

# Report of the Strategic Director of Health and Wellbeing to the meeting of Health and Social Care Overview and Scrutiny Committee to be held on 1<sup>st</sup> of February 2024

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## Subject:

Day Activities

## Summary statement:

This report provides an update to the Report of the Strategic Director of Adult Social Care and Health to the meeting of Health and Social Care Overview and Scrutiny Committee held on 15<sup>th</sup> December 2022.

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Iain MacBeath  
Strategic Director Adult of Social Care and  
Health

Report Contact:  
Jane Wood,  
Assistant Director  
People Commissioning & Business Support  
Phone: (01274) 432942  
E-mail: [jane.wood@bradford.gov.uk](mailto:jane.wood@bradford.gov.uk)

Portfolio:  
Cllr. S. Ferriby

Overview & Scrutiny Area:

Health & Social Care

## **EQUALITY & DIVERSITY:**

The Public Sector Equality Duty under the Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it
- relevant protected characteristics include age, disability, gender, sexual orientation, race, religion or belief.

A full Equality Impact Assessment (EIA) was done prior to the consultation with people we support and transfer of services from HFT to New Choices Ltd.

A full Equality Impact Assessment was also completed to support the report to the Council Executive Committee (5<sup>th</sup> October 2021) on the options available for the transfer of services and their subsequent transformation.

A full Equality Impact Assessment was also completed prior to the New Opportunities for Day Activities for Adults with a Learning Disability procurement exercise.

## 1. SUMMARY

The previous report to Overview & Scrutiny Committee on 15<sup>th</sup> of December 2022 provided information and updates on the Re-Imaging Days Programme work to modernise the daytime activities offer for individuals with a learning disability and on work to implement actions that stem from the decision by Executive Committee to end the contract with HFT Ltd and create a Special Purchase Vehicle (SPV) called New Choices.

This report is a further brief update on the Re-Imaging Days Programme and the continuing work to modernise and transform daytime activities focusing on the Special Purpose Vehicle: New Choices.

## 2. BACKGROUND

The Re-Imaging Days vision remains the main driver for the transformation of daytime activities as we move away from the traditional model of daycare.

Through Re-Imaging Days people told us they want:

- To be supported to stay healthy and well
- To be valued and have the respect of others
- To be part of communities that are important to them
- To be connected to where they live and where activities take place
- To be supported to achieve their goals
- To be in the company of friends
- To enjoy new things and become more confident
- To be more independent, learn new skills and get out and about
- To work and earn their own money

In commissioning providers to the Day Activities Provider List (DAPL) framework we continue to strive to attract User Led Organisations (ULOs) who adopt approaches that enable people with learning disabilities to decide the direction of the organisation and deliver what people want.

As reported in the previous update to committee, in cases where an individual has more complex needs, health and social care professionals work in line with the principles laid out in NHS England's ['National Plan – Building the Right Support Update \(2022\) to ensure people get the appropriate support they need to take part in day activities'](#).

Empowering people who access support is at the heart of our approach. User Led Organisations, the Voluntary & Community sector and Social Enterprises have and are still being considered as part of the delivery models to support people who use daytime activities.

The terms 'individuals with a learning disability' is used throughout this document. This terms does not describe the uniqueness of each individual supported nor does it

adequately relay the complexity or diversity of needs in relation to the service that is delivered.

Individuals supported all have identified eligible needs in relation to the Care Act and/or a primary health care need (Continuing Health Care). Support although *learning disability focused*, is delivered from a range of perspectives acknowledging and responding multiple needs; including any physical needs, sensory support needs, health and/or mental health support needs.

There are just over 900 people attending daytime activities groups across the district with 82% of those supported by New Choices.

### **3. REPORT ISSUES**

#### **DAY ACTIVITIES PROVIDER LIST (DAPL) FRAMEWORK**

The Daytime Activities Provider List (DAPL) tender went live on the 12<sup>th</sup> April 2021 and will be in place until the 5<sup>th</sup> January 2031. New providers can join this list at any time.

Currently there are 28 providers registered on the DAPL, most of these providers are local to Bradford and offer a range of activities.

Some examples are:

Bradnet who offer employment support and socialising activities, Bradford Organic Communities Service offer horticultural and allotment based activities. JOIN offer arts and crafts, cooking, life skills, healthy aging, outdoor and socialising activities.

Khidmat who offer volunteering, employment support and socialisation activities focused on BAME communities, Luv2MeetU provides socialising activities targeted at younger people, Mind the Gap offer opportunities to take part in music, dance, drama and performances.

Purple Patch Arts who offer day activities based around a lifelong learning approach, the Skills Kitchen offer day activity opportunities around catering and food based skills.

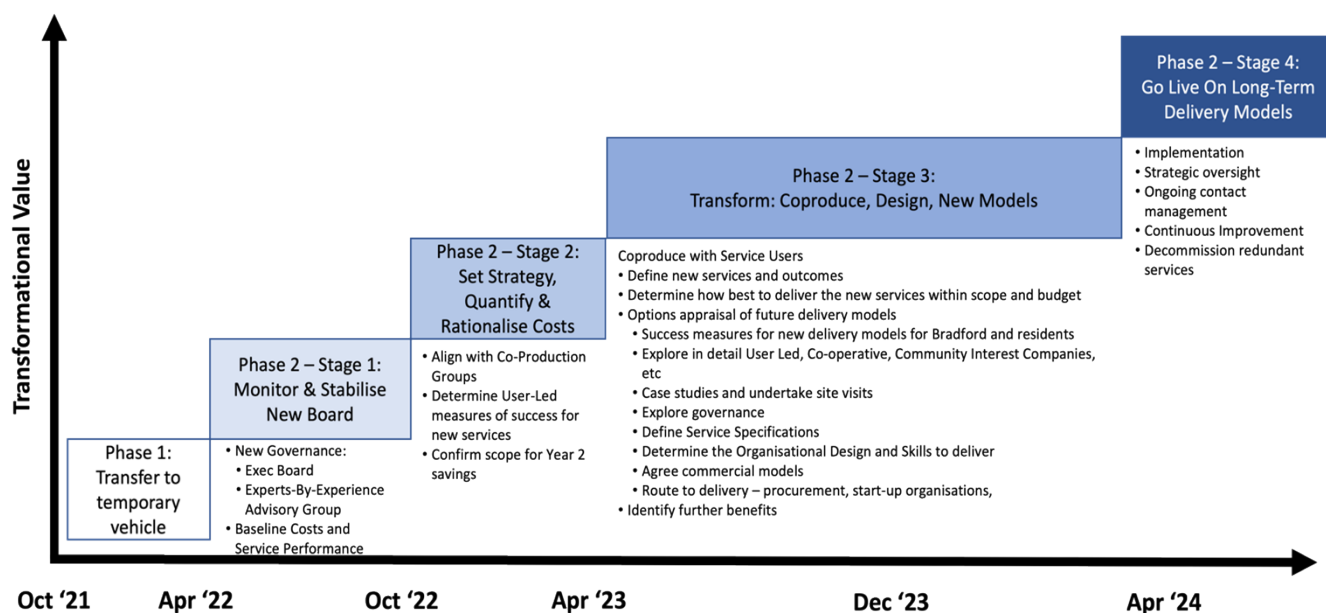
Mojojack Music Ltd, a relatively new provider on the DAPL who offer a range of activities associated with music production as do SORM, the School of Rock and Media who also offer education and employment skills activities.

New Choices and the Commissioning team supported by Social Work leads have baselined all New Choices Services and agreed a payment structure using the DAPL rates based on level of the need and linked directly to the service individuals actually receive.

This payment migration was completed for all individuals supported by New Choices by 6<sup>th</sup> February 2023. This means that New Choices and all the providers on the DAPL are now funded under the same payment structure.

## NEW CHOICES (Bradford & District) LTD – TRANSFORMATION TO DATE

The 15<sup>th</sup> of December report to Overview & Scrutiny included the chart below as the proposed roadmap for the four stage, 24-month transformation programme for New Choices:



Phase 1 was completed with the creation of New Choices (Bradford & District) Ltd as a legal entity wholly owned by the Council. Phase 2 - Stage 1, Stage 2 and Stage are now also largely complete. We are currently progressing to the conclusion of Phase 2 - Stage 3 and on conclusion Phase 2 – Stage 4 will begin.

The early stages of the roadmap involved significant engagement work with stakeholders. This involved several face-to-face workshop style events for people supported by day activities, their family members and carers. Events were organised at various New Choices venues across the district and at different times ensuring maximum opportunity for people to get involved. The table below provides details of the venues, dates and times for workshops:

Service	When	Time
Grange Interlink	5 <sup>th</sup> July	10:30 – 12:30
Park Lane	11 <sup>th</sup> July	11.15 – 1.15
ACE	12 <sup>th</sup> July	10.00 – 12.00
Cornerstones	13 <sup>th</sup> July	13.00 – 15.00
Park Lane	17 <sup>th</sup> July	16.00 – 18.00
Shipley Resource Centre.	20 <sup>th</sup> July	17.00 -- 19.00
E4	24 <sup>th</sup> July	13.00 – 15.00
Woman's Day Service	25 <sup>th</sup> July	17.00 -- 19.00
The Learning Zone	26 <sup>th</sup> July	18.30 – 20.30
The Oaks	31 <sup>st</sup> July	17.00 – 19.00

The workshops were facilitated by the Coproduction Partnership managed by Equality Together and supported by a peer group from People First Keighley and Craven District.

To ensure the input of New Choices staff two online workshops were undertaken on the 2<sup>nd</sup> and 7<sup>th</sup> of August 2023 through which representatives of New Choices staff had an opportunity to both contribute to shaping future services and ask questions about progress on the roadmap.

In addition to this specific and separate engagement event with family members and carers was undertaken by the Commissioning Team on the 24<sup>th</sup> of August 2023 at which they also were able contribute to shaping future services and express any concerns they may have about the roadmap and procurement activity.

The purpose of all this engagement activity was to ensure that all stakeholders had a role in shaping future services. This has been a consistent theme throughout the process.

From the above the following themes emerged:

- People felt that having choice from a wide range of activities was key to success.
- Some people wanted more physical activities and access to sport.
- Services having their own transport would allow more flexibility for trips.
- Having a voice and role in service design was important to all stakeholders.

All of the above influenced the shape of the procurement service specification.

From this we also identified the following concerns:

- People were anxious and concerned about possible change. Changes of support staff, change of venues and not being able to take part in activities they loved doing.
- Family and carers were concerned that services were being cut and the primary purpose of the roadmap was a way to cut funding.
- Staff were concerned about job loses, changed terms and conditions of employment etc.

All the above were addressed and mitigating actions taken to alleviate these concerns.

Taking Phase 2 – Stage 3 of the roadmap forward involved a combination of procurement to the open market and potentially the development of a separate legal entity, such as a Community Interest Company.

The procurement process aimed to ensure transformation in the following areas:

- Adoption of user led approaches that ensure people supported and their family carers are involved in the review and decisions should the need for changes be identified
- Change of location for some projects to address issues such as ensuring we have district wide provision, improved condition of buildings and improved access to car parking. In particular exploring opportunities for people supported to take part in activities that are more local to where they live, with improved accessibility and in community venues.
- Provision developed further with a wider range of opportunities, including opportunities to engage with the local community, increase collaboration with other groups and create more paid employment opportunity for people

Initial procurement activity will see four current New Choices service projects being taken

over by new service providers. The new providers are Bradford Community Broadcasting, a well-established, local, volunteer led organisation and PossAbilities CIC a not for profit socially and culturally aware organisation with a long history of investing time and resources in the communities in which they work. During the implementation period these Providers will be working with people we support and their families to allay any anxiety caused by the change.

We are investigating further opportunities following the initial procurement exercise. Potentially a further six to nine New Choices projects could be transferred to local service providers following a negotiated process. This would result in 40% to 60% of the current New Choices services being transferred to the wider day activities market.

Consideration, including the development of a full business case, would then be given to the remaining services and the range of possible options, including the development of an independent entity.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

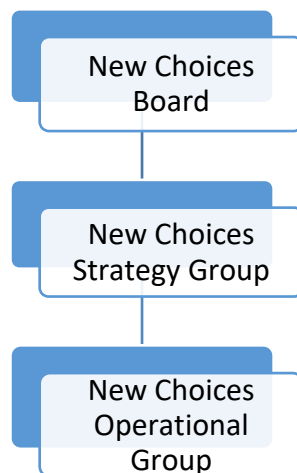
In 2023-2024, the New Choices programme is working to a target spend of £7.17m and the anticipated income (recharge) from Health following their agreement to cover costs at the DAPL rates is just under £1m. This is a significant, nearly £0.5m increased contribution to the target spend funding from our health partners at the ICB.

We are currently projecting a £6.91m actual spend in 2023-24 and a projected cost to the Council of £5.92m.

#### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

Governance consists of an operational group which meets weekly to manage the day to day programme issues. They in turn report into the New Choices Strategic Group which is chaired by the Director of the Department of Adult Social Care and Health. The ultimate decision making group is the New Choices Board with Councillor representation.

The lead commissioner is accountable to the Strategy & Transformation Group chaired by the Director of Health & Wellbeing. New Choices and the Commissioning Team hold a Risk Log. Risks and recommended mitigation approaches are escalated up the governance structures as necessary.



## **6. LEGAL APPRAISAL**

The Council is required, when commissioning services to consider social value under the Public Services (Social Value) Act 2012, which states that all public bodies must consider how what they are proposing to buy might improve economic, social and environmental wellbeing.

On an on-going basis the Executive should have regard to the Council's obligations to carry out its duties in accordance with the principles of best value and to ensure its functions are exercised having regard to a combination of economy, efficiency and effectiveness. To ensure that best value is continuously maintained by the SPV it is important to ensure operational and strategic oversight and governance (Scrutiny) occurs at regular intervals to ensure oversight of the company's effectiveness, efficiency and economy (savings and spend) (Best Value).

If the proposal to form a new community interest company (CIC) is pursued in respect of any services remaining with New Choices, further legal and financial advice will be required as well as considerations of the effects of asset lock which is a feature of a CIC. This means if the CIC was wound up for any reason any assets would be required to transfer to another asset lock body such as a charity and would not transfer back to the Council as the Council is not an asset lock body. In addition, under the Local Authorities (Best Value Authorities) (Power to Trade) (England) Order 2009 the council must also approve a business case before it sets up the new company and must not provide any subsidy to the new company.

## **7. OTHER IMPLICATIONS**

### **7.1 SUSTAINABILITY IMPLICATIONS**

The transformation of services is designed to support the development of the local economy, promote our equalities agenda and contribute to environmental sustainability.

### **7.2 GREENHOUSE GAS EMISSIONS IMPACTS**

Developing a more locality-working approach is designed to reduce the demand on commissioned transport and the length of journeys. The programme will also review the use of New Choices owned vehicles and contracting of 3<sup>rd</sup> party transport services (PTS).

The programme will also review the use of travel training as a means to both promote independence of people using services and reduce levels of commissioned transport.

### **7.3 COMMUNITY SAFETY IMPLICATIONS**

People with learning disabilities are among the most vulnerable people in the community. Providing high quality care and appropriate environment is consistent with the Council's statutory duty to safeguard vulnerable adults.

### **7.4 HUMAN RIGHTS ACT**

The Human Rights Act 1998 makes it unlawful for any public body to act in a way which is incompatible with an individual's human rights. Where an individual's human rights are



endangered, Local Authorities have a duty to balance those rights with the wider public interest and act lawfully and proportionately. For this report, the most relevant rights from the 16 covered in the Human Rights Act (1998) are:

- the right to respect for private and family life
- the right to peaceful enjoyment of your property (if this were interpreted broadly as enjoyment of one's home)
- the right to freedom from inhuman and degrading treatment
- the right not to be discriminated against in respect of these rights and freedoms.

The definition of adult abuse, in guidance issued under statute, is based on the concept of human rights: "Abuse is a violation of an individual's human or civil rights by any other person or persons". (No Secrets, Department of Health, 2000).

As with the equal rights considerations, the proposed changes are designed to have positive impact on service users as the changes driven by their wishes in response to assessed need under the Care Act .In line with legal requirements and Council policy, vulnerable individuals and their friends, families and advocates have been and will continue to be involved in any consultation process and planning of changes, and that planning of change is fair and proportionate, and seeks to mitigate any identified adverse impacts of decisions made.

## **7.5 TRADE UNION**

From the local authorities' perspective, the trade union issues relating to the establishment of a Special Purpose Vehicle were dealt with within the context of the Hft Exit Programme and the report to the Executive Committee (5<sup>th</sup> October 2021)

As we look to re-define and re-procure elements of the service out to the market, specific consideration will be given to issues relating to any subsequent Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) responsibilities.

Due diligence will be undertaken to ensure appropriate involvement of Trade Unions.

## **7.6 WARD IMPLICATIONS**

As reported committee previously the current service delivered by New Choices spans the whole district The outcome of the work on New Choices aims to maintain this district wide provision. However, if or where changes do occur Ward Councillors will be briefed and involved in any of the developments or changes described in this report.

## **7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

NA

## **7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE**

From a Preparing for Adulthood (PfA) perspective the programme and key Social Care and Health colleagues are working with Children's Services in relation to support delivered from a SEND perspective.

## **7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

A formal Data Sharing Agreement between New Choices and CBMDC was developed by the programme and is in place, alongside arrangements in relation to the DPO function and a New Choices (Bradford & District) Ltd Privacy Notice.

## **8. NOT FOR PUBLICATION DOCUMENTS**

None

## **9. OPTIONS**

The focus of this report has been to update committee on the Re-Imagining Days Programme approach to supporting the wider transformational agenda and to detailing the 'changes to date' in relation to our key partner 'New Choices (Bradford & District) Ltd.

We will continue to ensure the service as a whole will be led by those people who use services and built on a foundation of individual support plans that are: co-produced, outcome focused and aspirational.

The commissioning team will continue to drive forward the work to shape the market and engage with the people we support at a strategic level. The commissioning team will continue to ensure that coproduction approaches are adopted by all current and new providers of day activities for adults with a learning disability.

It is envisaged that by the beginning of the new financial year the roadmap to implement the transformational work with New Choices will be nearing completion.

## **10. RECOMMENDATIONS**

That the Committee note this report and the progress made in implementing the Re-Imagining Days vision.

That opportunities are arranged for committee members to visit Daytime Activity projects.

## **11. APPENDICES**

N/A

## **12. BACKGROUND DOCUMENTS**

Report of the Strategic Director of Health and Wellbeing to the meeting of the Executive Committee to be held on 5 October 2021.

Report of the Strategic Director of Health and Wellbeing to the meeting of Health and Social Care Overview and Scrutiny Committee held on 15<sup>th</sup> December 2022.