

Item No:	Classification	Date:	Meeting Name:
	OPEN	15 November 2017	Overview & Scrutiny Committee
Report Title:		Call-in: The Outcome of the Consultation Exercise on Changes to Day Centre provision at Queens Road and Riverside and the development of a Disability Hub.	
Ward(s) or Group affected:		All wards	
From:		Head of Overview & Scrutiny	

BACKGROUND INFORMATION

1. On 31 October 2017 the Cabinet considered a report the Outcome of the Consultation Exercise on Changes to Day Centre provision at Queens Road and Riverside and the development of a Disability Hub..
2. The Cabinet agreed:
 - a. To note the responses to the consultation conducted between 26 June 2017 and 7 August 2017 on the proposal to develop a 'Disabilities Hub' for people in Southwark as set out in this report and in Appendix 1.
 - b. To note the responses to the further consultation conducted between 19 September 2017 and 17 October 2017 on the proposal to develop a disabilities hub for people in Southwark and the ending of the lease for Queens Road day centre as set out in this report and in Appendix 2.
 - c. To note the equality impact analysis set out in Appendix 3.
 - d. To consider the information contained within this report and its appendices, and to agree to adopt the proposal to develop a disabilities hub at the Southwark Resource Centre including the provision of structured day services for people with learning disabilities at the Southwark Resource Centre.
 - e. To note that the development of the disability hub is likely to result in the services provided by the Camden Society at Queens Road day centre no longer being required; and that a subsequent report will consider the future use of the building at Queens Road and the proposal to use it for Southwark services and staff.
 - f. To note that individual service users assessments for all existing Queens Road service users have identified that all needs can be met via alternative provision and services in Southwark, including services to be provided by the disabilities hub, Riverside day center and other community based support.
 - g. To note that the council has offered the Camden Society a new 20 year lease on the Riverside day centre, in Bermondsey so that they can continue day centre provision for people with learning disabilities in Southwark.

REASONS FOR CALL-IN

3. On 8 November 2017 the cabinet decision was called in for scrutiny by Councillors Ben Johnson, Linforth-Hall and Shimell
4. The reasons for call-in were as follows:

1). *The link between strategy and implementation must be maintained*

Learning Disabilities strategy:

- Officers did not publish a revised learning disabilities strategy ahead of the announcement to terminate The Camden Society's leases at Riverside and Queens Road Day Centres.
- A 'Disability Hub' was proposed several months *after* the lease terminations were issued. However, the hub is now being cited to justify the original decision to terminate leases.
- The new learning disabilities strategy 'Transforming Learning Disabilities' will only produce its draft strategy in December 2017, almost a year after the lease termination. It is clear from emails, released under EIR (Environmental Information Regulations), that officers in Regeneration were pre-empting the drift of ASC policy before it had been fully developed – or consulted on.

Implementation: staff training and preparation:

- In particular, reports do not show sufficient evidence of adequate training at the Southwark Resource Centre (the Disability Hub). Southwark Resource Centre's staff are trained for *physical* disabilities rather than learning disabilities. There has been no guarantee that additional transitional staff will be supplied or that they will be adequately trained.
- The consultation report (Consultation Summary Outcome Report: Proposal to Develop a Disability Hub, September 2017) states: staff are '*trained to support people with disabilities, including those with complex physical disabilities*'.
- There has been further criticism from service users, families and Queens Road staff that the design of Southwark Resource Centre's facilities are inappropriate for people with learning disabilities. The centre uses shared, flexible, open rooms. These are inappropriate for users with autism and a number of other learning disabilities.
- The consultation report states: '*The building was designed specifically for people with physical disabilities*'.

Transition strategy:

- In the second consultation report (Further Consultation Summary Outcome Report: Proposed Development of a Disability Hub and the Ending of The Lease for Queens Road Day Centre, October 2017), it was noted that several respondents said: '*the Council should establish a structured day service at the Southwark Resource Centre for people with learning disabilities prior to making any decisions that would affect Queens Road Day centre, and to allow service users to see the service in operation before making a choice to*

relocate'. The council has not set out a strategic reason for denying service users a trial period or published a strategy for the transition away from Queens Road.

Personalisation strategy:

- A key element of Southwark's learning disabilities strategy is to provide choice for users and to develop a personalised approach. The methods of this strategy have not been implemented in this case – the views and choices of users in two separate consultations have been dismissed and a compromise solution has not been sought.
- In the first consultation, more than 80% of respondents rejected the Disability Hub proposal. In the second, almost 90% rejected it.
- Despite this, no further consultation has been conducted on alternative proposals (including the proposed trial period of structured day services at Southwark Resource Centre) to gauge whether the building and staff are appropriate for users and families.

2). Due consultation and the taking of professional advice from officers

Initial failure to consult:

- Consultation exercises were not conducted before The Camden Society's leases at Riverside and Queens Road Day Centres were terminated in January 2017.
- In an email on 18th May 2016, officers pre-empted any consultation, stating: '*Queen's Rd is not yet declared surplus but it will be... What is happening now is the following: Consultations with the service users, staff and relatives with the plan to provide services at Southwark Resource Centre*'. Testimony from service users, staff and relatives suggest that these consultations did not take place.
- In another email exchange on October 3rd 2016, it was stated that: '*The options analysis was programmed for completion in August 2016. That date has not been achieved. Do you know when it will now be completed as the consultation of service users, staff etc depends on the completion of the options analysis. Vacant Possession at Queen's Road Day Centre is urgently required*'.
- Again, this clearly shows that officers were aware that consultation was required before the lease could be terminated – and yet no consultation took place. This may be the result of pressure to use Queens Road for other purposes.
- It is not clear that professional advice from ASC officers was taken.

Subsequent failure to consult clearly:

- The failure to consult ahead of the lease termination has proved irreparable. A retrospective consultation (from 26th June to 7th Aug 2017) on service user needs was distorted by the threat of closure.
- By officers' own admission, the consultation was distorted by the pre-announcement of lease terminations. As the consultation report (Consultation Summary Outcome Report: Proposal to Develop a Disability Hub, September 2017) states: '*It is noted however, that against all questions, Riverside Day Centre service users were 85% or above against the proposals; with family members / carers being 95% or above against the proposals. This was primarily due to concerns the*

development of the Hub would lead to the closure or withdrawal of the Riverside & Queens Road day centres and services’.

- The consultation survey had included leading questions. For example: ‘Do you agree with the proposal to develop a hub for people with disabilities in Southwark?’. This failed to mention that a proposed ‘Disabilities Hub’ would lead to closure of Queens Road.

Further failure to consult diligently:

- The negative spiral of mismanaged consultation continued.
- In order to compensate for the failures of the first, a second consultation was launched in September 2017 which asked specifically: *‘Do you agree with the proposal to establish a disability hub which would result in the closure of Queens Road Day Centre?’*
- The ‘Further Consultation’ lasted less than a month (19th September to 17th October) and appears to have been rushed, in order to be completed ahead of the October 31st Cabinet meeting.
- This consultation did not offer the opportunity to submit responses online.
- It also failed to offer specific options, simply asking for ‘alternatives that you consider should be pursued’. It did not include an option to retain Queens Road.
- There were several responses to the question of alternatives however – recommending a trial period at Southwark Resource Centre. This is acknowledged in the report (Further Consultation Summary Outcome Report: Proposed Development of a Disability Hub and the Ending of The Lease for Queens Road Day Centre, Oct 2017). There has been no follow-up consultation on a trial period.

User assessments flawed:

- In emails between officers from March 2016 it was stated: *‘I need to be clear that all proposals are subject to our obligations under the care act, and that we cannot pre-empt any outcomes/moves/re-provision until this activity had been undertaken’*.
- In the same email, it is stated that: *‘we cannot identify proposed service user moves prior to undertaking the individual reviews and consultation activity’*.
- According to the first consultation report: *‘Individual service user assessments indicate that only less than 15 people from Queens Road would need to attend the Southwark Resource Centre to access structured day services’ [sic]*.
- It appears that, following the rejection of plans to close Queens Road in both consultations, individual service user assessments are taking precedence over the views of users.
- The Cabinet meeting minutes from 31st October 2017 record: *‘That it be noted that individual service users assessments for all existing Queens Road service users have identified that all needs can be met via alternative provision’*.

- However, serious concerns have been raised by service users and families that user assessments have been conducted improperly, inaccurately and potentially illegally. It is not clear whether or not this is a result of the pressure to close Queens Road as quickly as possible.
- It is possible therefore that more than fifteen Queens Road users may need to attend the Southwark Resource Centre and that user moves have been proposed without due ‘consultation activity’ or adequate ‘individual reviews’.
- It is not clear how user assessments were commissioned, whether they were independent, or whether they were accurate.

3). A presumption in favour of openness

- Before the lease termination notice, no warning was issued to staff, carers, parents or service users at Queens Road.
- At Riverside, the site was advertised as a residential development site (at Sitematch Bidders Day and Tenders Direct) before a lease termination notice was issued.
- The council has not been open about its decision-making. It has taken an EIR (Environmental Information Regulations) request to extract information and the council has been rebuked by ICO (the Information Commissioner’s Office) for its delayed response.
- Emails released under EIR repeatedly reference reports. Officers state that these reports are now in the public domain but will not provide the titles, dates or any reference points to locate the reports.
- At the Healthy Communities scrutiny committee, on 17th October, neither The Camden Society or the Parents and Carers’ Association (who represent service users at Queens Road) were invited. Given that the committee was hearing from officers about the ‘new approach’ to learning disabilities policy in Southwark and that a decision on the closure of Queens Road was due to be taken 13 days later, this does not reflect a presumption in favour of openness.

4). Clarity of aims and desired outcomes

- It has been claimed that office space at Queens Road was advertised to council staff prior to the conclusion of the second consultation on October 17th 2017 and prior to the Cabinet decision on October 31st.
- The Cabinet decision was made on 31st October 2017 with no timeline for the termination of the lease at Queens Road in place. Without a closure date it is obviously very difficult for families to prepare.
- There has been confusion for more than a year. The council has reversed course on Riverside. Their lease has now actually been extended, but with no further guarantees that service users will be referred there. Without firm council assurances, legitimate fears remain that Riverside will be ‘run down’. The Cabinet meeting failed to provide these assurances or provide clarity on what will happen next.

- Initially, ASC officers said that they would find ‘alternative arrangements’ for The Camden Society to provide its services. There is no evidence that this will happen when Queens Road is closed. As a result, Queens Road users will lose staff who have cared for them for years. Again, this has been caused by a lack of clarity.
- The documents released under EIR reveal confusion among officers regarding sign-off for the termination of leases. It is still unclear how and when the decision was actually made – and officers were unclear about where the authority to proceed rested.

5). Respect for human rights, law and probity

- There has been criticism that individual service user assessments were conducted without a carer, in breach of the Care Act.
- The views and opinions of service users at Queens Road have not been taken into account. Initially, they were not sought. Subsequently, they were disregarded. In the second consultation, 74% of service users rejected the proposal to close Queens Road.
- There has been insufficient allowance for the needs that many people with learning disabilities have for structure, routine and consistency – either in the decision-making process or the recommendation that users move to new sites, with new staff, with no transition period.

CALL-IN MEETING

- The committee will consider the call-in request and whether or not the decision might be contrary to the policy framework or not wholly in accordance with the budget.
- If, having considered the decision and all relevant advice, the committee is still concerned about it then it may either:
 - refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or
 - refer the matter to council assembly if the decision is deemed to be outside the policy and budget framework.
- If the committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the scrutiny meeting.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Consultation on the proposal to develop a ‘Disabilities Hub’ for people in Southwark & Further Consultation on the proposed development of a Disability Hub	160 Tooley Street London SE1 2TZ	Fitzroy Williams 020 7525 7102

for people in Southwark and the ending of the lease for Queens Road Day Centre		
--	--	--

APPENDICES
Cabinet reports from the relevant item (21) at the Cabinet meeting on 31 st November 2017 are published with the agenda.

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny
Report Author	
Version	Final
Dated	9 November 2017
Key Decision?	No
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER	
Officer Title	Comments Sought