

London Borough of Waltham Forest

Report Title	Learning Disabilities Day Opportunities Review	
Meeting / Date	Cabinet, 3 December 2024	
Cabinet portfolio	Councillor Mitchell, Portfolio Lead Member for Adults and Health	
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Wards affected	All	
Public access	Open	
Appendices	Appendix A: Public consultation report and free text responses to consultation Appendix B: Public consultation alternative options and evaluation Appendix C: Staff consultation alternative options and responses Appendix D: Consultation document Appendix E: Consultation survey Appendix F: Easy read consultation document Appendix G: Easy read consultation survey Appendix H: Equality impact assessment Appendix I: Recommendations from Health and Adult Social Care Overview and scrutiny committee Appendix J: Vacancy information of alternative providers Appendix K: Map of in-borough providers	

1. Summary

- 1.1 On June 4 2024 Cabinet agreed to consult on the closure of the Markhouse Centre, a Council owned day opportunities service for people with learning disabilities. This report presents the outcomes from the public consultation and staff consultation, and alternative proposals received. The report seeks Cabinet agreement to proceed with the proposed closure of the Centre and the rationale for this recommendation.
- 1.2 The report sets out a set of principles that would underpin how the Council will support residents that currently attend the Centre through

any closure of the Centre, including supporting families and services users to access alternative provision available in the borough. It also sets out timeframes, should Cabinet decide to close the Centre, for implementation following service user reviews and plans for supporting transition of existing service users.

2. Recommendations

- 2.1 Cabinet is recommended to:
 - 2.1.1 Consider the responses to the public consultation as set out in Appendix A and Section 6 of this report;
 - 2.1.2 Consider the alternative proposals put forward by residents as set out in Appendix B and Section 4 of this report;
 - 2.1.3 Consider the alternative proposals put forward by staff as set out in Appendix C and Section 4 of this report;
 - 2.1.4 Consider the feedback and requests from the Health and Adult Social Care Scrutiny Committee as set out in Appendix I;
 - 2.1.5 Agree to proceed with the proposed closure of the Markhouse Centre in its' current form;
 - 2.1.6 Note the arrangements to implement person-centred transitional arrangements for all for people currently accessing the Markhouse Centre as set out in paragraph 3.16; and
 - 2.1.7 Note that if a decision is made to close the Centre, the future of the site and building will be considered as part of the Strategic Asset Management Plan.

3. Proposals

- 3.1 The Markhouse Centre is a Council-owned, building-based day opportunities service based in Walthamstow. It offers support to adults with learning disabilities/autism and complex needs within the hours of 09.30-15.30. The service offers group-based activities, with some individual 1:1 programmes. Activities include music, movement, keep fit, art and gardening. As well as providing activities, staff provide support with personal care, eating and drinking and communication in accordance with individual needs. The building is also used to deliver some training within adult social care.
- 3.2 There are currently 51 residents with learning disabilities that regularly attend the service, among them 40% have an additional diagnosis of autism, 21% use a wheelchair for all mobility, and approximately 25% have profound and multiple learning disabilities. The service has an average of 28 people attending on each weekday. Half of those using the service attend for 3 days a week, with some people attending 2 days per week. Through the public consultation respondents indicated that there are some residents who have attended the service for over

30 years, but the majority for less, with a number who have attended the service for under 2 years.

- 3.3 The decision to consult on the proposal to close the Markhouse Centre followed a review of the provision at the Markhouse Centre. The rationale for the consultation on the proposal to close the Centre was based around 3 interrelated issues:
- The Council's vision for person-centred day opportunities provision, ensuring access to modern community based provision, and that the Markhouse Centre provided a more limited building based provision;
 - The quality of the building – the fact that the building is in poor condition and needs £1.2m investment to ensure it was more fit for purpose, but that this investment would not deal with the general obsolescence of the building.
 - Firm financial footing – the fact that alternative provision would offer better value for money for the Council to meet the needs and outcomes of residents, supporting the Council's wider mission to ensure a firm financial footing.
- 3.4 As part of Mission Waltham Forest, and its focus on ensuring a firm financial footing, the Council needs to maximise value for money from capital and the use of the Council's broader estate. Considering the age of the Markhouse Centre building, the nature of the works needed, which include repairs to the fabric of the building and systems including heating and electricity, and considering the estimated cost of these works, it is no longer economical to invest in this building.
- 3.5 The feasibility and viability of relocating the service to an alternative building, the Ferguson Centre, was set out in the Cabinet paper in June. This involved a detailed feasibility and viability study which concluded the proposition was not viable.
- 3.6 The Council is currently undertaking a phased asset review of its operational estate to ensure the effective utilisation of its estate that best meets changing service needs, is fit for purpose and delivers financial and social benefits. The Council's asset strategy will be taken to Cabinet in Spring 2025. If Cabinet agrees with the recommendation that the Council ceases to provide an in-house service from the Markhouse Centre, the future use of the site will be incorporated into the Council's asset review, along with other buildings including the Ferguson Centre.
- 3.7 All decisions regarding the future use of an asset must be made in the context of the Council's Strategic Asset Management Plan (the 'SAMP') which establishes the Council's approach to the management of its property portfolio and determines the role of all real estate assets in achieving the council's corporate objectives and overarching Mission

Waltham Forest. The SAMP Board oversees the delivery of the Council's Strategic Asset Management Plan (SAMP), providing direction, guidance and decision making to support the successful development and delivery of the Strategic Asset Management Plan. The Board consists of officers across the council and operates in accordance with the Council's governance structure.

- 3.8 The Council's Property Procedure Rules provide that the immediate effect of any buildings being declared surplus is that the property is transferred across to the Property team after three months until such time as the property is repurposed, leased-out or disposed of. The role of the Property Team is to evaluate all options and submit recommendations to the SAMP Board.
- 3.9 At this stage it is not possible to confirm what the future use of the building or site would be in the event a decision is taken to close it as a Day Centre. One of the potential options for future use of the site would be extra care provision. As well as supporting independence, additional extra care provision on the site would reduce financial pressure on adult social care services, addressing the needs of vulnerable residents.
- 3.10 The public consultation was originally scheduled to run from Monday, June 17, to Sunday, July 28, 2024. In response to feedback from residents the consultation was rescheduled to commence after the General election. The consultation took place between Monday 8 July – Sunday 25 August, which included an extension of a week to provide sufficient time for residents to respond. The consultation gathered feedback from the community and other stakeholders on the future of the Markhouse Centre and enabled those responding to put forward any alternative proposals, details of which are set out in Appendices B and C and Section 4 of this report.
- 3.11 Commissioners regularly meet with day opportunities providers throughout the year at planned provider forums that meet on a quarterly basis as well as individual service meetings. Since Cabinet took the decision to consult additional meetings have been held with providers to gather up to date information about and evaluate the capacity of day opportunities providers, to respond to the change in local provision should Markhouse close.
- 3.12 There are a broad range of day opportunities providers that Waltham Forest residents currently access. The indication is that the market has the capacity to mobilise and respond to the proposed closure of Markhouse, meet needs of service users, and has the ability to meet the equality, diversity and inclusion needs of service users. Many of the alternative providers are in Waltham Forest but some are in neighbouring boroughs. The locations of in-borough providers can be seen on the map in Appendix K. The services offer a range of different types of support, some are tailored to support autistic adults, some

support people with complex physical support needs with accessible spaces and changing facilities and some support those with behaviour that challenge. There are also providers that offer support tailored towards employment, providers that offer all day support over five days a week and others that offer more sessional activities. These operate out of a range of locations.

- 3.13 To understand whether the external market could respond if Markhouse was to close, officers carried out a desktop exercise to look at current market capacity and its ability to meet the level of support needs of those who currently access the Markhouse Centre. Based on previous historical care act assessments and the knowledge that the learning disabilities social work team has of service users that attend the Markhouse Centre, the social work team identified the number of service users with each level of need to inform the desktop exercise on capacity. This work identified that there are:

17 current service users with more moderate service needs
28 current service users with more moderately higher service needs
6 current service users with high service needs

This was a desktop exercise based upon the current information held regarding the specific assessed needs of service users.

- 3.14 Current information from providers on their vacancies and ability to recruit staff to create additional spaces is set out in Appendix J. Although this is just a snapshot and not based upon the specific assessed needs of individuals', this indicates that the market does have the capacity required.

- 3.15 The Council's commissioning team looked at capacity in both March and September 2024. Discussions with providers noted that:

- Providers had capacity to respond to the needs of new referrals in response to the potential closure of the Markhouse Centre. The findings demonstrate that our current day opportunity providers have the capacity to accept new referrals. During the engagement providers expressed their capability to meet the current profile of support needs of users attending the Markhouse Centre;
- Providers would be able to respond to the change in provision, and that they will seek to mobilise in response to any closure if such a decision is made about the Markhouse Centre including, where necessary, accessing any additional training and development to support their ability to do so;
- Providers had the experience and skills to provide services with reference to equalities, diversity and inclusion and be able to respond to the different cultural requirements and needs of residents.

- 3.16 The discussions with providers also identified that should the Council close the Centre, some residents transitioning into any alternative provision would need to have 2-3 months to support appropriate transition into services, including facilitating visits and taster days to support transition.
- 3.17 We have recently become aware that Waltham Forest Disability Resource Centre will be closing in December. This centre currently provides a range of support activities for disabled adults in Waltham Forest and neighbouring areas between Mondays to Fridays e.g. Zumba, Table Tennis, Women's Exercise, Needlecrafts, Fine Art, various crafts and a Community Choir. Council officers are reviewing whether there are any residents that attend the Markhouse Centre that also attend the Disability Resource Centre. Should there be any residents that attend both services, the learning disabilities social work team will work with residents to identify appropriate alternative provision. The Council's commissioning team is aware of the loss of this other facility but is assured that this has no material impact on their assessment of the capacity of alternative providers. The commissioning team are assured that alternative providers will be able to respond to the proposed closure and meet the needs of Markhouse Centre service users affected by the closure of the Disability Resource Centre, and the needs of future service users.
- 3.18 For residents that attend the service as well as parents/carers, the proposed closure of the service represents a significant change in provision which will have substantial impact on those that attend the service, and their families, whilst they transition to any alternative provision. As reported in the consultation some residents have attended the service in excess of 30 years, for whom this change in provision will be particularly challenging. In addition, some residents have experienced a move from previous day centres in the past, when provision was reorganised, following a Cabinet decision in 2014.
- 3.19 To seek to mitigate and minimise the impact of change, to the extent that this is possible, there are a range of key issues that the service must and will continue to consider and plan for to support all residents and parent/carers if Cabinet agrees to a proposed closure. Key areas are:
- Timely and regular information and communication: central to planning any closure, will be ensuring that parents/carers have timely information about the overall process. Following any Cabinet decision, information about the approach to undertaking re-assessments and approach to transition will be fully communicated to all service users, and parents and carers, who will also be given the opportunity to ask questions through contacting their social worker. Information about care and advocacy organisations able to provide independent support will also be given.

- Person-centred timely reviews and re-assessments: To support residents through the process it will be critical to provide timely information about reviews and re-assessments and ensure that these are person-centred and involve both reviews of the needs of the residents with learning disabilities and the needs of parents/carers. The service will work with service users to undertake assessments following any Cabinet decision and ensure that appropriate support is in place for any transition.
- Transition planning: Ensure that in identifying any alternative provision, residents and wider families have a sufficient planned period through which to transition to appropriate provision, including taster days.
- Friendships: To ensure that in identifying and planning appropriate alternative provision that the existing friendships that residents have developed over a number of years are considered and factored into the process. Where it is not possible for friendship groups to transition to services together, we will seek to identify where possible ways to continue friendships, as well as opportunities for developing friendships in new settings.
- Support for users and families: care and advocacy organisations to provide independent support through the significant process of change for families affected by the closure of the Centre.

3.20 Should Cabinet make the decision to close the Centre, adult social care will look to support residents to access opportunities that will be person-centred, based on their assessed needs within the wider day opportunities market. For some the ability to access a broader range of activities, which would include within community settings as well as access to a building, will better support maximisation of independence and achievement of positive outcomes. The potential to have personal budgets through direct payments is also there for those who wish to maximise choice and control through this route.

3.21 Some people may choose to attend a provision that is out of borough but nearer to their home rather than travel to another provision that is in borough but further away. This would all be considered in the process of determining the right day opportunity placement.

3.22 If Cabinet agrees to close the Markhouse Centre, the learning disability social work team will work with families and providers to support appropriate assessment and transition, enabling as much as time as possible to ensure residents and families have appropriate time to transition. Dependant on the process of supporting residents to access alternative provision, it is expected that the Centre would be closed by the end of June.

- 3.23 Some training is currently delivered at the Markhouse Centre. If the decision is made to close the service, work will be done to identify a suitable alternative location to deliver the training from going forward.

4. Options and Alternatives considered

- 4.1 During the public and staff consultation a number of respondents proposed alternative options for the Council to consider, which some considered that the Council had not previously sufficiently considered when it took the decision to consult. Appendix B sets out the alternative options that were proposed through public consultation and an analysis of these against the rationale for the proposal to close the Centre and the extent to which these would deliver on those objectives. Appendix C sets out the alternative options proposed by staff. Options available to Cabinet which have been considered include the following.
- 4.2 Relocating the service to an alternative building. This option was proposed by residents and staff, with staff proposing a number of alternative buildings which might host the service. All of the alternative buildings suggested would require substantial capital investment to bring those buildings up to standard where they could host a service such as the Markhouse Centre. A number of the buildings proposed are not considered to be appropriate to run the service due to their size and condition. This option would also incur continued running costs to fund the service. This option is not recommended as it does not support the Council's wider focus on ensuring a firm financial footing, which is one of the key reasons for the proposal to close the service. The majority of alternative options submitted in relation to relocating the service to an alternative building were about relocating to the Ferguson Centre. This option is not viable as the building would require substantial capital investment to bring it up to standard. The level of refurbishment would need to be determined however, the building as currently presented does not have suitable insulation and needs works undertaken to the roof and windows as well as the internal changes required to make the space suitable for use by staff and service users. It does not represent value for money for the Council to undertake minor ad hoc repairs and not do other works required to bring an old building up to modern standards, making it fit for public use.
- 4.3 The Council invests in the building to modernise the service so it can continue to be delivered from the Markhouse Centre. This option was proposed by residents and staff. This option would require significant capital investment, likely higher than £1.2m, to bring the centre up to the standard of a modern-day service and would also incur ongoing running costs. Due to the condition of the building, and the fact that more generally it is not fit for purpose as a modern-day centre, this option is not recommended, as it is not considered to be an economical use of Council funding.

- 4.4 Leasing space in the building (such as the first floor) to another organisation to generate income. This option was proposed by residents and staff. This option would require significant capital investment, likely higher than £1.2m, to bring the building up to the necessary standard for the service to continue to operate from there, and to make changes to the building to ensure a viable and safe access point to the first floor for a tenant; to ensure the building was fit for purpose for a tenant ; and to ensure any necessary safeguarding adaptations to the building were put in place. This option would be dependent on the Council's ability to secure a tenant. The view of the property service is that this option is not feasible. It is unlikely that a tenant would be found for the building. If a tenant could be secured, the rental income generated is highly unlikely to be sufficient to financially sustain the service.
- 4.5 Sourcing external investment or fundraising. Residents raised the option of identifying external funding to improve the building, including crowdfunding. This option is dependent on community donations or other external investment which has not materialised into any specific proposal. The timescale for such a proposal cannot be quantified and the option of Cabinet delaying a decision to explore this is not recommended as it is unlikely that this could progress into a viable option that would cover required capital and revenue costs.
- 4.6 Parents/carers creating a consortium to run the building. As in point 4.5 no viable proposal has been put forward in relation to this option that could be evaluated, and it is not recommended for the reasons set out.
- 4.7 Alternative day opportunities provider to take over the building and service. Following the decision by Cabinet in June there were three day-opportunities providers who approached the Council and expressed an interest in taking over the building and service. Upon receipt of information about the building and the service, two providers indicated that they were no longer interested in pursuing the opportunity. A third provider sought, and was provided with, more detailed financial information to enable them to consider whether they wished to put forward a proposal for a potential takeover of the Markhouse Centre building and service. After being provided with financial information regarding staffing costs, outgoings and revenue information, this provider also confirmed that they were unable to proceed with any such proposal.
- 4.8 Merging the Markhouse centre with other services such as day or respite services through sharing the building; utilising the building at weekends and/or in ways that would generate income. Various detailed suggestions were made as set out in Appendix C through the staff consultation as to how the Council could utilise the building in a different way which could avoid closure. The detailed responses as to why those proposals are not considered viable are set out in Appendix C.

4.9 The recommended option is to proceed with the closure of the Centre and support families to access alternative provision. The original rationale for the proposal remains relevant and there have been no feasible alternative proposals that enable the Council to deliver on the three key reasons for the proposed closure of the Centre.

5. Council Strategic Priorities (and other National or Local Policies or Strategies)

5.1 As set out in paragraph 3.3 the rationale for the consultation on the proposal to close the Centre was based around 3 interrelated issues. The proposal aligns with Mission Waltham Forest, in particular the missions to make Waltham Forest a great place to live and age well-maximising opportunities; to ensure every family and every child are given every opportunity, and to ensure the Council has a firm financial footing.

6. Consultation

6.1 Public consultation – approach and methodology

6.2 The public consultation was held from 8 July – 25 August. The consultation approach included:

- A consultation document setting out the proposals;
- An online survey and in hard copy;
- Information about alternative day opportunities providers;
- A set of frequently asked questions that was updated during the consultation in response to questions raised;
- A dedicated email address for residents to send queries to was provided.

6.3 The consultation included engagement with the Adult Social Care residents' group and the SEND parents forum, as well as the SEND strategic group, the Carers forum and the self-advocacy group supported by PohWER.

6.4 There were 5 face to face drop-in sessions at the Markhouse Centre and one on-line drop in session. Total attendance across these sessions was 65 parent/carers, with 42 individual parents/carers attending the sessions, as some parent/carers attended multiple sessions. These sessions included support from advocacy organisations Carers First and PohWER, and access to interpreters for those residents that required this. These sessions provided an opportunity for parents, carers and residents that attend the service to find out more about the consultation, ask questions and where necessary get support in completing the survey. Additional support was provided to residents that required support from Markhouse staff in completing the survey.

6.5 A detailed analysis of the consultation findings is set out in Appendix A.

6.6 We received the following responses to the question –

‘To what extent do you agree or disagree with the Council’s proposal to close the Markhouse Centre?’

85% of survey respondents (108) strongly disagree with the Council’s proposal to close the Markhouse Centre.

6% of survey respondents (8) tend to disagree with the Council’s proposal to close the Markhouse Centre.

4% of survey respondents (5) strongly agree with the Council’s proposal to close the Markhouse Centre.

2% of survey respondents (3) tend to agree with the Council’s proposal to close the Markhouse Centre.

2% of survey respondents (3) neither agree nor disagree with the Council’s proposal to close the Markhouse Centre.

1% of survey respondents (1) don’t know.

6.7 70 service users and parent/carers completed the survey (19 service users and 51 parent/carers).

- 84% of those (59) strongly disagree with the Council’s proposal to close the Markhouse Centre.
- 10% of those (7) tend to disagree with the Council’s proposal to close the Markhouse Centre.
- 4% of those (3) tend to agree with the Council’s proposal to close the Markhouse Centre.
- 2% of those (1) don’t know.

6.8 Key themes which arose from the public consultation are set out below and responded to:.

- Lack of trust in the Council’s consultation process and decision making
- Quality, location, and type of service provided at the Markhouse Centre
- Quality, capacity and capability of alternative providers
- Building condition and utilisation
- Impact on health and wellbeing of service users, parents and carers and wider family and the challenges of transitioning to alternative provision
- Transport provision
- Younger people’s transition into adult services and age-appropriate provision
- Social care team capacity

6.8.1 Lack of trust in the Council's consultation process and decision making:

The consultation process was designed to genuinely hear the views of those that use the service, their parents and carers, and Waltham Forest residents. Officers also put arrangements and support in place to ensure that parents, carers and service users had an opportunity to share their views.

6.8.2 Quality, location and type of service provided at the Markhouse Centre

The positive feedback that the service has received from respondents, and the efforts of staff to support both the needs of residents that attend the service and their parents/carers is acknowledged. The provision offered at the Markhouse Centre represents a predominantly building based service. Whilst officers recognise that building based provision can be appropriate for some residents with complex needs, including for some of the residents that attend the Markhouse Centre, such services limit the ability of residents to experience broader opportunities that can support their identified outcomes. The residents that attend the service regularly have differing levels of need. Of the 51 residents that regularly attend, 40% have an additional diagnosis of autism, 21% use a wheelchair for all mobility, and approximately 25% have profound and multiple learning disabilities.

6.8.3 Quality, capacity and capability of alternative providers. A number of parents and carers highlighted concerns, including from their own experiences, that alternative services available in the borough and outside of the borough would not be suitable for the needs of their loved ones. Some parents and carers set out that their view that the Markhouse Centre was the only suitable service available to support individuals with complex needs within the Borough. In relation to concerns raised regarding the quality assurance of external providers, there are quality inspections carried out by the Council's Quality Assurance Team which ensures that all policies and procedures are in place. This includes ensuring all DBS checks are up to date and that training and development has taken place, such as medication training where applicable. The quality team also respond to any quality concerns raised. They investigate these concerns and if necessary, put in place service improvement measures and work proactively with providers to drive up quality.

6.8.4 Building condition and utilisation. During the consultation a number of parents and carers set out concerns that the Council had not maintained the building to a sufficiently high standard. They made the point that had appropriate maintenance been carried out the scale of investment identified would not be required. They also queried why the Council had not already identified available funding to invest in the building. Parents and carers also raised concern that the building was underutilised as the first floor has been rendered unusable and inaccessible to people using the Centre, due to the lift not being in use. Some parents and carers challenged the overall potential cost of the improvements to the building and questioned the reliability and

objectivity of the building survey report that formed the basis of £1.2 million investment that was required to improve the building. Parents and carers felt that not all the improvements in the building survey proposed were necessary. Through staff consultation, staff have also raised concerns about the maintenance of the building and the cost of the investment required.

6.8.4.1 The Council has invested and maintained the Markhouse Centre over several years, this has included regular investment into the building to maintain its use. The Council commissions building surveys periodically as part of its strategic asset management planning and to inform all property related decision making. The building surveys are conducted by a suitably qualified organisation to identify areas of operational and financial risk and to support the Council in making investment decisions. The Council procured an updated Schedule of Condition for the Markhouse Centre on 27th November 2023 which identified the total approximate cost of bringing the Markhouse Centre up to an acceptable condition to be £1.267 million (valid on 27th November 2023).

6.8.4.2 Impact on health and wellbeing of service users, parents and carers and wider family and the challenges of transitioning to alternative provision: Consultation feedback strongly indicated concern from parents and carers at the impact that closing the Centre would have on the health and wellbeing of their son/daughter/relative that attended the Centre, as well as the impact on the parent/carer themselves. It was shared that a number of residents had attended the service in excess of 30 years and as such closing the service would represent a significant change.

6.8.5 Officers acknowledge that the proposal to close the Markhouse Centre has created a level of concern and anxiety amongst parents and carers, and the change to the provision would have a significant impact. It is acknowledged that if the Centre is closed it means transitioning to alternative services, with a new arrangement for service users and parents and carers and families, and that this level of change would be very challenging for some current users of the Markhouse centre.

6.8.6 Transport provision A number of parents and carers raised their concern that should the Centre be closed, the length of travel time to reach alternative provision would be longer. A number of parents and carers raised that this would be difficult for the service users that have a disability and complex needs. Parents and carers also raised concerns about the availability and cost of transport provision, noting that the Markhouse Centre currently provides transport for service users to reach the Centre but that alternative providers did not necessarily provide this, and that this would be at an additional cost.

6.8.6.1 Closing the Markhouse Centre would impact on transport arrangements for residents that currently attend and their parents and

care. Where service users are eligible for transport, the learning disabilities social work team will work with service users and their families to facilitate and support appropriate arrangements as necessary, in accordance with the Adult Social Care Transport Policy. The majority of independent day opportunities providers do offer their own transport if required.

6.8.6.2 Transport arrangements for each service user and their families is based on the Adult Social Care Transport policy agreed in January 2023. The policy is based on the following principles:

- Promoting Independence and enablement
- Maximising choice and control
- Dignity
- Improving quality of life
- Supporting health and wellbeing
- Accessing local and universal services
- Person-centred and personalised outcomes.

6.8.6.3 The policy states that where it has been established that no existing transport provision is available, or its use may introduce unreasonable levels of risk to a person when travelling independently, an assessment will be undertaken and will follow the principles set out in the Care Act 2014.

6.8.6.4 Once eligibility has been confirmed via assessment, it will be the duty of Adult Social Care to facilitate appropriate arrangements for transport. Directly provided transport services will be provided only once other alternatives have been considered and ruled out.

6.8.6.5 There is no single definition of what a reasonable distance/time is to access day opportunities that meet social care needs. An assessor should be able, having information about an individual's abilities and the transport options available, to define 'reasonable' for that individual. It will be for each person to decide how far they are willing to travel in order to extend their choice but if they choose to access a service further than one capable of meeting their assessed need which is nearer, they will be required to fund the additional transport cost from their own resources.

6.8.6.6 Where assisted transport is provided, and it is deemed reasonable, then the Council operates a charging policy. The amount an individual will be charged will be subject to a financial assessment in accordance with the Care Act 2014 and the principles in the Council's Fairer Contributions Policy for Non-Residential Care and Support and Personal Budgets.

- 6.8.7 Younger people's transition into adult services and age-appropriate provision. If the service is closed, as part of the wider arrangements to support families to access alternative provision, the Council will work with future young people to identify appropriate alternative provision based on assessment of need. As part of wider market shaping, the Council's commissioning function will consider ways in which to meet young people's specific needs and the scope to develop services that are targeted towards young people.
- 6.8.8 Social care team capacity. During drop-in sessions and through survey responses parents and carers highlighted their concerns about the capacity of the community learning disability team to be able to respond to the potential closure of the Markhouse Centre. Officers note that there is pressure on social work services. Should Cabinet make a decision to close the Centre, the learning disabilities social work service will work closely to manage resources and support residents in delivering reviews and assessment. Any resource pressures would be closely monitored and where the need for additional resources is identified this would be part of contingency planning. It is also acknowledged that service users with complex needs need time for effective transitions to move on to alternative services. Should the Council decide to close the service, the social work service would work in conjunction with the commissioning service, health partners, service users, parents, and carers to make any transition as smooth as possible.
- 6.9 Alongside the statutory consultation, parents and carers also organised a petition to campaign against the proposed closure which ran from 8th July to 30th September. 81 people signed the petition. The Council wrote to the lead petitioner and noted the petition as part of the feedback to the proposal to close the Centre.
- 6.10 The information set out on the Council's website as the explanation for the petition, as entered by the petition signatory is as below: 'We, the undersigned are deeply concerned about the proposed closure of the Markhouse day centre for people with learning disabilities and autistic people who have the highest needs in this cohort. This vital resource provides essential support, care, and a sense of community for individuals with the highest support needs in our society. Closing this day centre would have a devastating impact on the individuals who rely on its services for social interaction, skill development, and emotional well-being. Many of them have complex support needs that cannot be easily met by other services. Removing this crucial support system would not only adversely affect the quality of life for those with learning disabilities and autism, but also place additional strain on their families and caregivers who depend on the day centre for respite and assistance. We urge the Cabinet to reconsider the decision to close the day centre and explore alternative solutions to ensure that these individual.'

6.11 The petition put forward the following reasons as to why the closure of the Markhouse Centre should be reconsidered:

- Community Integration: Markhouse Centre plays a crucial role in promoting community integration for individuals with learning disabilities and autistic people.
- Skill Development: The Markhouse Centre offers a range of programs and activities that help individuals with learning disabilities and autistic people develop essential life skills.
- Support Network: Markhouse Centre serves as a support network for both individuals with learning disabilities, autism and their families/care givers.
- Equality and Inclusion: Closing the Markhouse Centre would be a step backward in our efforts to create an inclusive society.
- This is the only service of its kind in the borough. Without this vital support there will be a severe detrimental effect on people with the highest support needs within our community.

6.12 Staff consultation

6.12.1 A 45-day staff and Trade Union consultation was held between 3rd September and 17th October 2024. The alternative proposals received from staff and detailed responses to those are in Appendix C. 14 members of staff submitted a response to the consultation.

6.12.2 Key themes that came out of the staff consultation are:

- The service model
- Building maintenance
- Future plans for the building
- Costings related to the proposed closure
- Alternative provision
- Quality assurance
- Impact on Asian residents who use the service
- The decision making process
- Relocating the service to an alternative building
- Alternative options that have been considered
- Impact on service users and families

6.12.3 As can be seen a number of the key themes arising from staff consultation mirror those raised by the public consultation and are addressed in the report and appendices.

6.12.4 Staff feedback raised the concern that keeping Markhouse centre open was needed to ensure the marginalised community especially Asian women who make up 20% of the service do not become isolated and lose their existing services. Staff expressed the concern that this group would end up being at home as services out in the provider sectors would not be able meet their cultural needs. Staff said that when Day service Asian women merged with Markhouse 40% were lost due to their unhappiness of moving to mixed services. Staff said that they

have worked hard to provide a service that meets all cultural needs respectfully.

6.12.5 Officers have reviewed the proposal to keep the Markhouse Centre open to ensure marginalised communities, especially Asian women, do not become isolated. Through continually working with the learning disability day opportunities provider market, officers are confident that the wider market can effectively meet cultural needs. That work has included engagement with the market to understand the ethnic breakdown of other providers and the extent to which this is similar to that of the Markhouse centre. Approximately 40% of attendees of other day opportunities provision come from an Asian background, compared with 47% of service users who attend the Markhouse Centre.

6.13 **Consultation with Health and Adult Social Care Overview and Scrutiny committee**

6.13.1 A summary of findings of the public consultation and officer responses to the points raised in that consultation were provided for the Health and Adult Social care Overview and Scrutiny Committee for its meeting on 9 October. The Committee also heard from a number of residents that articulated issues and concerns about the proposed closure of the Centre, which reflect issues raised during the consultation.

6.13.2 In response to the information that was shared and the discussions that the Committee had, it made a series of recommendations to Cabinet, which are set out below alongside the officer responses to these:

- Recommendation 1: Service to provide the full cost of alternative proposals ahead of December Cabinet.
- Officer response: Amend: Officers have sought to provide the full cost of alternative proposals. However the proposals received through the public consultation were not sufficiently detailed proposals in order to enable officers to cost them, and in some instances the proposals were not sufficiently viable to provide the full cost of alternative proposals. As such it is proposed that this recommendation is amended to:
The alternative proposals are fully costed by officers where possible ahead of December Cabinet.
- Recommendation 2: Service to implement measures to mitigate the disproportionate impact on service users who are of Asian heritage
- Officer response: Accept: Through the implementation of closing the Markhouse Centre, it is important that the Council seeks to mitigate any disproportionate impact on service users, including those who are of Asian heritage. Within the equalities impact assessment developed by officers and as set out in the Cabinet report, measures are in place to mitigate the disproportionate impact on service users of Asian heritage. All services users will

receive a person-centred re-assessment of their needs, including any specific cultural needs that need to be taken into account, to inform any service that they may be supported to access that will meet their needs.

- Recommendation 3: Service to bring a report to a future Health and ASC Scrutiny Committee reviewing the transition to alternative providers, if the decision is to close the Markhouse Centre.
- Officer response - Accept: The recommendation for the Committee to review the transition to alternative providers is accepted, and officers will consider when would be the best opportunity for the Committee to review progress of transition.
- Recommendation 4: Service to provide assurances to Cabinet that all reasonable steps are taken so the friendship groups of the 23 vulnerable users of the Markhouse Centre are kept together.
- Officer response - amend: The closure of the Markhouse Centre will have a significant impact on families and service users that currently attend the Centre, and officers note that includes all service users. During the public consultation residents that responded highlighted the importance of the friendships that residents that attend the Centre had developed over the time that they had attended the centre. As such, should the decision be taken to close the Centre, a key factor that will be taken into account when undertaking assessment and supporting residents to access alternative provision will be where existing friendships exist and seeking to support and enable these friendships to continue. It is noted however that when assessments are undertaken of individual residents any provision will need to be based on their own needs. It is proposed that the recommendation is amended to:
Service to provide assurances to Cabinet that all reasonable steps are taken so that service users have the opportunity to maintain the friendships that they have made at Markhouse.

6.13.3 The full reference from the Health and Overview Scrutiny committee is set out in Appendix I.

7. Implications

7.1 Finance, Value for Money and Risk

7.1.1 Capital Investment required

7.1.1.1 The closure of the Markhouse Centre would negate £1.2 million investment in repair costs as set out in the 2023 building survey and referenced in paragraph 3.3.

7.1.1.2 The current quality of the building is in poor condition and needs £1.2m investment to ensure it was more fit for purpose, but this investment would not deal with the general obsolescence of the building.

7.1.1.3 If Cabinet decides to cease to provide services from the Markhouse Centre, the future use of the site will be determined in the context of the Council's Strategic Asset Management Plan and in accordance with the Council's governance structure.

7.1.2 Revenue Budget MTFS Savings

7.1.2.1 The current budget for the Centre in 2024/2025 is £1.716 million. This includes staffing of £1.354 million and the remainder is associated running costs including repairs and maintenance.

7.1.2.2 There is a savings proposal in the current Medium Term Financial Strategy relating to the review of day opportunities, which will be impacted depending on the any decision about the Centre's future. The financial savings proposal is formulated based on using the existing available funding for running the Markhouse Centre, including staffing and running costs to purchase an alternative, appropriate provision for the current service users. Based on this latest modelling there is an indicative value for money cost reduction in provision

7.1.2.3 The original modelled annual revenue savings for the proposed closure of the Markhouse Centre is £400k. If the recommendation to close the facility is agreed, further financial modelling will be required and will include detailed review of individual service user needs and the actual costs of reprovision, including transport costs. Therefore, the final actual revenue budget savings, because of closure, will not be known until all residents' needs are reviewed and they are appropriately placed in alternative provision.

7.1.3 Should the premises become vacant the Council will incur holding costs in maintaining the security of the building.

7.2 Legal

7.2.1 The Care Act 2014, supporting regulations and guidance set out the process of assessment of an adult's needs for care and support, and determining how eligible care and support needs are met. Whilst there is no obligation that the authority delivers in-house services, the Care Act places a duty on the local authorities to promote the efficient and effective operation of the market for adult care and support as a whole to ensure that it meets the needs of all people in their area who need care and support. Before taking a decision leading to the closure of services, the Council must be satisfied that doing so does not lead to it being unable to meet its' legal duty to ensure that the needs of all adults in their area who need care and support are capable of being met.

7.2.2 The Care Act Guidance specifies that when introducing a significant change in policy or practice that may affect service users, there is a need to consult. Closing Markhouse Centre will amount to a significant change which affects service users.

7.2.3 The Council must ensure compliance with the Public Sector Equality Duty (PSED), under s.149 Equality Act 2010 which may and does in these circumstances require consultation where there are protected groups who are adversely affected, to ensure decision makers have sufficient information to enable them to have due regard to the need to advance equality of opportunity and eliminate unlawful discrimination. Members are referred to Appendix H, (the Equality Analysis) that sets out the nature of the duty.

7.2.4 The consultations have taken place at the formative stage, provided information on the proposal being consulted upon and reasons for that proposal, has provided adequate time for consideration of the proposals and response. Cabinet Members must consciously take into account any consultation responses and options proposed before taking its decision. Consultation responses are not binding on decision makers but must be taken into account.

7.2.5 The Equality Impact Analysis at appendix H, details set out in the report and Appendices identify the negative impact on the protected group of disabled persons, and other groups which cannot be fully mitigated in the event a decision to close Markhouse Centre is taken. Cabinet members must be satisfied that the negative impacts identified that cannot be fully mitigated are justified, and that closure is a justified and proportionate means of achieving the outcomes sought.

7.3 Equalities and Diversity

7.3.1 A thorough Equalities Impact Assessment (EQIA) has been undertaken to assess and understand any disproportionate impact that the closure of the service may have on residents with any protected characteristics; the Equalities Impact Assessment is set out in Appendix H. This impact assessment draws upon the initial assessment conducted ahead of Cabinet's decision in June, and reflects the feedback from the consultation, and sets out proposed mitigations.

7.3.2 It is reflective of the current proposal to close the Markhouse Centre and to work with service users, parents, carers, and the wider learning disability day opportunities provider market to support service users to access alternative provision, in line with individual needs and following a person-centred assessment.

7.3.3 In the Equalities Impact Assessment, the Council has considered impacted groups such as disabled, ethnic groups and other groups who are disproportionately impacted together with the actions that can be

taken to mitigate impact by using relevant data, insight gained during the consultation and ongoing work with the learning disability day opportunities provider market to determine their capability and capacity.

- 7.3.4 Many respondents to the consultation raised concerns about the negative impact that a closure of the centre would have on disabled service users and their quality of life, physical and mental health, and wellbeing. Some carers said that the proposal had already had an impact on service users.
- 7.3.5 The service has a high proportion of users that are from Asian heritage, and additionally a significant representation of females, as well as a high proportion of people that follow the Islamic faith. As such as set out in the EQIA the proposed closure of the service may have a disproportionate impact on these communities.
- 7.3.6 During the consultation, some respondents raised concerns about the availability of appropriate provision for young people leaving education. Concerns were also raised about and the availability of specific provision for young people that allows them to socialise with their peers, rather than current arrangements where service users of all ages attend services together.
- 7.3.7 Several respondents highlighted that many current service users will find transitioning to alternative provision and adapting to change and a new environment difficult, and this will negatively impact their behaviour and cause distress and disruption.
- 7.3.8 Some respondents raised concerns that this is the only suitable council-run day centre in the borough for residents with complex needs and that proposed alternative providers would not be able to meet the complex needs of current service users.
- 7.3.9 Should a decision be taken to close the Markhouse centre, the service will complete a person-centred statutory assessment of need with all service users. Adult Social Care will work with service users, parents/carers, and the wider day opportunities market to ensure that individual needs are met through alternative provision. The Council will work to minimise disruption for service users, parents, and carers by working closely with families and the day opportunities market to support gradual transition to re-provisioned services.
- 7.4 Sustainability (including climate change, health, crime and disorder)
 - 7.4.1 Through the proposed decision to close the Markhouse Centre and future implementation the Council will continue to ensure that the day opportunities services that are accessed contribute to building resilience and safeguard service users from exploitation, as well as ensuring that they contribute to creating an environment where people feel safe.

7.4.2 If a decision is made to close the Markhouse Centre, the Council will potentially be reducing costs and spending on utilities and the use of energy. Travel arrangements for people who need day opportunities and their modes of transport to access alternative transport will be considered through implementation, including sustainability considerations.

7.5 Council Infrastructure

7.5.1 As set out in paragraph 6.7, staff consultation on the proposal to close the Centre started in early September 2024 with all staff at the Markhouse Centre and trade unions. The staff consultation ended on 17 October. As part of the consultation staff proposed a series of alternative proposals that are set out in appendix C, on which officers have commented.

7.5.2 A decision to close the Markhouse Centre will result in 34.85 FTE posts, 25 of which are occupied, being deleted. Staff will be notified through the Council's Managing Change procedures and provided with HR support. Efforts will be made to redeploy staff members at risk of redundancy as a result of a decision to close the Markhouse Centre. The Council is committed to exploring all viable options to retain valuable employees.

7.5.3 As regards the Markhouse Centre property, if Cabinet decides to cease to provide services from the Markhouse Centre, the future use of the building will be determined in the context of the Council's Strategic Asset Management Plan and in accordance with the Council's governance structure.

Background Information (as defined by Local Government (Access to Information) Act 1985)

None