgod Y Gaer and Awelon, and to ask the Committee to agree the recommendations made by the Elected Member Task and Finish group.

### **2. What is the reason for making this report?**

In May 2016, a detailed report was presented to Cabinet providing the outcome of the consultation exercise in respect of externalising in house provision. Cabinet requested that Officers explore a potential partnership with external organisations for Hafan Dê g and Dolwen, and explore further options for Cysgod y Gaer and Awelon with the relevant bodies.

(The links below will take you the minutes of the Scrutiny and Cabinet meetings held in April and May 2016:

Performance Scrutiny Committee meeting 12 April 2016:

<https://moderngov.denbighshire.gov.uk/mgAi.aspx?ID=9333&LLL=0>

Cabinet meeting, 24 May 2016:

<https://moderngov.denbighshire.gov.uk/mgAi.aspx?ID=9497&LLL=0> )

The purpose of this report is to provide Scrutiny with the information gathered and analysed by the Elected Member Task & Finish Group on the 13<sup>th</sup> September 2016 in relation to the consultation on the future of the council's in-house social care provision for older people, and to make recommendations to undertake procurement activity for Hafan Dê g and Dolwen.

### **3. What are the Recommendations?**

The Elected Member Task and Finish Group recommend to Performance Scrutiny Committee at its meeting on 29<sup>th</sup> September 2016 to recommend to Cabinet to undertake:

- (i) a formal tender process with respect to the provision of services at Hafan Dê g (Rhyl) with a view to transferring the building to an external organisation, commissioning a day care service within the building and, in addition, enabling 3rd sector agencies to provide early intervention activities for older people that reduce social isolation, support independence and promote resilience;
- (ii) a formal tender process with respect to the provision of services at Dolwen (Denbigh) with a view to transferring the building and the whole service to an external organisation that would register Dolwen to provide elderly mental health (EMH) day and residential care services;

- (iii) that all tender documentation specify requirements to evidence the quality of care and Welsh language provision that would be provided at both establishments; and
- (iv) that at the conclusion of the tender process bids are evaluated and analysed for potential impacts before being presented to Cabinet with recommendations on the preferred Provider for each establishment prior to potential appointment in order to gain Cabinet's full approval and to achieve the most advantageous outcome. (All appointments would be subject to Cabinet being satisfied that the transfer of assets and the planned provision of services at the those establishments would be in the best interest of service-users, residents and the Council)

## **4. Report details**

### **4.1 Hafan Dê g Day Care Centre, Rhyl**

An engagement event was held with potential providers on 12 July. There was considerable interest, with 4 potential providers attending. A market testing questionnaire was completed by those providers who attended, giving their preference and suggestions on the future use. Suggestions made include an in house bistro and meals on wheels café, drop in centre, not for profit domiciliary care agency, charity shop and social enterprise.

We would propose to include some of these ideas in the service specification which will be drawn up should permission be given to go to tender. In addition to this, we would propose that the tender would result in:

- The existing day care service continuing to a high quality whilst increasing availability for this service to Denbighshire residents
- Innovative ways of utilising the surrounding community to support those older people who otherwise would be at risk of social isolation
- 3<sup>rd</sup> sector agencies being able to use the centre to provide early intervention activities for older people that reduce social isolation, support independence and promote resilience.
- Services provided through the medium of Welsh.

In order to prepare for the tender exercise further work is required. This includes Legal, Asset Management, HR and Procurement to ensure that the service specification, contract and lease arrangements are secure and offer all the advantages we are seeking. It is anticipated that this work will be completed in January, ready to tender at the beginning of February 2017.

### **4.2 Dolwen Care Home, Denbigh**

An engagement event was carried out on 8<sup>th</sup> July. There was less interest shown at this event with only one potential provider attending. Although potential providers did not attend on the day, indications from informal discussions with them show that they may be interested in submitting a full tender bid.

The potential provider who attended the engagement event suggested that they would be interested in purchasing the building, upgrading and extending it, and then engaging a separate care agency to provide the care. Transfer of Undertakings Protection of Employment (TUPE) arrangements would still apply. Officers believe that this suggestion may be viable and work well but wish to further test the market via open tender in order to ensure all choices have been considered before making recommendations to Cabinet.

In order to prepare for the tender exercise further work is required. This includes Legal, Asset Management, HR and Procurement to ensure that the service specification, contract and lease arrangements are secure and offer all the advantages we are seeking. It is anticipated that this work will be completed in January, ready to tender at the beginning of February 2017.

#### **4.3 Awelon Care Home, Ruthin**

We have met with the Housing Association who own Llys Awelon Extra Care Scheme. They have instructed surveyors and architects to undertake a feasibility study of the two options for the site. We await their report on this subject. In the meantime we have given consideration to the costs of running a 10 bed home on the site, with indicative unit costings showing as £1,000 per week.

#### **4.4 Cysgod y Gaer Care Home, Corwen**

We are in discussion with colleagues from Facilities, Assets & Housing about the potential for an extension build onto Cysgod y Gaer Care Home to deliver some supported apartments on the site. We have also started work on recruiting Domiciliary Care Workers to create a new team of people who would be based in the south of the county – to be based in Cysgod y Gaer in due course. These people would be able to provide domiciliary support to people in the surrounding area as described in our proposals for Cysgod y Gaer.

### **5. How does the decision contribute to the Corporate Priorities?**

This decision will directly contribute to three of the council's corporate priorities:

- i. Vulnerable people are protected and are able to live as independently as possible;
- ii. Ensuring access to good quality housing; and
- iii. Modernising the council to deliver efficiencies and improve services for our customers

The recommended options will support all three of these corporate priorities because:

- i. It will reduce our reliance on traditional residential care services, and provide more enabling alternatives (e.g. Extra Care Housing) which can meet the same levels of need, but are proven to produce better outcomes for citizens, including in relation to increased independence.
- ii. It will enable investment in facilities that the council cannot afford to provide, and the result will be better quality housing for older people who have substantial care needs. For example, Dolwen would need to be brought up to current minimum standards in order for a new owner to register as an EMH provider. Furthermore, the ageing Awelon residential care home would be replaced by modern, extra care housing.
- iii. Denbighshire will benefit from having more Extra Care Housing schemes, and the council will realise efficiencies by ensuring that we don't pay more than the market rate for care services.

### **6. What will it cost and how will it affect other services?**

Community Support Services will need to obtain legal and procurement advice in order to implement successfully. For example, any decision to transfer ownership of council assets to the independent sector would require legal expertise in order to safeguard the interests of the council and community. Colleagues from these departments are already working with us to better understand the intentions.

## **7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision?**

An Equality Impact Assessment was submitted in the May 2016 Cabinet report.

There is a need to distinguish between the immediate impact on those people who currently use these services (and their families and friends), and the impact on the community as a whole. The council has already pledged to mitigate against much of the potential impact on current services users (and their families and friends) by stating, that nobody would have to move from their existing home unless it was not possible for that place to meet their needs anymore. Overall, we believe that the long-term offer provided by the stated preferred options would result in a positive impact on people who share protected characteristics, particularly older people. We intend to review this Equality Impact Assessment when tender bids have been received and recommendations are being made to Cabinet.

## **8. What consultations have been carried out with Scrutiny and others?**

Members are aware of the extensive consultation which has taken place, as detailed in the report submitted in May 2016. The proposals contained within the report have been developed by an Elected Member Task & Finish Group, and all proposals have been scrutinised by Performance Scrutiny Committee prior to any decisions being made by Cabinet

## **9. Chief Finance Officer Statement**

As noted in the report, the cost implications of either asset disposal or capital investment requirement will become clearer as the various elements develop. Internal approval processes are in place to consider lease arrangements or disposals (via The Asset Management Group) and capital investment proposals will need to be reported to the Strategic Investment Group. The review of in-house services supports the budget strategy through the delivery of modern, efficient services with better outcomes and facilitating investment in services and buildings by others.

## **10. What risks are there and is there anything we can do to reduce them?**

There is a risk that any decision made by Cabinet is challenged by a person/group, and that this could lead to a judicial review of the decision. This has happened with other decisions made by other local authorities and public sector organisations in recent years. Such challenges are generally made on the grounds that due process has not been followed during the consultation process.

The Project Team feels that this risk has been minimised as much as possible by the rigorous process undertaken to manage this review and subsequent consultation. For example, we undertook a significant (pre-consultation) "listening and engagement" exercise which shaped the options which became the focus of the public consultation. The Project Team has also done everything that is reasonable to enable and encourage participation in the consultation process. We have carefully considered the 1985 Gunning Legal Principles around consultation to ensure that the consultation process was sufficiently robust and fair. A thorough Equality Impact Assessment has also been undertaken to ensure that due consideration has been given to the duties of the Equality Act.

Finally, we have worked with the Consultation Institute who have helped to guide us through the consultation process and have also provided advice and challenge throughout the project.

## **11. Power to make the Decision**

The National Assistance Act 1948, the NHS & Community Care Act 1990 and the Social Services & Well-being (Wales) Act 2014 detail Local Authorities' responsibilities for meeting the needs of vulnerable individuals, including the ability to meet needs as the Local Authority sees as appropriate. This includes the power to commission services from external providers.

Section 7 of the Council's Constitution sets out Scrutiny's powers with respect of policy development and review and making recommendations to Cabinet.

### **Contact Officer:**

Contracts Officer: Community Support Services

Tel: 01824 706629