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| Item No. 10. | Classification: Open | Date: 6 February 2018 | Meeting Name: Cabinet |
| Report title: | | The Outcome of the Consultation Exercise on Changes to Day Centre Provision at Queens Road and Riverside and the Development of a Disability Hub: Response to Decisions from Call-in | |
| Ward(s) or groups affected: | | All | |
| Cabinet Member: | | Councillor Richard Livingstone, Adult Care and Financial Inclusion | |

FOREWORD - COUNCILLOR RICHARD LIVINGSTONE, CABINET MEMBER FOR ADULT CARE AND FINANCIAL INCLUSION

On 31 October 2017, the cabinet agreed to establish its disability hub and noted both the outcomes of the consultation on this proposal and that this would be likely to lead to the Queens Road Day Centre not receiving a new lease. On 15 November 2017, the overview and scrutiny committee reviewed this decision.

The overview and scrutiny committee did not refer the decisions taken back to cabinet for further consideration but did make four recommendations relating to those decisions and the consultation process. Cabinet agreed on 12 December 2017 to take those recommendations forward.

The four recommendations covered:

- Reviewing the policy on how buildings are declared surplus to requirements
- Ensuring that information requests are complied with appropriately
- Ensuring that families and service users have clear information on how to make a complaint if they are unhappy with their assessment
- Ensuring that the council follows best practice on consultation.

This report sets out how the council will address all four of these recommendations.

RECOMMENDATION

1. That cabinet note the responses to the recommendations in the report entitled 'Decisions from call-in: The Outcomes of the Consultation Exercises on Changes to day Centre Provision at Queens Road and Riverside and the Development of a Disability Hub' 12 December 2017.

BACKGROUND INFORMATION

2. Overview and scrutiny committee considered this call-in decision at their 15 November 2017 meeting. The committee heard from the cabinet member and strategic director, and from representatives of the parents and carers association for Queens Road and Riverside day centres.

3. At their 12 December 2017 meeting, cabinet made the following recommendations:
 - (1) That the cabinet reviews council policy on how buildings are declared surplus or their use is changed, highlights that revised policy with officers at the earliest opportunity, and confirm whether existing policy was followed in this case.
 - (2) That the cabinet refreshes policy on responding to information requests and highlight to all officers to ensure compliance with freedom of information and environmental information requests.
 - (3) That the cabinet ensures that all families and service users have clear information about how to make a complaint if unhappy with their initial assessment.
 - (4) That the cabinet should be mindful of and follow Department for Communities and Local Government (DCLG) best practice on consultation, and in that work be sensitive to the needs of vulnerable and disabled people.
 - (5) That the cabinet responds to these recommendations within 8 weeks.

KEY ISSUES FOR CONSIDERATION

4. An update against each of these recommendations is provided below.

Recommendation 1: That the cabinet reviews council policy on how buildings are declared surplus or their use is changed, highlights that revised policy with officers at the earliest opportunity, and confirm whether existing policy was followed in this case.

5. There is clear existing policy and procedure on how operational buildings are declared surplus by departments and in some case the director of regeneration. This is set out in detail in the council's business managers handbook. It applies to all operational properties. These are assets used directly by council departments to deliver services, including office accommodation and front-line service buildings.
6. The head of property will now contact all directors to remind them of the surplus declaration procedure.
7. The case of Queens Road needs to be distinguished in this regards, since any direct service related use of the property had ended some years prior to the decision whether to grant a new lease and the decision on the future use of the property. Instead, the building was being used by a third party delivering services that were funded through individuals' personal budgets rather than through a contract with the council.
8. The third party use of the property was governed by a lease and managed as part of the tenanted portfolio, on landlord and tenant principles. The management of the tenanted portfolio has been considered in detail in the asset management plan for the commercial estate (see link in background documents), approved by cabinet in December 2016. Property assets are relatively illiquid by nature and planning their use is generally a medium to long term proposition. Therefore regard is had to

future events that may come into play, such as when leases of tenanted premises are due to expire, for example (as was the case at Queens Road).

9. An internal briefing has been circulated to all property officers engaged in the management of leases setting out a procedure to ensure that due sensitivity is exercised in actions arising in relation to tenancies held by third-sector occupiers, where there are service considerations. This requires that the relevant service directors and members are briefed and sign off the proposed course of action, and that appropriate communications with tenants are agreed and undertaken.
10. Property officers will review with the director of law and democracy the current standard form of lease used to let premises. This will include the service of notices and the technical requirements for doing so (such as the address and means by which notice must be served to ensure its validity), mindful of the possibility that notices served by post may be received by members of the tenant's organisation other than the signatories to the lease.
11. A full refresh of the corporate asset management plan is underway to provide a strategic framework for the council's asset use over the next five years. This will be reported for cabinet approval in the summer and include a full review of the decision making structures and processes for asset management planning.

Recommendation 2: That the cabinet refreshes policy on responding to information requests and highlight to all officers to ensure compliance with freedom of information and environmental information requests.

12. The council has an established process for managing information requests, with information and guidance available on the Source for all officers to help them meet their responsibilities. The chief officer team receives a report on numbers of requests received and response rates on a quarterly basis. The council received over 2,000 requests in 2016-17 and numbers have continued to increase, with over 1,600 received in the period from 1 April 2017 – 31 December 2017.
13. There have been significant changes over the last year in the way that information requests are logged and managed at a departmental level, in order to maintain performance in the face of rising levels of complex requests, and departmental officers with key responsibilities for the management of FOI requests have recently considered how the process could be further improved.
14. Additional training on all matters related to information governance will soon be available to staff as part of the e-learning packages being rolled out. This will include a guide for local authorities on FOI and training on handling FOI requests. Consideration is being given as to making the completion of these modules mandatory. Monitoring information on those undertaking training will be shared with relevant managers to enable action to be taken where needed.

Recommendation 3: That the cabinet ensures that all families and service users have clear information about how to make a complaint if unhappy with their initial assessment.

15. Over the course of the last three months, the social care complaints team has been reviewing the messages given to complainants, and their advocates. Consideration has been given to the language used and at what point in the formal procedure, key messages are delivered. This includes, although is not limited to, how requests

for escalations and further expressions of dissatisfaction are addressed. The complaints team has changed its standard letter templates and internet pages have been re-written. The pages were published in December using the council's new format and are available on the council's website at:

www.southwark.gov.uk/asccomplaints.

16. The complaints team is presently working with adults social care (ASC) staff to design a new leaflet for complainants, and discussions have been ongoing regarding content and style. This will also feature information around access to translation and interpreting services, as well as advocacy where required. Once finalised and published, the information leaflets will be circulated to all frontline teams and the reception areas of relevant buildings. A poster, publicising all complaints literature (one for ASC, two of which are children's), will also follow.
17. The final element to this project will be a review of the ASC complaints procedure. The complaints team introduced the idea to the departmental management team on 6 November 2017 and it was agreed that the team will work with the service to ensure a new policy is produced which fully reflects the council's shared obligations and intentions. Completion is not expected until the end of April 2018.

Recommendation 4: That the cabinet should be mindful of and follow Department for Communities and Local Government (DCLG) best practice on consultation, and in that work be sensitive to the needs of vulnerable and disabled people.

18. A best practice principles guidance document is being developed to assist adult social care service managers in directing staff when undertaking consultation activities. This will be shared with the council's communities directorate and include a requirement that regard is had to the consultation principles issued by the Cabinet Office in 2016 (see link in background papers), and in the absence of guidance around best practice on consultation from the DCLG - now renamed the Ministry of Housing, Communities and Local Government. This document does not have legal force and it is permissible to depart from it for good reasons but it provides guidance on good practice in consultation. This document will also be informed by local experiences working with vulnerable and disabled service users.

Policy implications

19. There are no policy implications currently arising from the recommendations, other than those specifically addressed in the response to the recommendation.

Community impact statement

20. Section 149 of the Equalities Act requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. The council's Approach to Equality ('the approach') commits the council to ensuring that equality is an integral part. In taking forward the recommendations, due regard will be had to the council's duties under the Act.

Resource implications

21. There are no resource implications currently arising from the recommendations, other than those specifically addressed in the response to the recommendation.

Legal implications

22. There are no legal implications currently arising from the recommendations, other than those specifically addressed in the response to the recommendation.

Financial implications

23. There are no financial implications currently arising from the recommendations, other than those specifically addressed in the response to the recommendation.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

24. This report asks cabinet to note the responses outlined in the report to the recommendations made by the overview and scrutiny committee on 15 November 2016. This followed the committee's consideration of a call in on a decision to develop a disability hub following a consultation on changes to day centre provision at Queens Road and Riverside day centres. Having scrutinised the decision and noting the cabinet members' commitment to provide a report setting out the lessons that were learned from this consultation the committee made the 4 recommendations set out at paragraph 3 of this report.
25. The report sets out the responses to these recommendations and the actions that the council has or proposes to take at paragraph 4 of this report.

Recommendation 1

26. The recommendation itself does not give rise to legal issues. However, the report does comment on the management of leases. Reference is made to the need to monitor the expiry date in leases although it should be recognised that this is sometimes rather difficult due to the possibility of the tenant having entitlement to a protected business tenancy in accordance with the provisions of the Landlord and Tenant Act 1954. This is not always as clear as might be thought as it will depend on a number of factors including whether a rental is paid; whether there is exclusive occupation and whether or not the terms of the Act have been contracted out. In circumstances where the Lease does come within the protection of the 1954 Act, then the notice period to the lessee must be a minimum of six months and occupation can only be recovered on a number of limited grounds.
27. The standard form of business lease is indeed regularly reviewed between the property department and legal services.

Recommendation 2

28. The report notes the council has an established process for the management of Freedom of Information and Environmental Information requests to ensure compliance with its legal obligations. The report proposes that additional training on matters related to information governance will be rolled out.

Recommendation 3

29. The report notes that the council already has an established social care complaints procedure that has been reviewed over the past three months. It also records that

the team are working with adult social care to design new material that will be circulated to all front line staff. On 6 November 2016 it was agreed to review this policy was an estimated completion date of the end of April 2018.

Recommendation 4

30. The report notes that adult social care propose to develop a best practice guidance document for use by social care managers when undertaking consultations. This will include a requirement that regard is had to the Consultations Principles document published by the Cabinet Office in 2016. This material is not legally binding and may be departed from for good reasons but does provide guidance on good practice.

Strategic Director of Finance and Governance

31. The strategic director of finance and governance notes the contents of this report, and in particular that there are no cost implications expected to result from implementation of the report's recommendations.

BACKGROUND DOCUMENTS

| Background Papers | Held At | Contact |
|---|--------------------------------------|---------------------------------|
| Cabinet agenda and minutes 12 December 2017. Item 10: Decisions from 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 | 160 Tooley Street, London SE1 2QH | Paula Thornton 020 7525 4395 |
| Web link: (copy and paste link into browser) | | |
| http://moderngov.southwark.gov.uk/documents/s72753/Report%20Decisions%20from%20call-in%20The%20Outcome%20of%20the%20Consultation%20Exercise%20on%20Changes%20to%20Day%20Centre%20Pr.pdf | | |
| Overview & Scrutiny Committee agendas and minutes 15 November 2017. Item 5: Call-in request | 160 Tooley Street, London SE1 2QH | Paula Thornton 020 7525 4395 |
| Web link: | | |
| http://moderngov.southwark.gov.uk/ielListDocuments.aspx?CId=308&MId=5794&Ver=4 (item 5) | | |
| Cabinet agenda and minutes 31 October 2017. Item 21. The Outcome of the Consultation Exercise on changes to Day Centre Provision at Queens Road and Riverside and the Development of a Disability Hub | 160 Tooley Street, London SE1 2QH | Paula Thornton 020 7525 4395 |

| Background Papers | Held At | Contact |
|--|-----------------------------------|----------------------------------|
| Web link: http://moderngov.southwark.gov.uk/ielistDocuments.aspx?CId=302&MId=5752&Ver=4 (item 21) | | |
| 14 Corporate Asset Management Strategy 2010 - Planning for a Smaller Sustainable Operational Estate | 160 Tooley Street, London SE1 2QH | Matthew Jackson 020 7525 1332 |
| Web link: http://moderngov.southwark.gov.uk/ielissueDetails.aspx?IId=11425&PlanId=0&Opt=3 | | |
| Asset Management Plan for the Commercial Property Estate | 160 Tooley Street, London SE1 2QH | Matthew Jackson 020 7525 1332 |
| Link: http://moderngov.southwark.gov.uk/ielissueDetails.aspx?IId=50011497&PlanId=0&Opt=3 | | |
| Consultation Principles: Guidance 2016 | Cabinet Office | |
| Web link: https://www.gov.uk/government/publications/consultation-principles-guidance#history | | |

APPENDICES

| No. | Title |
|------|-------|
| None | |

AUDIT TRAIL

| | | |
|---|--|--------------------------|
| Cabinet Member | Councillor Richard Livingstone, Adult Care and Financial Inclusion | |
| Lead Officer | David Quirke-Thornton, Strategic Director Children's and Adults Services | |
| Report Author | Jay Stickland, Director of Adult Social Care | |
| Version | Final | |
| Dated | 25 January 2018 | |
| Key Decision? | No | |
| CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER | | |
| Officer Title | Comments Sought | Comments Included |
| Director of Law and Democracy | Yes | Yes |
| Strategic Director of Finance and Governance | Yes | Yes |
| Cabinet Member | Yes | Yes |
| Date final report sent to Constitutional Team | | 25 January 2018 |