

# Consultation on the future of Devon County Councils Adult Day Services, November 2023 – January 2024.

## Frequently Asked Questions (FAQ)

Version 2 updated 01.02.24

The questions listed in this FAQ have been asked by respondents to the Consultation on the future of Devon County Councils (DCC) Adult Day Services. New questions will be added, and new versions of this documents will be published once we receive further questions from respondents.

### **1. If there is no one attending these day services how will Devon County Council save money if they closed the service?**

Devon County Council committed to consult on any changes to our day services. The reasons for embarking on the public consultation to consider our options are not solely based on finances. The consultation document describes several other reasons for considering the future of these services. If after carefully considering the feedback from the public consultation it is considered necessary to reduce the working hours of staff who work within the service(s) or to close the service altogether, this would trigger engagement with recognised trade unions and staff to propose changes. Feedback from that process would be carefully considered prior to any final decisions made.

### **2. How did individual parents/carers find out about this consultation and about the in-house day services that are available across Devon?**

We have written to all the head teachers in the Special Schools within Devon about the consultation and asked this be shared with pupils and their carers. We also asked for posters to be put on notice boards at each of the schools. We distributed information across a wide range of local organisations who support both older people and people with a learning disability, with support from Living Options Devon.

The service communicated with the Devon Parent Carers Group about the consultation and requested this be shared with prospective parents and young people as well. This was in addition to the overall media campaign. For example, the consultation has appeared on Devon Live and Devon Air Gold. We have done this to widely publicise the consultation, enabling all to contribute.

The learning disability in-house day centres mainly support people with profound and complex learning disabilities.

Access to Devon County Council commissioned and in-house day opportunities are only available following a Care Act assessment, where the support plan identifies an eligible care need and where it is appropriate to be met through the provision of a day service. This is possibly why the services are not as well known as others in the local area.

Devon County Council, like other Councils, is a commissioning authority. This means it buys most of its services from the independent and voluntary sector.

Any person, or their carer, is free to privately purchase day opportunities from the independent market.

### **3. Has the consultation document been sent to ex-users of the in-house day services?**

Devon County Council has widely published the consultation through media campaigns and writing to specific groups. Individuals who have previously used the services are able to contribute to the consultation by completing the written response form, by email or attending one of the face-to-face or online meetings. All former users of the day services in scope of the consultation with eligible needs are having those needs met on an individual basis.

This has specifically included sending information to the public via a press release which was run by Devon Live, current users across the county, on the internet via the County Council and the Have your Say websites and Facebook (seven times), all special schools in Devon, the Special Educational Needs website and newsletter, the LD partnership board, Independent sector providers, DCC staff and members, Voluntary sector groups, and NHS partners.

### **4. How do people find information about alternative day services and other types of support and how they can access them?**

There are several ways to find information about alternative providers in your area. If you are looking for support, please follow the links below.

For **adult day services, respite and enabling services** please go to [Do you need personal care within your own home? Care at home - day services, enabling and personal care | Devon County Council](#)

For **not-for-profit** organisations who provide support in your local area please go to [Devon Connect - Connecting Communities in Devon.](#)

For personal assistants and micro-enterprises please go to [Find a personal assistant \(PA\) - Adult Social Care | Devon County Council](#)

For **care homes and personal care agencies** please go to [Find and compare services - Care Quality Commission \(cqc.org.uk\)](#)

In addition, the Council's website has a range of information and advice available through its self-help tool and people can also call Care Direct Plus on 0345 155 1007, to speak to a representative from social care to discuss services in their area. These services are not universal, and an assessment to access these services is required.

### **5. What happens to individuals when they don't have, or no longer have family to support them?**

We appreciate that people's circumstances change. The Council is committed to supporting people to remain independent, for as long as possible. Our services enable people to retain or regain further independence where this is possible. Where people need further support the Council would undertake an assessment to identify their needs and locate support that would best meet their eligible needs.

The Council's website has a range of information and advice available through its self-help tool and people can also call Care Direct Plus on 0345 155 1007 to speak to a representative from social care to discuss services in their area.

## **6. Why are the services underused as there is a need for these services in the area.**

The consultation documentation outlines some possible reasons for under use of these services. Some of the reasons for the reduction include:

- People moving into supported living
- People moving to alternative day opportunities, where peer groups are more suited to the individual
- People accessing a Personal Assistant / Direct Payment
- People moving into paid / voluntary employment
- Deterioration in people's health
- People moving out of Devon
- People dying
- People seeking alternatives to day services e.g. enabling

The above represents the Council's thinking on this. Others may well have different views as to the reasons for this.

People who are in favour of retaining these services have in the past made a number of points, including the following.

Some people have suggested that the reduced number of users is due to the service not being promoted widely, or to operational practice of sourcing care and support in the independent sector. It has also been suggested that the reduction in the use of in-house day care has been engineered by the Council.

People who live in the surrounding areas of each of the services will have different needs and there will be a variety of factors for the underuse that we are seeing. The Council has seen an increase in the purchase of day opportunities within the independent sector.

From Autumn 2021 the service was promoted to social work teams who were assessing people's needs within the Kingsbridge locality. This did not generate additional referral numbers.

## **7. Carers often run groups and activities for people with a learning disability. What would happen if they didn't facilitate these activities?**

People's circumstances do change and where people were once supported by a friend or family member, they may not be able to do so in the future. Our Reaching for Independence or Social Care Reablement service are ways we support people to connect to their community. Carers are an important part of supporting people and we do support carers through our Devon Carers service. Where carers are no longer able to support an individual, we would work with the individual and the carers to see what support would be suitable to meet their needs in the future.

## **8. Have Devon County Council thought about transport to these places? It is a challenge for many carers.**

It is recognised that transport is an issue in a number of areas around Devon, and options are available to Devon County Council to ensure transport requirements can be met where someone is eligible.

## **9. "We don't have a social worker". How can we get in touch with a social worker without having to chase around when we need something.**

To contact our social care services, please contact Care Direct Plus on 0345 155 1007. Alternatively, the Council's website has a range of information through its self-help tool. If you are seeking information, then please use <https://www.devon.gov.uk/adult-social-care/>

#### **10. Which professionals should be aware of day services providers?**

Many local GP surgeries offer social prescribing services and can provide information about local support services.

The Voluntary sector operates a directory of services for individuals called Devon connect [Devon Connect - Connecting Communities in Devon.](#)

In addition, the Council's website has a range of information through its self-help tool and people can also call Care Direct Plus on 0345 155 1007 to speak to a representative from social care to discuss services in their area.

If you look after an adult, Devon Carers will provide information, advice and support to you in your caring role. **You can find information on their website [Home - Devon Carers](#), ask a question via their Live Chat 'ask' or call Devon carers on 03456 434 435.**

For **adult day services, respite and enabling services** please go to [Do you need personal care within your own home? Care at home - day services, enabling and personal care | Devon County Council](#)

#### **11. How can elderly carers and perhaps other digitally excluded people access this type of consultation?**

The Council has run a number of face-to-face meetings facilitated by Living Options, in order to provide an opportunity for people who may be digitally excluded, to have their say.

Posters were sent to all special schools and placed on notice boards. They were also sent to a variety of organisations and groups who support older people and people with learning disabilities and their carers.

Paper copies of the consultation document have been sent to service users and carers, who would be directly affected by any of the proposed options.

In addition to this the service, with support from Living Options Devon communicated with the Devon Parent Carers Group about this consultation and requested this be shared with prospective parents and young people as well as the media campaign. The consultation has appeared on Devon live and Devon Air Gold for example. We have done this to widely publicise the consultation enabling all to contribute.

#### **12. The consultation appears similar to a process which was halted in early 2023. Is this the case?**

The 2023 process did not contain any proposals. The current consultation is a very different process from that which was halted in early 2023.

#### **13. If some services close, will the most disabled people in society be disproportionately affected, will they be left with little or no service?**

The County Council has a statutory obligation under The Care Act 2014 to (amongst other things) meet eligible needs of individuals and carers, this by its nature includes the needs of the most disabled.

The County Council has consulted providers and is confident that there is sufficient skilled provision available in the independent sector for it to meet its statutory obligations to all eligible individuals and their Carers, including those who have the highest level of need.

The County Council does not consider that there will be a disproportionate effect on the “most disabled” should, for example, a decision be made to close or reduce opening times in any of these services.

**14. Are there providers with facilities that can meet the needs of the most disabled people?**

The County Council has consulted providers and is confident that there is sufficiently skilled provision available, with appropriate facilities, in the independent sector for it to meet its statutory obligations to all eligible individuals.

**15. Is it the case that there is little or no tendency for an increase in the number of future users?**

The future requirement for day services for people (18 - 64 years) with a learning disability has been calculated using activity data from the recent past. It shows that approximately 204 to 246 individuals with a learning disability are likely to require day opportunities support in the next few years.

When reviewing young people with an Education Health and Care Plan (EHCP), those people with the area of need of severe or profound learning disability is predicted to remain consistent over future years. There is greater growth in the moderate learning disability area of need. This area encompasses a broad spectrum of needs.

When tracking young people with an Education Health and Care Plan (EHCP) for moderate learning disability (MLD) into adult day services, we found few individuals' needed day services. Specifically, in 2016, of 47 people with a moderate learning disability, 2 people went on to receive a day service. In 2023, of the 152 with a moderate learning disability, 8 people went on to receive a day service from adult social care. Therefore, historically, most young people within this Education Health and Care Plan area of need have not required a day service on transitioning from children's into adult's services. This data suggests that the numbers of people with a learning disability who require a day service are not likely to increase significantly.

The PANSI (Predicting Adult Needs and Service Information system) methodology for predicting population growth suggests that the number of individuals with a moderate to severe learning disability in Devon will increase from a baseline of 2499 in 2020, to 2567 in 2025, and up to 2674 in 2040 (age range 18 to 64 years).

**16. Will the proposed implementation of certain options have a disproportionate effect on the most disabled? Will those who are least able to strive for independence and / or who have greater difficulties in accessing community inclusion (through lack of infrastructure or basic public services), and /or who are more challenging and costly to assist, be in danger of not being provided for by the private sector? If so, will they be left with little or no service?**

The County Council has a statutory obligation under The Care Act 2014 to (amongst other things) meet eligible needs of individuals and carers, this by its nature should include the needs of the most disabled.

The duty to meet a person's eligible needs under The Care Act 2014 is not dependent on their difficulties in accessing the services they need through a perceived lack of infrastructure or basic public services. How the County Council meets a person's needs is person-specific following a

personalised care-planning process and is dependent on a lot of factors. The Care Act Statutory Guidance makes it clear that services can be provided/arranged in a variety of ways and not necessarily one specific mode of care and support provision.

The County Council has consulted providers and is confident that there is sufficient skilled provision available in the independent sector for it to meet its statutory obligations to all eligible individuals and their Carers, including those who have the highest level of need. Accordingly, the County Council does not consider that there will be a disproportionate effect on the “most disabled” should, for example, a decision be made to close any of these services.

**17. Currently, as stated in the Consultation, many private providers do not have facilities for personal care (assisted bathrooms, changing facilities) or wellbeing (quiet spaces etc.). This generates exclusion from private services. Who will provide for them?**

The County Council has consulted providers and is confident that there is sufficient skilled provision available, with appropriate facilities, in the independent sector for it to meet its statutory obligations to all eligible individuals.

The County Council assesses and reviews individuals regularly in order to maintain an accurate picture of needs. Where there is any perceived or potential shortfall in appropriate provision the County Council’s Commissioning and Market Management teams work with the provider market to increase options.

**18. The costs of private provision may look more favourable to D.C.C. only because they do not currently need to meet the needs of the most vulnerable. Once public provision is withdrawn, may the costs of private providers climb and exceed those of the public sector? In this sense, the least cost public burden argument is likely to fail. If the reliance upon private providers fails, then there could be the high costs of re-commissioning publicity services. Thus, the public savings look more questionable.**

It is not the case that DCC or private providers “do not currently need to meet the needs of the most vulnerable”. As mentioned above, the County Council has a statutory duty to meet the needs of certain individuals under the Care Act 2014. That duty applies whether there is private or public provision.

There are services that do meet the needs of the most vulnerable. These services compete for business which controls costs. The County Council fulfils its statutory requirement to meet these needs in ways that are sufficient and appropriate for each individual.

**19. Can the private sector continue to deliver service to the most vulnerable, and offer stability to service users (for some, continuous change is more than disruption, it can be traumatic) ?**

The County Council has statutory social care duties. Local authorities across the country engage the private sector to deliver services to a great deal of the “most vulnerable” and can often provide stability. It is not correct to characterise the sector as having been subject to “continuous change”. Nor is it necessarily the case that provision by the public sector is less disruptive.

The County Council has consulted providers and is confident that they can continue to provide for all groups.

**20. What other models for service delivery have been evaluated (including council led but agency supported provision that combines services, and delivers for a wider range of needs)?**

In the consultation we asked for alternative options from consultees, and this will be considered as part of developing the proposals for a decision.

There are a broad range of ways of meeting outcomes and not 'one size fits all'.

The County Council decided the direction of travel in a 2014 Cabinet paper, that day services will be met through the independent sector.

The final recommendations of that Cabinet paper stated that 'DCC will cease to be a provider of day services for older people and adults with a learning disability, except in areas of insufficient alternative supply and where there are no providers expressing an interest in expanding local provision'.

Our analysis shows that the independent sector can meet the needs within the population.

**21 I have read --- in the Consultation paper -- D.C.C.'s summary of the points made in the past by people who are in favour of retaining services. You have very kindly listed 7 such points on page 6. ( "People who are in favour of retaining these services have made a number of points, including the following. Some people ...should be eligible for these services " ) Further, at the foot of page 9, you have referred back to reasons which have been suggested for "the reduced number of users" . Should not D.C.C. address those points before reducing the in-house services ?**

People are meeting their eligible outcomes in different ways.

Please refer to page 9 of the consultation document for more information.

**22. The Consultation does mention various possible reasons for the reduction of the number of Users; but neither the Paper nor the Equality Impact Assessment indicate that an attempt has been made to explore those reasons with the potential Users ( or their Carers ) to discover which possible reason was most pertinent. Apart from this Consultation, was any effort made to obtain their views ?**

The County Council decided the direction of travel in a 2014 Cabinet paper, that day services were likely to be met primarily through the independent sector. The final recommendations of that Cabinet paper stated that 'DCC will cease to be a provider of day services for older people and adults with a learning disability, except in areas of insufficient alternative supply and where there are no providers expressing an interest in expanding local provision'.

During the consultation, views have been explored from special schools and other key stakeholders. We received a very limited response.

**23. I think that there may have been an intention ( mentioned in the earlier Consultation papers) to carry out 1 : 1 interviews to obtain the views of Users and/or Parent / Carers. Did those 1 : 1 interviews take place ? If so, what was the result of those interviews ? On what basis, has D.C.C. decided that there is a real reduction in need ?**

There is only 1 family using the potentially affected centres. We have offered to meet with them. The Council has worked with the family.

**24. Further, ought not D.C.C. seek to investigate why there is a reduced number of users, when – at the same time – there are difficulties in accessing privately-provided services because they are over-subscribed ?**

As already stated, people are choosing to have their eligible needs met in different ways, and this has been happening over many years.

Oversubscription of some independent sector providers is likely to be down to the personal choice of individuals. Many providers have capacity to provide more.

**25. To repeat : one major objection to this Consultation is the same as the main objection to the previous Consultation; namely that D.C.C. has not explored sufficiently the views of firstly past Users of the Services ( many of whom had to cease to be Users at the time of Covid) and secondly potential future Users ( i.e. those who will be leaving School or College in the future)**

Widespread consultation has been carried out.

This has specifically included sending information to the public via a press release which was run by Devon Live, current users across the county, on the internet via the County Council and the Have your Say websites and Facebook 7 times, special schools in Devon, the Special Educational Needs website and newsletter, the LD partnership board, Independent sector providers, DCC staff and members, other relevant stakeholders, and NHS partners.

Accordingly, DCC considers that it has explored sufficiently the views of all those who may potentially be affected or have an interest, and that a sufficient opportunity to provide views has been given.

**26. Beyond that objection it also appears that many of those Persons have not participated in the Consultation because, perhaps, they have never heard of these Day Centres and/or the Consultation about these Day Centres**

The County Council refers to its answer under question 25. above and notes that, the consultation was widely advertised on social media, the SEND website, the County Council's website, and letters were sent to special schools.

These services are not universal, and an assessment to access these services is required.

The County Council considers that it has sufficiently advertised the consultation and taken steps to see that persons interested or affected by it can contribute if they wish.

**26. Finally, ( & further to above ) , if, for whatever reason ( good or bad ) --- the result of the Services currently provided by D.C.C. at the Centres which are the subject of these proposals are not good "value for money" but D.C.C. wishes to encourage Private Providers to replace those Services with their own services ( which will be "value for money" ), then would it not be appropriate for D.C.C. to grant leases of the current premises to those Private Providers on very favourable terms (e.g. with a nominal rent only ) ? Although the current premises may not be ideal, it is likely that those premises are more suitable for i) the Users and ii) for the provision of the Services, which they need, than other premises, which are currently available. ( Obviously, the Users may have particular needs; such as that the premises are on the ground floor) . It would seem to be a mistake for the current premises to be "lost" to the Services Users, before there are suitable other premises for them to use**

This point will be considered as part of the consultation.