

Scrutiny Committee

Date: **Thursday 20 February 2020**
Time: **10am**
Venue: **Edwards Room, County Hall, Norwich**

Persons attending the meeting are requested to turn off mobile phones.

Membership:

Cllr Steve Morphew (Chair)
Cllr Alison Thomas (Vice-Chair)

Cllr Roy Brame
Cllr Emma Corlett
Cllr Phillip Duigan
Cllr Ron Hanton
Cllr Chris Jones

Cllr Ed Maxfield
Cllr Joe Mooney
Cllr Judy Oliver
Cllr Richard Price
Cllr Daniel Roper
Cllr Hayden Thirtle

Parent Governor Representatives

Mr Giles Hankinson
Vacancy

Church Representatives

Ms Helen Bates
Mr Paul Dunning

Under the Council's protocol on the use of media equipment at meetings held in public, this meeting may be filmed, recorded or photographed. Anyone who wishes to do so must inform the Chairman and ensure that it is done in a manner clearly visible to anyone present. The wishes of any individual not to be recorded or filmed must be appropriately respected.

A g e n d a

1 To receive apologies and details of any substitute members attending

2. Minutes

(Page 5)

To confirm the minutes from the Meeting held on 28 January 2020

3. Members to Declare any Interests

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4 To receive any items of business which the Chairman decides should be considered as a matter of urgency

5 Public Question Time

Fifteen minutes for questions from members of the public of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm on Monday 17 February 2020**. For guidance on submitting a public question, please visit <https://www.norfolk.gov.uk/what-we-do-and-how->

6 Local Member Issues/Questions

Fifteen minutes for local member to raise issues of concern of which due notice has been given. Please note that all questions must be received by the Committee Team (committees@norfolk.gov.uk) by **5pm on Monday 17 February 2020**

7 The deadline for calling-in matters for consideration at this meeting of the Scrutiny Committee from the Cabinet meeting held on Monday 3 February 2020 was 4pm on Monday 10 February 2020

8 Call in: Life Opportunity Services for Adults with Learning Disabilities and/or Autism (Page 15)

9 Scrutiny Committee Forward Work Plan (Page 44)

Chris Walton
Head of Democratic Services
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Martineau Lane
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NR1 2DH

Date Agenda Published: 12 February 2020



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Scrutiny Committee

Minutes of the Meeting Held on 28 January 2020
at 10:00 am in the Edwards Room, County Hall, Norwich

Present:

Cllr Steve Morphew (Chair)
Cllr Alison Thomas (Vice-Chair)

Cllr Roy Brame
Cllr Ed Connolly
Cllr Emma Corlett
Cllr Phillip Duigan
Cllr Ron Hanton

Cllr Chris Jones
Cllr Keith Kiddie
Cllr Joe Mooney
Cllr Richard Price
Cllr Dan Roper
Mr Giles Hankinson (Parent Governor
Representative)

Substitute Members present:

Cllr Haydn Thirtle for Cllr Keith Kiddie
Cllr Eric Seaward for Cllr Ed Maxfield

Also present:

Cllr Bill Borrett	Cabinet Member for Adult Social Care, Public Health and Prevention
Cllr Margaret Dewsbury	Cabinet Member for Communities and Partnerships
Cllr John Fisher	Cabinet Member for Children's Services
Cllr Tom FitzPatrick	Cabinet Member for Innovation, Transformation and Performance
Cllr Andrew Jamieson	Cabinet Member for Finance
Tom McCabe	Executive Director of Community & Environmental Services
Simon George	Executive Director of Finance and Commercial Services
Fiona McDiarmid	Executive Director Strategy and Governance
James Bullion	Executive Director of Adult Social Services
Helen Edwards	Chief Legal officer (Monitoring Officer)
Stuart Ruff	Chief Fire Officer
Karen Haywood	Democratic Support and Scrutiny Manager
Tim Shaw	Committee Officer

1 Apologies for Absence

1.1 Apologies were received from Cllr Keith Kiddie and Cllr Ed Maxfield.

2 Minutes

- 2.1 The minutes of the meeting held on 17 December 2020 were declared as an accurate record and signed by the Chair subject to the following:

Page 10 5th bullet point from bottom should read “not too heavily dominated by education & school voice” (not DfE).

Next bullet point delete single community voice should read “.....too early to answer questions from Cllrs on the success or otherwise of NOA. It was too early to say what the legacy of NOA would be.”

Add in additional bullet point “Members offered challenge about the lack of community voice in the plans and asked that in future more information be provided on how to take account of the voice of the community.”

Next bullet point down change to “However, it was stated the Opportunity Areas Programme was already having a positive impact in a wide range of areas from early years education to employment.” “Members commented that although they had heard some anecdotal examples, they offered challenge that this was not evidenced by what was presented to committee today, and further information was there.”

Agreed future action:

“Committee asked for future updates to include evaluation and evidence of impact, and detail on what the legacy of the programme will be.”

3. Declarations of Interest

- 3.1 There were no declarations of interest.

4 Urgent Business

- 4.1 No urgent business was discussed

5. Public Question Time: Question from Lacey Douglass:

- 5.1 I am raising concerns that in 2018/19 Norfolk had the fourth highest underspend in its Early Years funding across the country. It appears, from the minutes of the Norfolk Schools Forum, that the underspent budgets have been offset against the overspend in the High Needs Block.

Will Scrutiny Committee enquire into the underspend of the Early Years budget in 2017/18 and 2018/19, where this money went, the decision-making process that determined this, whether these decisions follow the DfE’s “Operational Guidance for Early Years Entitlements: Local Authority funding of Providers” and the impact this has had on early years provision in Norfolk?

5.2 Answer by Executive Director of Children’s Services

All Members, including those on this committee, have been sent a briefing on the previous year’s underspend within the Early Years Block of the Dedicated Schools Grant budget.

The budget for Early Years funded places comes from the ring fenced and tightly regulated Dedicated Schools Grant and is based on government predictions of how many children will attend nurseries and pre-schools in the county each year. Last year there were fewer children than estimated, which left us with an underspend in this area of the schools’ budget. The requirement for a 95% pass-

through is based on these budgeted figures. This is what we budgeted for and the DfE check that we comply with this.

It has been widely reported that the part of the schools' budget that supports children with specialist needs has been overspent. This is a national issue and we have been making the case to government for more sustainable funding.

When there is an underspend in one area of the schools' budget, we are really limited in how we can use it, because of the conditions of the grant. In line with government regulations, Norfolk's Schools Forum agreed how the surplus was used last year. This took account of the overspend in the budget for children with the highest needs.

We want to ensure nurseries, pre-schools and childminders are receiving as much funding as possible. We completely recognise the ongoing funding pressures facing Early Years providers in the county and are talking to the DfE about this issue and what we can do to support our youngest children, should a future underspend arise. However, this issue alone will not solve the ongoing pressures on Early Years providers or on the overall schools' budget. This needs a solution from central government, and we will continue to make the case for better funding for Norfolk."

5.3 Supplementary Question from Lacey Douglass

Why were there underspends in 2017/18 and 2018/19, will there be underspends in 2019/20, will the underspends be returned back to the early years budget and delivered to providers of early years education and what will you do in 2020/21 to ensure that early years budget is spent where it is desperately needed by Norfolk's under 5s, their families and the providers of early years.

5.4 Answer by Executive Director of Children's Services

The budget for Early Years funded places comes from the ring fenced and tightly regulated Dedicated Schools Grant and is based on government predictions of how many children will attend nurseries and pre-schools in the county each year. We don't yet know if there will be underspends in 2020/21 as this will be dependent upon the funding claims for this term.

6. Local Member Issues/Questions

6.1 No local Member questions were received.

7. Call ins

7.1 The Committee noted that there were no call-ins for today's meeting.

8. Norfolk Fire and Rescue Service – Integrated Risk Management Plan 2020-23

8.1 The annexed report (8) gave an overview

8.2 The Chair welcomed to the meeting Cllr Margaret Dewsbury, the Cabinet Member for Communities and Partnerships, and Stuart Ruff, the Chief Fire Officer, who

were in attendance to assist the Committee in scrutiny of the Norfolk Fire and Rescue Service Integrated Risk Management Plan 2020-23.

8.3 The issues that were considered by the Committee prior to the final plan being considered by Council on 23 March 2020 included the following:

- The funding that the Fire and Rescue Service had sought from the County Council for the Norfolk specialist water rescue capability would maintain its current capability and meet the Council's response to a new Government national requirement. The national Fire Chiefs Council remained in discussions with the Government about the development of the Norfolk specialist water rescue capability and its future funding to enable it to better meet national requirements.
- It was suggested by a councillor and agreed by the Cabinet Member that for at least the first year of the Integrated Risk Management Plan for 2020-23 a shadow measure for national comparisons with previous fire and rescue performance should be maintained.
- It was pointed out that the consultation had involved discussions with staff and trade unions and the Cabinet Member had attended public meetings in libraries and at parish councils.
- Compared to previous Fire and Rescue Service consultations this most recent consultation was far less controversial.
- There had been fewer than 100 responses to the public consultation and no responses from County Councillors.
- The consultation exercise had, however, resulted in a few minor public challenges to what was being proposed. These challenges centred on what was meant by the concept of operations, how going forward the use of new technology would enable an improved response to fire risks, where fire services could be better placed, how they were manned, how fire engines were crewed, the types of vehicles that were used and where new opportunities might be found to provide the public with a better service.
- The Cabinet Member agreed to take up a suggestion that there should be a permanent place on the County Council's website for the public to make comments about how the fire and rescue service operated.
- It was pointed out that the Integrated Risk Management Plan for 2020-23 should begin to make a visible change by the time of the next visit of HM Inspectorate in November 2020 but would not have a significant impact before 2022. An updated report about the improvement plan was due to be presented to Cabinet in March 2020.
- As a service priority the type of training required by retained fire fighters would be reviewed to see if it could be improved.
- Another of the priorities would be to improve the fire and community protection role and recruit extra officers to cope with challenges regarding the built environment and high-risk premises.
- It was recognised that the service would look to make improvements in fire prevention activity for those living the furthest distance from fire stations.
- Members asked for thanks to be passed on to Fire and Rescue Service staff for all their hard work.

8.4 In his concluding remarks the Chair said that there were lessons to be learnt from this public consultation process for similar consultations involving other Council services, particularly where it came to encouraging Councillors to take on more of

a leading role in responding to public consultation.

8.5 **RESOLVED**

That the Committee refer the Norfolk Fire and Rescue Service's Integrated Risk Management Plan for 2020-2023 to full Council on 23 March 2020.

9. **Norfolk County Council Revenue Budget 2020-21 and Medium-Term Financial Strategy 2020-24**

- 9.1 The annexed report (9) provided the Scrutiny Committee with the Norfolk County Council Revenue Budget 2020-21 and Medium-Term Financial Strategy 2020-24 as they were presented to Cabinet.

The issues that were considered by the Committee included the following:

- The Cabinet Member for Finance said that the Council budget would increase in 2020/21 from £407m to £427.7m. The medium-term financial strategy that underpinned the budget would focus on supporting the Council's ambitions and delivering on transformational change. The primary goal was to see that children had the best start in life, to protect vulnerable people, develop a strong and vibrant economy and transform the way in which services were delivered to make Norfolk a better place to live and work.
- The Council would not know what kind of long-term funding settlement it received from the Government before March 2020.
- The Council was pressing the Government for an uplift in its funding which would be important in balancing the budget in the long term without the Council having to make reductions in spending that it did not wish to make.
- In reply to general comments in relation to table 10 starting on page 59 of the agenda papers, the Cabinet Member for Finance said that the Council would have to find an additional £1m in excess of the amount which had been forecast to meet cost pressures that arose from an increase in the national living minimum wage. Additional funding from council tax collection would be used to help meet this pressure. More up-to-date figures on council tax collection rates would be available from the district councils by the time that the budget was presented to Full Council.
- In reply to questions, the Cabinet Member for Finance said that there was no shortfall in the level of capital receipts from council assets, but that the Council would be looking to make its money from assets work even harder than it had in the past. In reply to further questions, the Executive Director of Finance and Commercial Services added that the money from the use of capital receipts had been taken out of the budget baseline so that it could be used flexibly should the Council require this money to meet specific budget pressures across departments and the transformational change in Children's Services. Using the money from capital receipts in this way would help make the budget more robust.
- It was pointed out that in recent years the Council had achieved some 85% of its savings targets.
- The Cabinet Member for Finance said that the Council was looking to reduce home to school transport costs (particularly in relation to the normal home to school service) and had set up a task and finish group for this

purpose; currently £13m was spent on the normal home to school service and £15m on home to school SEN provision.

- Great care was taken to ensure that the business transformation savings were not double counted. There was a strong business management process around the transformation work.
- The Green Paper on Social Care was expected to be published by the end of 2020. Exemplifications regarding the Government budget were expected in Spring 2020.
- The Chair drew the Committee's attention to the considerable uncertainty as a result of the Council having to wait for the final settlement from the Government, the results of the comprehensive spending review, the Government budget in March, the fair finding review, the adult social care green paper and an announcement regarding Children's Services high needs expenditure.
- A Councillor asked for a written answer regarding the level of increase over the last 3 years in the number of people who were able to stay at home as a result of the reablement agenda and the effect that this had on the Council's budget. The Director of Social Services pointed out that the Council had adopted a cost and demand model to work out this figure. This model took account of the different types of support that were available in the community and the availability of nursing care.
- It was pointed out that the report took account of the impact on trading standards of goods arriving in the country after Brexit.
- It was also pointed out that the report took account of a yearly £3m uplift in Children's Services budget to help meet demographic pressures.
- Furthermore, Period 9 figures were expected to show an additional £1m increase to £9m in Children's Services budget pressures and this figure was expected to rise still further. In reply to questions, the Executive Director of Finance and Commercial Services confirmed that the additional one-off monies from higher Council tax returns would be spent in this area of the budget.
- Councillors said that a more accurate estimation of the cost pressures within Children's Services was needed to help prevent continual year on year surprises in this area of the Council's budget. Councillors wanted to be assured that going forward the Children's Services budget would take more account of inbuilt pressures and the transformation agenda.
- The Executive Director of Finance and Commercial Services explained the detailed changes at the national level in the accounting method for the schools dedicated high needs block and the approach that the Council's auditors would take on this issue. It was recognised that this "negative reserve" on Council budgets was a situation that could only be resolved at the national level by additional money from Government.
- The Chair asked what response the Council had taken to intense public lobbying for a reversal in the cut made last year in the minimum income guarantee. In reply, the Cabinet Member for Finance said that this was not possible; the Council was, however, pressing the Government for a change in legislation. The Chair added that the Cabinet Member could expect to receive further follow up correspondence on this important issue from people who were in extreme hardship and that the Council should do more to meet their needs.
- In reply to questions from a Councillor about the budgetary assumptions that had been made about uplifts in welfare benefits for social care charges

it was noted that this required a written answer following an announcement that was expected next week.

- In reply to further questions the Executive Director of Community and Environmental Services pointed out that black bin waste was more expensive to process compared to recycling. The size of the potential one-off effects of a change in law on waste in Holland would be the subject of a note that was shared with Councillors.
- The method of calculating the minimum revenue provision at £3m was explained to Councillors.
- The items listed at the top of page 62 of the agenda were described by a Councillor as the undeliverable savings from the current financial year. The Executive Director pointed out that they amounted to a lower figure than was the case in previous years.
- The Chair asked for a trajectory of the savings that would accrue to the Council in future years from using digital solutions.
- It was pointed out that cost pressures in adult social services had meant that monies for less higher Council priorities (such as traffic calming measures in Market Towns) were not available to the extent that was needed.
- The Council was lobbying the Government regarding the effects of demographic changes on the Council's budget.
- Any assumptions about government grants going forward were based on Government announcements.
- In reply to questions about what assumptions had been made in the budget for contingencies in terms of risks of the Council having to step in for early years providers, the Cabinet Member for Finance said the Council was lobbying the Government in terms of the level of financial assistance that this Council could provide to early years providers.
- The Chair said that he was disappointed that the report had not taken account of the decision of the Independent Panel on Councillors allowances to make no increase in Councillors allowances for 2020/21. In reply the Cabinet Member for Finance said that he welcomed the decision of the Council to link future increases in Councillor allowances to that of staff salary increases.

9.2 **RESOLVED**

That the Committee note the report and thank the Cabinet Members and officers who had attended the meeting for their help in answering Councillors detailed questions.

10 **Proposal for Scrutiny of the Children's Agenda**

10.1 The annexed report (10) suggested an approach for scrutiny of the Children's agenda.

10.2 **RESOLVED**

That the Committee

- 1. Agree the proposed approach to oversight of the Children's Services agenda.**
- 2. Ask officers to develop a set of performance measures and other data**

and information under the themes identified in the report.

3. **Ask officers to organise a series of member workshops under the same themes.**

11. Scrutiny Committee Forward Work Plan

11.1 The Committee considered the forward work plan.

11.2 RESOLVED

That the Committee agree the forward work plan (as set out in the Appendix of a report received on this matter).

The meeting concluded at 13:15

Chair

APPENDIX

Briefing Note: Dutch Tax on Refuse Derived Fuel

- a) The Dutch Senate approved a tax on imported refuse derived fuel on 17 December 2019 and a legal challenge to the tax by operators of facilities in the Netherlands failed on 18 December.
- b) The tax applies from 01 January 2020 at a rate equivalent to around £28 per tonne and some operators of plants in the Netherlands are saying they may absorb part of the tax.
- c) A similar tax was introduced by Sweden in December 2019 at a lower level equivalent to around £6 per tonne to apply from April 2020, and in the United Kingdom the landfill tax is £94.15 per tonne from April 2020 and Government continues to consider the introduction of an incineration tax.
- d) The Netherlands is the largest importer of UK waste which it uses to generate electricity and heat, receiving around 1.3 million tonnes of refuse derived fuel from the UK in 2018.
- e) Some of the waste the County Council is responsible for is processed locally in to refused derived fuel under three contracts with separate companies, and some of that refused derived fuel is exported and used to generate heat and electricity at facilities in the Netherlands. The County Council's waste is also used as a fuel at facilities in Germany and England and some of the waste it is responsible for is also disposed of to landfill.
- f) The County Council is already procuring replacement services to start in April 2021, and in January 2020 it extended an agreement with Suffolk County Council to treat some waste from Norfolk at an energy from waste facility at Great Blakenham in Suffolk until 2027, where it is burned as a fuel and used to generate electricity.

- g) The County Council's current focus is to make the optimal use of the contract options it already has in place to reduce the impact of the new Dutch tax, which is expected to be considerable and generate a new significant pressure in 2020/21.
- h) The tax on refuse derived fuel is part of the Dutch Government's response to losing the Urgenda case in 2019, which was about requiring the Dutch Government to cut carbon emissions, and in 2021 an additional Dutch tax is expected to apply to emissions of carbon dioxide at a rate of €30 per tonne of carbon dioxide.

Please note that this answer does not include a figure for the pressure, which is referred to as '....expected to be considerable and generate a new significant pressure in 2020/21' which is consistent with what is already in the public domain.

Joel Hull, Head of Waste

Community and Environmental Services Department

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Scrutiny Committee

Decision making report title:	Call in: Life Opportunity Services for Adults with Learning Disabilities and/or Autism
Date of meeting:	20 February 2020
Responsible Cabinet Member:	Cllr Bill Borrett (Cabinet Member for Communities and Partnerships)
Responsible Director:	James Bullion, Executive Director of Adult Social Services
Introduction This report relates to the call-in of item 11 of the Cabinet papers of 3 February 2020 entitled, ' Life opportunity services for adults with learning disabilities and/or autism '.	

1. Background and Purpose

1.1. At the meeting on 3 February 2020 Cabinet considered a report entitled '**Life opportunity services for adults with learning disabilities and/or autism**'¹ which recommended that they:

- agree the phased implementation of the Life Opportunities framework
- agree to pilot the new Wellbeing and Promoting Independence Pathways, before being implemented as part of the framework
- agree the launch of the employment pathway, previously piloted in 2019 following the decision in February 2019
- agree that future reports to Cabinet and Committees relating to matters of Learning Disability and / or Autism are accompanied by an easy read version

A copy of the report is attached at Appendix B.

1.2. The draft minute extract from the Cabinet meeting on 3 February is as follows:

11 Life Opportunity Services for adults with learning disabilities and/or autism.

- 11.1 Cabinet received the report by the Executive Director of Adult Social Services describing the proposal to transform Life Opportunities for adults with learning disability and/or autism and analyses the impact for service users and the provider market.
- 11.2 The Director of Commissioning, Adult Social Services advised that, in Norfolk 3.1% of the people with learning disabilities the council supported were in paid employment. Across England this figure was 5.9% and our neighbours in the eastern region achieved 8%. He added that if Norfolk

¹ [Cabinet 3 February 2020 – Item 11 Life opportunities for Adults with learning disabilities and/or autism'](#)

County Council could perform as well as the east of England neighbours, it could mean a further 125 people would be in paid work in Norfolk.

The Director of Commissioning continued that the proposal in the report was to make changes to support more people and was about piloting different approaches to support people with more complex needs or who required more support to develop skills. The proposals in the report upheld the ambitions of the users who had co-produced our local learning disabilities strategy “My Life, My Ambition, My Future”.

- 11.3 In introducing the report and moving the recommendations, the Cabinet Member for Adult Social Care, Public Health & Prevention said he was pleased to present this report to Cabinet as it was something that had been in gestation for a number of years and which had come out of a decision by the previous Administration run by Cllr George Nobbs, to implement a radical reshaping of day centres which was associated with cuts of several £m to the programme. The Cabinet Member continued that the new Administration had considered the proposals unsustainable and non-deliverable and work was undertaken to see how the proposals could be changed and refocused.

Work commenced by commissioning a new strategy, to be co-produced by service users “My Life, My Ambition, My Future” which was completed in 2018. This outlined the aspirations of the service users to have a more normal life and become more integrated in society, together with having more variation to reflect the different levels of disability. That document has helped formulate the proposals contained in the report to Cabinet for three distinct pathways within the Life Opportunities Framework:

1. Promoting Independence Pathway – will support people to develop life skills , providing greater opportunities to access mainstream activities and take part in training or learning activities.
2. Wellbeing Pathway – will support people with complex and challenging needs which often require specialist equipment and facilities as well as specially trained staff
3. Skills and Employment Pathway. Will support people into employment through a tailored employment and outcomes plan .

The Cabinet Member for Adult Social Care, Public Health and Prevention continued that providers were very keen to engage with supporting people into paid employment, with discussions about the pathways happening during the normal course of events with the social worker of the service user which would eliminate the need for additional paperwork and also hopefully alleviating stress for the service user.

- 11.4 The Cabinet Member of Community & Partnerships, as the Member Champion for Equality and Diversity, welcomed the proposals which would give service users more choice.
- 11.5 The Cabinet Member for Growing the Economy asked if there were any other pilot schemes happening. In reply the Cabinet Member for Adult Social Care, Public Health & Prevention advised that, if Cabinet agreed the proposals, the pilot would be launched immediately.

- 11.6 The Cabinet Member for Children's Services endorsed the initiative and said that he knew someone who had taken part in the trial pilot and had found it so rewarding they were now trying to find employment in a placement closer to their home as they had previously been cycling from Fakenham to Wells. He added that he understood there may be some opportunities to engage with smaller parish councils who may be able to help get them on the pathway.
- 11.7 The Cabinet Member for Finance supported the initiative which he felt was a very welcome addition to the transformation programme being put in place as part of "Together for Norfolk" and Norfolk Futures as this would help the County Council to deliver the Adult Social Services programme, helping reablement and this, along with other service departments and the transformation programme would then help create a more effective service.
- 11.8 The Chairman added that this project was not about financial savings, it was about the project being cost-neutral and he also emphasised that this was a new model of pathway delivery which would support people to have more skills to enable people to be more confident.

11.9 **Decision**

Cabinet **RESOLVED** to:

- a) **Agree** the phased implementation of the Life Opportunities framework.
- b) **Agree** to pilot the new Wellbeing and Promoting Independence Pathways, before being implemented as part of the framework.
- c) **Agree** the launch of the employment pathway, previously piloted in 2019 following the decision in February 2019.
- d) **Agree** that future reports to Cabinet and Committees relating to matters of Learning Disability and/or Autism are accompanied by an easy read version.

11.10 **Alternative Options**

Refer to Cabinet report.

11.11 **Reason for Decision**

Refer to paragraph 5.1 to 5.5 of the Cabinet report.

2. Call in

- 2.1. Notification was received on 10 February 2020 that Cllr Brenda Jones, supported by Cllrs Chris Jones, Mike Smith-Claire and Mike Sands, wished to call in the decision of the Cabinet relating to item 11 – Life Opportunities for Adults with learning disabilities and/or Autism. The reasons for call in are attached at Appendix A. The Chief Legal and Monitoring Officer has confirmed that it is valid under the requirements of the Constitution.
- 2.2. The final list of witnesses to be invited to attend will be agreed by the Chair and those calling in this decision.

3. Background Papers

3.1. [Cabinet agenda from meeting held on 3 February 2020](#)

[Cabinet minutes from meeting held on 3 February 2020](#)

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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Call in Request Form

This form is to be completed and signed by any Member of the Council, with the support of at least 3 other Members and must be returned to Democratic Services at committees@norfolk.gov.uk within 5 working days of the Cabinet decisions being published or, if the decision has been taken by an individual member or Chief Officer, within five working days of the decision being published under the Access to Information Procedure Rules in Appendix 13 of the Constitution. Where education matters are involved, the Parent Governor and Church representatives together count as one Member.

Please telephone the Head of Democratic Services on 01603 222620 or Democratic Support and Scrutiny Manager on 01603 228913 to make them aware that the call-in form is on its way. You will receive a confirmation email once it has been received.

A Call-In request will only be valid if it has been received in person by the above people within the 5 working day deadline which will be specified in the decision letter. The form may be emailed or hand delivered.

Please note that the call-in procedure does not apply to urgent decisions.

Decision Title and minute number
Agenda Item 11 – Life Opportunity Services for Adults with Learning Disabilities and/or Autism (minute 11.9)

Decision taken by Cabinet
Cabinet RESOLVED to: a) Agree the phased implementation of the Life Opportunities framework. b) Agree to pilot the new Wellbeing and Promoting Independence Pathways, before being implemented as part of the framework. c) Agree the launch of the employment pathway, previously piloted in 2019 following the decision in February 2019. d) Agree that future reports to Cabinet and Committees relating to matters of Learning Disability and/or Autism are accompanied by an easy read version.

Date of Decision
3 February 2020

	Reasons for call in	Highlight which of the following apply and explain why you consider the process/principle has not been followed by the decision maker (as appropriate)
1.	The decision is not in accordance with the budget and policy framework	

2.	The decision is a key decision and it has not been taken in accordance with the Constitution.	
3.	There is evidence that the principles of decision-making (as set out in Article 12 of the Constitution) have not been complied with. These principles are:	
	a) Actions agreed will be in proportion with what the Council wants to achieve.	
	b) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by Officers.	<p>No evidence for wide ranging inclusive consultation having taken place. The detailed results of the consultation exercise in 2018 have not been shared with Councillors, only anecdotal statements. Since publication of the Cabinet Report stakeholders (both service providers and service users) have voiced concern of their lack of engagement or knowledge of this consultation process.</p> <p>The financial landscape for adults with learning disabilities and/or autism has changed significantly since 2018 and the impact of County Council funding changes will not reflect in the consultation that is being used as a basis for this project.</p> <p>The results have not been published for the five "Skills and Employment Pathway" pilots which were carried out and on which this whole project is based.</p>
	c) Decisions will reflect the spirit and requirements of Equalities and Human Rights legislation.	
	d) The presumption that information on all decisions made by the Council, the Executive and Committees should be public with only those issues that need to be exempt by virtue of the Access to Information Rules will be taken in private.	
	e) Decisions will be clear about what they aim to achieve and the results that can be expected.	<p>The decision does not make it clear what the performance, contract and quality monitoring mechanism will be, who will oversee this and how the mechanism has been determined.</p> <p>The decision does not explain what the changes in terms and conditions to providers will be for any of the pathways and how the</p>

		<p>Council plans to mitigate the adverse impact of these changes on service providers</p> <p>The service specification has not been considered as part of the decision-making process.</p>
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Detailed reasons for call in or any additional information in support of the call in that you wish to submit

The decision-making process for this is not clear. There was no committee decision made in February 2019 to agree the pilots of the Skills and Employment Pathway.

The outcome of the Skills and Employment Pathway pilots have not been shared. The report only highlights 3 case studies from two providers. There is no overview of the total number of service users engaged in the pilots and the outcomes. The future rollout of this project has not been based on all the available evidence being reported to Cabinet.

The detailed outcome of the consultation process in 2018 on which this decision is based has not been reported and concerns are being raised from service users and providers about the approach taken and the information requested from services.

There is no mention of the support employers will receive in order to support adults with learning disabilities and/or autism in the workplace.

The proposal does not reflect the changes to the Minimum Income Guarantee. The reduction in financial support will impact on the ability of working age adults who are working towards independence and potential employment and this needs to be recognised and explored.

The Council has not considered the impact of service users and their current income through welfare benefits. Disability related benefits are paid to individuals based on their ability to work towards employment and will pre-determine their circumstances over and above the Council's ambitions.

Please use the space below to add any further comments. You may wish to consider:

- **The outcome you would like to see as a result of this decision being called in**
- **Any further information that the Scrutiny Committee might wish to consider when assessing this call in.***
- **Any Cabinet Members/Officers you would like to attend the meeting.***

* Please note this will be at the Chair of Scrutiny Committee's discretion

- We would like Cabinet to review the decision to proceed with the Life Opportunities Programme based on all the available evidence.
- We would like Cabinet to agree to a new consultation with all stakeholders in view of the revised landscape our service users are now facing.
- We would like the Cabinet Member for Adult Social Care to attend the meeting
- We would like Gary Heathcote to attend the meeting
- We would like James Bullion to attend the meeting

- We would like a presentation of the full consultation in 2018 and the full scope and outcomes of the pilots of the Skills and Employment pathway.

Although it is not a constitutional requirement you are advised to speak to the Chair of Scrutiny Committee before submitting your call in. If you wish to record any comments from the Chair please insert them below

I have spoken to the Chair of the Scrutiny Committee. He acknowledged my concerns and suggested I bring them to the Scrutiny Committee

Name (please print)	Signature	Date
Brenda Jones		10.02.2020

In accordance with the Constitution you must sign this form and obtain the signatures of at least three other Members of the Council:

Name (please print)	Signature	Date
Chris Jones		10.02.2020
Mike Smith Claire		10.02.2020
Mike Sands		10.02.2020

Please return to Democratic Services at committees@norfolk.gov.uk

Cabinet

Item No: 11

Decision making report title:	Life opportunity services for adults with learning disabilities and/or autism
Date of meeting:	3 February 2020
Responsible Cabinet Member:	Cllr Bill Borrett - Cabinet Member for Adult Social Services, Health & Prevention
Responsible Director:	James Bullion, Executive Director of Adult Social Services
Is this a key decision?	Yes

Introduction from Cabinet Member

This proposal has come about as a direct result of the strategy for learning disabilities; “My Life, My Ambition, My Future 2018-22”, which was produced with people with learning disabilities and their families. It says:

“People with a learning disability have the ambition, choice and opportunity to be equal members of the Norfolk Community”

We are therefore working together with people who use services to shape a future that improves the outcomes, opportunities, choice and control of people with a learning disability and/or autism, whilst delivering quality and efficient local services.

Life Opportunities is a new model is based on three pathways:

- a) Wellbeing Pathway: providing meaningful activity, social support and care for those with the most complex needs.
- b) Promoting Independence: supporting people to develop life skills and access community provision and services.
- c) Skills and Employment: supporting people to obtain paid work.

The proposals are cost neutral. NCC is committed making this change in co-production with people who use the services and the organisations that provide them.

The recommendations are:

1. **To agree the phased implementation of the Life opportunities framework.** A new model for services for people with learning disabilities has been developed, which will be called Life Opportunities. The new model is based on three pathways, reflecting the range of different outcomes people who use these services want to achieve. Providers will be supported to introduce these new pathways and it will be supported by a new contractual framework for service providers
2. **To agree to pilot the Wellbeing and Promoting Independence Pathways, before being implemented as part of the framework.** The report recommends a phased approach to the

implementation of the new model. It is proposed that there are pilots of the Wellbeing and the Promoting Independence Pathways during 2020, before they are rolled out to the whole market. Norfolk County Council is committed to working alongside providers to support them to develop their services, both during the pilot process and through the wider rollout and implementation

3. **To agree the launch of the Skills and Employment Pathway, previously piloted in in 2019 following the decision in February 2019.** Whilst this report recommends pilots of the Wellbeing and Promoting Independence Pathways, there has already been a pilot of the Skills and Employment pathway. The learning from this pilot has been used to shape the recommended launch of this pathway early in 2020. The pilot demonstrated that with targeted support and a strong focus on employment, people with learning disability and/or autism can be successful in gaining employment
4. **To agree that future reports to Cabinet and Committees relating to matters of Learning Disability and / or Autism are presented in accessible formats.** The Council supports the principles of co-production and is committed to working with everyone with an interest to develop and improve services. It is an important part of that co-production process that reports leading to decisions about changes are presented in a way that is accessible to all who have contributed

Recommendations

Cabinet are recommended:

- a) **To agree the phased implementation of the Life Opportunities framework**
- b) **To agree to pilot the new Wellbeing and Promoting Independence Pathways, before being implemented as part of the framework**
- c) **To agree the launch of the employment pathway, previously piloted in 2019 following the decision in February 2019**
- d) **To agree that future reports to Cabinet and Committees relating to matters of Learning Disability and / or Autism are accompanied by an easy read version**

4. Background and Purpose

- 1.1 In July 2018, the then Adult Social Services Committee considered a report about how to implement the previously agreed radical review of learning disability day care services, which was agreed in 2016.
- 1.2 Since 2018 Norfolk County Council has engaged with people who use services and the provider market, which has produced a clear steer about what is important. The changes proposed:
 - a) respond to what people said they wanted in the Learning Disability Strategy
 - b) implement the Promoting Independence Programme - to keep people independent, resilient and well
 - c) introduce greater ambition for individuals accessing our services
 - d) address the current inconsistencies in contract payments
 - e) introduce a more robust accreditation and monitoring system to address differences in quality
 - f) offer people more choice, closer to where they live
- 1.3 There are key messages in the Learning Disability Strategy about how Life Opportunities services should work, these include that:
 - a) Services should have more focus on work skills and paid employment
 - b) Services should support people to develop life skills and promote independence
 - c) People want to feel part of their local community
 - d) People want to access local services and resources
 - e) There should be choice, as one size does not fit all

f) People want to support to build friendships and relationships

- 1.4 With increased focus on skills and employment, the implementation of Life Opportunities will support the ambition set out in Together for Norfolk, launched by the Executive Leader of the Council in June 2019.
- 1.5 In addition to making the changes that people tell us they need and want, the introduction of the new contractual framework will ensure that the way Norfolk County Council purchases this type of service in the future complies with the Public Contract Regulations 2015. The new contractual framework will ensure we have contractual terms that support the delivery of the new model and a new contract performance framework.
- 1.6 Cabinet approval for the phased implementation of the new contractual framework is required as it is a fundamental change in the way that NCC would manage and contract with the providers working in this market.
- 1.7 As part this approach, Norfolk County Council plan to move away from calling these day services or day opportunities and instead the framework will be for known as 'Life Opportunities'.

5. The Proposal for Life Opportunities

- 2.1 This paper describes the proposal to transform Life Opportunities for adults with learning disability and / or autism and analyses the impact for Service Users and the provider market.
- 2.2 The model has been designed in co-production and is based on a pathways approach that caters for different levels of need. The pathways will improve experience and outcomes. People will only access one pathway at a time but will move to a different pathway as their identified outcomes progress or change.
 - Skills and Employment Pathway** will support people into employment through a tailor employment and outcomes plan.
 - Promoting Independence Pathway** which will support to be develop life skills; providing greater opportunities to access mainstream activities and take part in training or learning activities.
 - Wellbeing Pathway** which supports people with complex and challenging needs which often require specialist equipment and facilities as well as specially trained staff.
- 2.3 **The Skills and Employment Pathway** will be implemented immediately through a tender process. Providers will be invited to submit a tender to become a provider under the Skills and Employment Pathway. To do so they will need to demonstrate that they are able to deliver a service and support that will prepare people for and support them into employment.
- 2.4 Providers will also be required to demonstrate their commitment to work alongside the NCC Skills and Employment Team (SET). This is a new team, that focuses on creating opportunities for paid employment. The team have strong links with adult learning and other mainstream offers of employment support such as DWP.
- 2.5 The SET will create employment opportunities for people who attend Life Opportunities, while Life Opportunity providers will support individuals directly. For those who are eligible for ASS support but do not attend a Life Opportunities service the new ASS 'Norfolk Employment Service' (NES) will support individuals into employment.
- 2.6 There will be a pilot of the **Wellbeing and Promoting Independence Pathways** during 2020. NCC will work closely with providers interested in piloting these pathways to ensure NCC has a good understanding of the requirements of delivering these pathways well before wider implementation. The pilots will look at whether these requirements differ across provider organisations of different sizes and who meet needs in different environments and settings.

- 2.7 Norfolk County Council will ask all current providers for expressions of interest to join the pilot. Providers will be selected to ensure that there is representation from different types of services. This will include:
- a) Size of organisations
 - b) Location
 - c) Type of activity
 - d) Type of need met
 - e) Organisation structures (social enterprises, charities, private sector)
- 2.8 Norfolk County Council will work closely with the pilot providers to gain an understanding of the operational and financial requirements of delivering their current service and whether these change with the introduction of the pilot. Norfolk County Council will work with them to understand the changes they may need to make to implement the pilot pathway. This learning will be used to design and plan the full implementation of the pathways in 2021 and beyond.
- 2.9 Current Providers will be awarded new contracts in the new framework at current cost whilst the pilot is underway, ahead of the wider rollout. This will ensure consistency for the market but will not affect providers current payment arrangements.
- 2.10 **Co-production**
- In 2018 the Norfolk Learning Disability Strategy, 'My Life, My Ambition, My Future', was co-produced. It has a strong vision that all people with a learning disability and / or autism should have the ambition, choice and opportunity to be equal members of their community.
- 2.10.1 In co-producing the strategy, Norfolk County Council and Norfolk Learning Disability Partnership Board asked people about the changes that would most improve life for them over the next five years. More than 800 responses were received, via surveys (including Easy Read versions) and face-to-face events. 58% of those who responded were people with a learning disability.
- 2.10.2 Many people have told us that the thing they desire the most is to build a life for themselves that is as independent as possible, find work, live independently and form relationships. During the drop-in day (held at the Kings Centre in November 2018), the "daytime activity and employment" theme received the highest number of comments; providing officers with a good understanding about the barriers, enablers and how the wider community could play a role.
- 2.10.3 The three new pathways respond directly to this co-production feedback.
- a) The Skills and Employment pathway will support people to find work
 - b) The Promoting Independence Pathway will support people to build relationships and develop the skills they need to be as independent as possible
 - c) The Wellbeing pathway will provide care and support for people with the most complex needs to have social relationships and to participate in meaning
- 2.10.4 Going forward Norfolk County Council will work with people who use services to ensure that what is important to them is used to design new performance measures that will be built in to all contracts. This will ensure the monitoring and measurement of provider performance is built around the priorities of the people who use the service.

6. Overview of Existing Life Opportunities Provision and Providers

- 3.1 Life Opportunity Services currently offer a range of activities during the day. Services usually operate from a building, hub or site. Activities include leisure and social activities, as well as horticulture and agriculture-based services
- 3.2 Some providers support people to gain independence through work themed activities and life skills such as cooking and meal planning, dealing with money and travel skills.

- 3.3 Typically, services are offered between 9am and 5pm, Monday to Friday. The average attendance is three days per week.
- 3.4 Eligibility for a life opportunity service is an unmet eligible need, as defined by the Care Act, and access is through a Care Act assessment.
- 3.5 Around 1400 people with a learning disability use one of our existing services. There are 64 current providers.
- a) Some have 100's of people who use their service
 - b) Most are much smaller, with many having fewer than 10 people using the service
 - c) They are located in many different locations across the county
- 3.6 The total spend on these services is around £14 million per annum

4. Impact of proposal

4.1 People who use services and their families

With the introduction of the three pathways, people who use services will benefit from more personalised care and support, to increase skills and improve employment outcomes. These services will not only be available during the day but will in the future will also provide opportunities at the weekends and in the evenings.

- 4.1.1 People who use services will be supported to reach outcomes set out in their Personal Outcomes Plan, which will respond directly to the individual's Care and Support plan. Social Care staff will be able to assess the progress towards outcomes because providers will be monitoring, reviewing and focusing on individuals' outcomes.
- 4.1.2 Whilst changes to terms, conditions for providers will start on day one of the contract, the changes to service users will not be immediate. Whilst the Skills and Employment Pathway will be subject to a tender early in 2020, the Wellbeing and Promoting Independence Pathways will be implemented after a pilot period. This is likely to be in 2021, after the 12-month pilot.
- 4.1.3 Any change for people who currently use the services, either as part of the pilot or as part of the wider implementation will be planned with the person and agreed and set out in their provider support plan.
- 4.1.4 Commissioners will set up a co-production group to agree the best way to inform people who use service about this change. The Learning Disability Partnership Board agreed in April 2019 that a small group of people who currently use services should be involved in designing the most appropriate means of communication; this could be in the form of a poster or an easy-read letter from the Norfolk County Council.

4.2 Providers

Norfolk County Council currently has contracts with varied quality standards, consequently will be making changes to ensure that contracts and quality are measured equitably across the market. The introduction of a robust performance, contract and quality monitoring mechanism will further strengthen the longer-term plan to implement a Quality Price Index whereby providers are rated and paid accordingly.

- 4.2.1 The framework will provide an opportunity to better align costs and spend annually which allows officers to work with providers, to further develop the prices during the 12 month pilot of the Wellbeing and Promoting Independence pathways.
- 4.2.2 With the introduction of the robust performance, contract and quality monitoring mechanism, Norfolk County Council will be able to report accurately on all providers using the same metrics. The new model clearly signals the focus on outcomes and places strong emphasis on developing independence at the level appropriate for the individual.

- 4.2.3 The 12 month pilot will allow Norfolk County Council to evaluate financial accounts, support diversity and business development opportunities for the providers involved. The findings will aid planning for the successful implementation of the pathways in 2021. The pilot will also support the transformation plans for both the independent market and Independence Matters (IM).
- 4.2.4 In order to manage the transformation and mitigate for the risk identified Commissioners and Contract Managers will work closely together to develop and maintain relationships with providers to coproduce and implement changes in the care and support market in Norfolk.
- 4.2.5 IM support approximately 40% of the life opportunities service users, with 560 people attending one of the 13 sites across Norfolk. IM was previously managed through a block contract with NCC however it is proposed that they will tender to be part of the framework alongside other providers.
- 4.2.6 If a current provider is unsuccessful in their application to tender for a specific pathway in 2021 under the Framework, commissioners will assess the numbers of service users affected and work with the provider to develop a plan on a service by service basis.
- 4.3 **NCC Spend**
The total existing spend on these services is around £14 million per annum. The introduction of the new contractual framework is intended to be cost neutral.
- 4.3.1 Commissioners have compared Norfolk's costs and spend with other authorities including those in the Eastern Region and Norfolk's statistical neighbours which has supported a detailed understanding of the positive and challenging aspects ahead for the life opportunities sector.
- 4.3.2 Cambridgeshire, Hertfordshire, Derby and Kent Councils present as price setters or having fixed rates. Kent County Council uses a pricing mechanism linked to quality. Cumbria and Essex have flexible pricing rates negotiated with each provider, whilst Essex are looking to emulate Norfolk's future ambition to link quality and price. Other local authorities have adopted price setting or capping to increase equity in the market and ensure that the services that they purchase offer good value for money in a stable and sustainable market
- 4.3.3 The proposal is to set a price cap for the Skills and Employment pathway, to be launched in 2020. The approach to price in the Promoting Independence and Wellbeing Pathways will be informed by the pilots.

5. Evidence and Reasons for Decision

- 5.1, The commissioning of this framework will support and respond to the following strategic and departmental aims:
- a) Together for Norfolk
 - b) 'My Life, My Ambition, My Future', the co-produced Learning Disability Strategy 2018-2022
 - c) Promoting Independence Programme
 - d) NCC employment targets for adults with disabilities
- 5.2. Operationally and in terms of performance and improving quality of services the framework will also:
- a) Introduce greater ambition for individuals accessing our services
 - b) Address the current inequalities in terms and conditions
 - c) Address the varied quality offered across the market
 - d) Introduce a more robust accreditation and monitoring system
 - e) Enable individuals to have choice of community life opportunities
- 5.3. There are many examples of how targeting support and employment focus of the Skills and Employment Pathway has resulted in job opportunities. Three individuals' success stories during the Skills and Employment Pilot are described below:
- 5.4 Two individuals who attend Assist Trust, a life opportunity service based in Norwich, started on a voluntary work experience placement with a catering company, working in a school catering

environment. Assist Trust worked alongside the company to support the individuals to gain confidence in their voluntary roles. Both individuals were subsequently offered permanent paid positions within the company – one for three days and week and the other for two days per week. Both family carers were supportive of the opportunity. The individuals are settling in well and enjoy their new roles.

- 5.5 An individual who attends Independence Matters Dereham Hub has been supported to identify their own interest through vocational profiling as well as developing practical work-related skills and activities. The individual enjoyed working with people, being friendly, customer service and working in a busy environment. He volunteered at a local charity shop where he progressed from sorting out items ready to sell to being on the front desk and operating the till. He was then successful in applying for a paid position working with Opening Doors as a peer support worker. He has attended two training sessions and starts work on the project very soon.

6. Alternative Options

- 6.1. Officers cannot identify alternative options to commissioning this framework using the new Service Specification and revised contract terms and conditions to deliver the aims set out in this report.

7 Financial Implications

- 7.1 No implications. The introduction of the new contractual framework will be cost neutral.

8 Resource Implications

8.1. Staff:

- 8.1.1 Introduction of the new contractual framework has no implications.

8.2 Property:

- 8.2.1 Introduction of the new contractual framework has no implications.

8.3 IT:

- 8.3.1 Introduction of the new contractual framework has no implications.

9 Other Implications

9.1. Legal Implications

- 9.1.1 The procurement exercise will ensure that Norfolk County Council is compliant with procurement regulations.

9.2. Human Rights implications

No implications.

9.3. Equality Impact Assessment (EqIA)

Attached as Appendix A.

10. Risk Implications/Assessment

- 10.1. The proposed approach ensures compliance with procurement regulations and reduces the risk of legal challenge in relation to purchasing arrangements and contracts.
- 10.2. The pathways have been co-produced with people, families and providers and reflects the ambition in our local learning disability strategy. Taking the proposed phased approach to the implementation of the framework and piloting the pathways with existing providers mitigates the potential risks to the sustainability of existing providers as the learning can be embedded in to the wider roll out.

11. Select Committee comments

- 11.1 Not applicable.

12. Recommendations

- 12.1 **Cabinet are recommended:**

- a) To agree the phased implementation of the Life Opportunities framework
- b) To agree to pilot the new Wellbeing and Promoting Independence Pathways, before being implemented as part of the framework
- c) To agree the launch of the employment pathway, previously piloted in 2019 following the decision in February 2019
- d) To agree that future reports to Cabinet and Committees relating to matters of Learning Disability and / or Autism are accompanied by an easy read version

13. Background Papers

- 13.1 None

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

Officer name:	Email address:	Telephone:
Amanda Dunn	Amanda.dunn@norfolk.gov.uk	01603 224191



If you need this report in large print, audio, braille, alternative format or in a different language please contact 0344 800 8020 or 0344 800 8011 (textphone) and we will do our best to help.

Life Opportunities Transformation Project

Equality Assessment –Findings and Recommendations

December 2019

Amanda Dunn

Assistant Director Learning Disabilities
and Autism Commissioning

This assessment helps you to consider the impact of service changes on people with protected characteristics. You can update this assessment at any time so that it informs ongoing service planning and commissioning.

For help or more information please contact Neil Howard, Equality & Accessibility Officer, email neil.howard@norfolk.gov.uk, Tel: 01603 224196

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The purpose of an equality assessment

1. The purpose of an equality assessment is to enable decision-makers to consider the impact of a proposal on different individuals and communities prior to the decision being made. Mitigating actions can then be developed if adverse impact is identified.

The Legal context

2. Public authorities have a duty under the Equality Act 2010 to consider the implications of proposals on people with protected characteristics. The Act states that public bodies must pay due regard to the need to:
 - Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act¹;
 - Advance equality of opportunity between people who share a relevant protected characteristic² and people who do not share it³;
 - Foster good relations between people who share a relevant protected characteristic and people who do not share it⁴.
3. The full Act is available [here](#).

The assessment process

You can change or amend this wording as appropriate for your needs.

4. This assessment comprises two phases:
 - **Phase 1** – evidence is gathered on the proposal – looking at the people who might be affected, the findings of related assessments and public consultation, contextual information about local areas and populations and other relevant data. Where appropriate, engagement with residents, service users and stakeholders takes place, to better understand any issues that must be taken into account.
 - **Phase 2** – the results are analysed. If the assessment indicates that the proposal may impact adversely on people with protected characteristics, mitigating actions are identified.
5. When completed, the findings are provided to decision-makers, to enable any issues to be taken into account before a decision is made.

The proposal

6. Summarise here the proposal being assessed. You need to:

Commission a new service model for Life Opportunities for adults with learning disabilities in Norfolk and introduce a new legal framework for it to operate within.

The new framework introduces an ambitious, sustainable support model which promotes new opportunities and maximises people's independence.

In July 2018, the then Adult Social Services Committee were presented with and agreed the following update on this project:

A “Radical review of day care services” which would contribute to the savings programme ref: ASC013.

...As part of the LD strategy, the department will have a revised Day Services offer for people with a Learning Disability. The focus will be on community participation, targeted support (with a skills and employment focus) and locality hubs for those with complex needs. To begin this transformation 5 providers will begin pilots lasting for the next 12 months to reshape the offer. The variance in savings delivery is the direct result of the time it takes to evolve these services and support and enable existing people accessing the services.”

In June 2019 Andrew Proctor, launched Together for Norfolk, which identifies the “redesign of day services, so they respond to the people that need them” and employment services for people with disability.

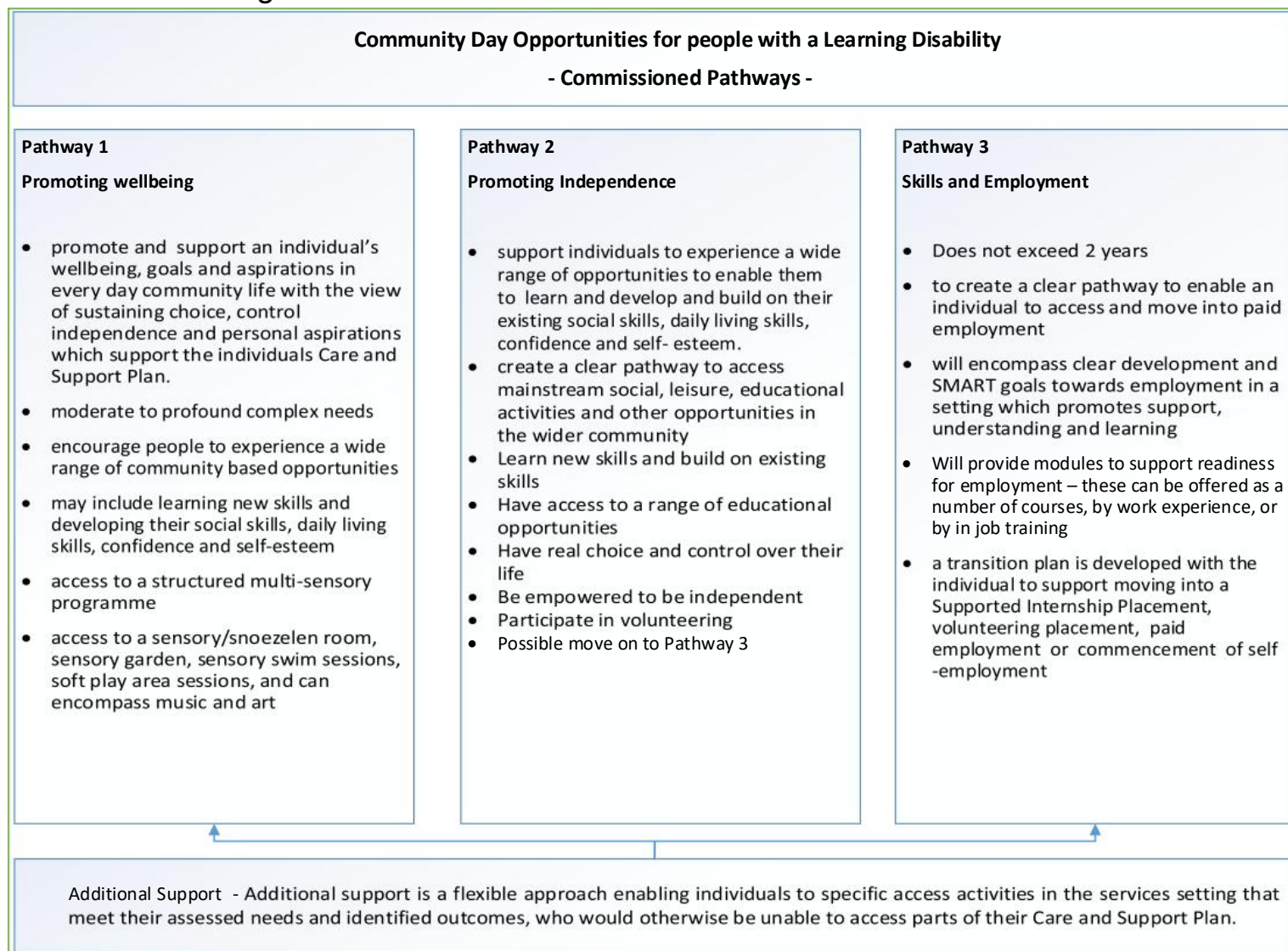
Strategic aims of the framework

- Responding to what people said they wanted, as outlined in the Learning Disability Strategy
- Responding to the Promoting Independence Programme which is about keeping people independent, resilient and well
- Responding to Together for Norfolk
- Introduce greater ambition for individuals accessing our services
- Addressing the current unfair practice across contract payments
- Addressing the differences in quality offered across day opportunities
- Introducing a more robust accreditation and monitoring system which will provide us with greater visibility and consistency around pricing and ensure value for money.
- Enabling individuals to have choice of community day opportunities across the county, including access to new services as they become available

Contract, performance management and service design aims of the framework:

- Introduce greater ambition for individuals accessing our services
- Addressing the current unfair practice across contract payments
- Address the varied quality offered across the market
- Introduce a more robust accreditation and monitoring system which will provide us with greater visibility and consistency around pricing and ensure value for money
- Enable individuals to have choice of community day opportunities across the county, including access to new services as they become available

New Service Design



Who is affected?

The proposal will affect adults with the following protected characteristics;

A specific age group (please state if so): This service is for adults (18+) who have a learning disability and/or autism who live in Norfolk and are eligible to access commissioned day services. Currently approx. 1400 people access these services.	YES
Disability This service affects eligible adults who have a learning disability and/or autism, some of which may also have other types of disabilities. Currently approx. 1400 people access these services.	YES
Gender reassignment (e.g. people who identify as transgender)	NO
Marriage/civil partnerships	NO
Pregnancy & Maternity	NO
Race (different ethnic groups, including Gypsies and Travellers)	NO
Religion/belief (different faiths, including people with no religion or belief)	NO
Sex (i.e. men/women/intersex)	NO
Sexual orientation (e.g. lesbian, gay and bisexual people)	YES

Analysis of the people affected

7. Provide an analysis of the people who will be affected by the proposal. This should include:

- There are currently approximately 1400 individuals accessing commissioned day services in Norfolk.
- All this group have a learning disability and/or autism. They may also have other disabilities.
- 59% of this group are male and 41% female. This compares to 61/39 nationally so our dataset is representative of the national distribution for those with learning disabilities.
- This service is for adults (18+) below is a table identifying the split in age ranges.

18-24	21%
-------	-----

25-34	23%
35-44	18%
45-54	17%
55-64	14%
65+	7%

- 95% of those affected by the introduction of this service are White British, this is in line with the demographics for Norfolk as a whole.
- We do not hold data for the other protected characteristic for this specific group.

Note – this section is essential – unless you have a clear understanding of who will be affected, you cannot fully assess the potential impact.

Potential impact

8. Having identified the people who may be affected by your proposal, now analyse what impact the proposal may have on these people.

The introduction of the new Life Opportunities service presents a positive impact for all those accessing them. There will be more information about the activities available which will support individuals to have choice and control. The variety of services and opportunities to access genuine employment and training resources is greater and more transparent. This enables all individuals to ensure the opportunities and outcomes offered to them are appropriate. The service introduces a greater focus on supporting all individuals to be an active part of their community. It will also ensure specialist services with the most appropriate equipment, technology and well-trained staff for the level of need.

Throughout the life of the project, equality has been at the forefront and embedded in all aspects of planning and design.

The service specifications for the new pathways refer to the Equality Act 2010 and it is our intention for these services to be delivered equally, regardless of the protected characteristics of the individuals accessing them.

The robust performance monitoring places importance on equality and we will ensure that people who use these services continue to support us to monitor and evaluate them.

Although the number of people accessing our services from ethnic backgrounds other than White British is relatively low, there may be pockets of the county where additional considerations are required. This will be managed by individual service providers and support by Norfolk County Council as required.

Accessibility considerations

Describe here how accessibility will be incorporated into the proposal.

9. We have facilitated and incorporated co-production throughout the design of the new service to ensure the services we design are appropriate, ambitious and accessible.
10. We have also developed a proposal for co-production activity to support implementation and transition to the new service.

Co-production and engagement which has already taken place

When?	What?
2018	The Norfolk Learning disabilities Strategy, 'My Life, My Ambition, My Future' was co-produced. In co-producing the strategy, the council and Norfolk Learning Disability Partnership Board asked people to tell us how we could best improve life for them over the next five years. More than 800 responses were received, via surveys (including Easy Read versions) and face-to-face events. 58% of those who responded were people with a learning disability
April 2018	A pilot with 5 existing providers started to test the Skills and Employment Pathway. We initiated a year long pilot to help us understand the challenges and barriers that prevent adults with learning disabilities accessing and sustaining paid employment. We worked with 5 existing providers who were already offering work focussed activities.
January 2018	We held 5 Provider forums across the county. We introduced the proposed service model and three pathway approach and shared outcomes of the Skills and Employment Pilot. These events were well attended by the current providers as well as potential new providers and valuable feedback used to further develop the service specification and contract terms and conditions.

December 18 – July 2019	Updated LDPB and locality groups. We shared updates to the Learning Disability Partnership Board and Locality Groups from Dec 2018 to July 2019.
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Future co-production and engagement plan

When?	What?
January 2019	Publish a Provider information pack. This pack will include the new service specification which sets out how we want the service to be delivered. It will refer to the Equality Act 2010.
January 2019	Hold a press/media event to promote good news stories around employment opportunities. This will demonstrate how the new skills and employment pathway can be introduced with successful results for individuals.
January/ February 2020	Co-produce a tender evaluation question and scoring. We are currently in discussion with various organisations who can support us to facilitate some co-production activity to support the tender for the new Life Opportunities Framework.
April 2020 – March 2021	12-month pilot of Promoting Independence and Wellbeing pathways. We will ask all current providers for expressions of interest to join in a pilot. The pilot will support us to fully understand how the proposed service needs to support individuals' outcomes.
April 2020 onwards	<p>We plan to co-produce how we communicate the changes to users/families/carers.</p> <p>We have agreed with the Partnership Board to create a working group to co-produce performance measures for planning and service delivery of providers.</p> <p>We are going to challenge all providers to produce a document/poster which explains the changes to the life opportunity service and the impact to individuals.</p> <p>We are using the service specification to ensure that providers co-produce all planning and service delivery.</p> <p>We will ensure that people who use the service will support us to monitor and evaluate to ensure the service continues to be fit for purpose and that equality considerations are regularly and robustly reviewed.</p>

For guidance on the minimum and maximum access considerations that could be built into your proposal, please speak with Neil Howard, Equality & Accessibility Officer, email neil.howard@norfolk.gov.uk; Tel: 01603 224196

Recommended actions

11. If your assessment has identified any adverse impact, set out here any actions that will help to mitigate it.

	Action	Lead	Date
1.	Ensure proposed co-production and engagement activity (identified in the table above) takes place and outcomes continue to improve the service and ensure equality continues to be embedded	Lisa Mathieson	Jan 2020-Mar 2021
2.	Ensure that people who use the service will support us to monitor and evaluate to ensure the service continues to be fit for purpose and that equality considerations are regularly and robustly reviewed.	Lisa Mathieson	Ongoing
3.	Consider how the proposed service works for, and what support is needed, for those accessing, or potentially accessing, our service who come from different ethnic backgrounds. Especially in pockets of the county where numbers are higher.	Lisa Mathieson	Jan 2020-Mar 2021

Evidence used to inform this assessment

- Equality Act 2010
- Public Sector Equality Duty
- Norfolk Insight data
- Data from existing day service provider market
- Internal data from Liquid Logic system and related dashboards
- The Learning Disabilities Strategy 2018-2022

Further information

12. For further information about this equality impact assessment please contact Anna Fairhurst Commissioning Project Officer.



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Guidance notes

Completing this assessment – what you need to know:

- Find out if you need to conduct an equality impact assessment (see below)
- Remind yourself what constitutes a good equality impact assessment (see below)
- Work through the three simple steps on the next page.

Do I need to conduct an equality impact assessment?

You need to conduct an equality impact assessment if you are planning, changing or commissioning policies, projects, strategies, infrastructure or services and this may impact on people - eg service users or staff.

When do I need to undertake it?

The findings of your assessment must be made available to decision-makers before a final decision is taken. You cannot justify a decision after it has been taken.

What constitutes a good equality impact assessment?

The principles below, drawn from case law, explain what is essential:

- **Proportionate** - where a proposal may affect large numbers of vulnerable people, the need to pay 'due regard' is very high.
- **Sufficient evidence** – you must consider what evidence you have and what further information may be needed to inform your assessment.
- **Consultation** - if a proposal constitutes a significant change to an existing service, people affected should expect to be consulted.
- **Genuine assessment** - the courts expect to see written evidence of a comprehensive and objective assessment. Your assessment will be considered inadequate if issues are only considered at a broad level or if relevant evidence is not taken into account.
- **No delegation** – the decision-makers responsible for determining the proposal cannot delegate consideration of the equality impact assessment to anyone else.
- **Contracted services** – the Council is responsible for ensuring that contracted services comply with equality law and do comply in practice.
- **Actions to mitigate any negative impact** – if adverse impact is identified by an assessment, consideration must be given to measures to avoid or mitigate this before agreeing the decision.

It is not always possible to adopt the course of action that will best promote the needs of people with protected characteristics. However, assessments enable informed decisions to be made, that take into account every opportunity to minimise disadvantage.

¹ Prohibited conduct:

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have, or because they associate with someone who has a protected characteristic.

Indirect discrimination occurs when a condition, rule, policy or practice in your organisation that applies to everyone disadvantages people who share a protected characteristic.

Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

2 The protected characteristics are:

Age – e.g. a person belonging to a particular age or a range of ages (for example 18 to 30 year olds).

Disability - a person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment - the process of transitioning from one gender to another.

Marriage and civil partnership

Pregnancy and maternity

Race - refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion and belief - has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (such as Atheism).

Sex - a man or a woman.

Sexual orientation - whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes.

3 The Act specifies that having due regard to the need to advance equality of opportunity might mean:

- Removing or minimizing disadvantages suffered by people who share a relevant protected characteristic that are connected to that characteristic;
- Taking steps to meet the needs of people who share a relevant protected characteristic that are different from the needs of others;
- Encouraging people who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such people is disproportionately low.

4 Having due regard to the need to foster good relations between people and communities involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

Report to Scrutiny Committee

Report title:	Forward Work Plan
Date of meeting:	20 February 2020
Responsible Cabinet Member:	N/A
Responsible Director:	Executive Director of Strategy and Governance
Is this a key decision?	N/A
Actions required The Scrutiny Committee is asked to consider and agree the draft forward work plan and any future items for scrutiny.	

1. Background and Purpose

- 1.1. At the last Scrutiny Committee meeting on 28 January 2020 Members considered a forward plan of scrutiny work. The proposed issues for future scrutiny have subsequently been considered by the Chair and Vice Chair of the Committee and are outlined at Appendix A.

2. Proposals

- 2.1. It is suggested that the Committee considers the draft forward work plan and agrees any future possible items for scrutiny. When considering items for scrutiny the Committee could consider:

- What the benefits are that scrutiny could bring to this issue?
- How the committee can best carry out work on this subject?
- What the best outcomes of this work would be?
- How this work could engage with the activity of the Cabinet and other decision makers, including partners?

Scrutiny should ideally also:

- Have a clear process and methodology
- Be aligned to Council priorities
- Reflect the priorities of the community
- Be Member led

- 2.2. The Committee may also wish to consider the Cabinet Forward Plan of key decisions and work plan in order that it can schedule any pre-scrutiny it wishes to undertake in advance of a Cabinet decision. A copy of the Cabinet Forward Plan is attached [here](#).
- 2.3. The current Select Committee forward work programmes are available at the following links to ensure any suggested areas for scrutiny are considered by the

most appropriate body and to avoid duplication of topics.

- [Corporate Select Committee](#)
- [Infrastructure and Development Select Committee](#)
- [People and Communities Select Committee](#)

3. Resource Implications

3.1. Staff:

Support for the Council's scrutiny function is provided by the Head of Democratic Services and the Democratic Support and Scrutiny Manager as part of their wider roles. There is no dedicated additional support for task and finish groups.

3.2. Property:

None

3.3. IT:

None

4. Other Implications

4.1. Legal Implications:

In considering their forward work plan the Scrutiny Committee should have regard to the Government's Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities. A copy can be found [here](#).

4.2. Human Rights implications

None

4.3. Equality Impact Assessment (EqIA) (this must be included)

None

4.4. Health and Safety implications (where appropriate)

None

4.5. Sustainability implications (where appropriate)

None

4.6. Any other implications

None

5. Risk Implications/Assessment

5.1. None

6. Select Committee comments

- 6.1. The Scrutiny Committee should take into consideration any comments raised by the Select Committees regarding their own forward work plans to avoid duplication.

7. Recommendation

7.1. The Scrutiny Committee is asked to:

- consider and agree the draft forward work plan and any future possible items for scrutiny.

8. Background Papers

- 8.1. [Ministry of Housing, Communities and Local Government- Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#)

[Norfolk County Council's Constitutions – Appendix 10: Overview and Scrutiny Procedure Rules](#)

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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Tel No: 01603 228913

Email address: Karen.haywood@norfolk.gov.uk



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Appendix A

Date of meeting	Scrutiny Topic	Areas for focus	Cabinet member	Executive Director
20 Feb*	Call in – Life Opportunities for Adults with disabilities and/or autism		Bill Borrett	James Bullion
17 Mar	Changes to the Child and Family Support Service	Six-month review of changes	John Fisher	Sara Tough
	Regional Schools Commissioner	To understand the role of the Regional Schools Commissioner and how this links with that of our Children's Services department regarding exclusions from schools and SEND provision. The RSC, Sue Baldwin, will be attending this meeting.	John Fisher	Sara Tough
22 April**				
27 May	New Anglia LEP	Update on LEP activities and issues raised on 17 December meeting in particular: <ul style="list-style-type: none"> • LEP Board action plan in climate change • LEP tourism strategy 	Fiona McDiarmid	Andrew Proctor

** Revised meeting date from Tuesday 21th April to Wednesday 22nd April 2020

Meeting dates post May 2020 have been agreed as follows:

23 June 2020

22 July 2020

19 August 2020

23 September 2020

21 October 2020

18 November 2020

23 December 2020

27 January 2021

17 February 2021

24 March 2021

28 April 2021

Items to be scheduled:

Peer Review

The Committee agreed at the meeting on 17 December that they would defer consideration of this item until after officers have raised with the Leader when the Corporate Peer Review will next be considered by Cabinet.

It was noted that the Scrutiny Committee was most likely to be in a position to consider the findings of the Corporate Peer Review and action plan in March 2020 this date will be confirmed at the meeting.