

Minutes of the West Berkshire Council's Disability Equality Scheme's External Scrutiny Board Meeting 27th January 2011

Item	Notes
Board Members in attendance	Bob King (Chairman), Alan Fleming (Vice-Chairman), Keith Hester, Norma Weaver, Sue Hinks, Mick Hutchins. John Carr
Others	Councillor Pamela Bale, Councillor Joe Mooney, Graham Hunt (Newbury Town Council), Gary Lugg (Head of Planning and Countryside), Elaine Cox (Snr ROW Officer), Jan Evans (Head of Adult and Community Services), Nigel Owen (Project Manager Community Services) and David Baker (WBC Policy Officer).
1. Introduction and Apologies	The Chairman welcomed everyone to the meeting, Apologies were received from Councillors Hilary Cole and Julian Swift Hook, Sabrina McNair and Kate Green.
2. Opening up the countryside	<p>Elaine Cox (Senior Rights of Way Officer) presented a progress report on the Rights of Way improvement plan, objectives and work completed to date. Some of the main achievements were:</p> <ul style="list-style-type: none"> • Replacement of 30 stiles in the last year by accessible gates • Walking the Way Health scheme providing about 10 walks/wk supported by volunteers • Three buggies available for use to access West Berkshire managed countryside sites • Surfaced tracks at Greenham Common and Pile Hill with Crookham Common to be completed by August 2011. <p>Elaine then described the standards for structures used to control access on rights of way. These addressed both landowners' requirements to manage stock as well as safeguarding path users.</p> <p>Installation options, in order of preference:</p> <ol style="list-style-type: none"> 1. Gap

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	<ol style="list-style-type: none"> 2. Two-way opening pedestrian gate, suitable for all disability vehicles, easy latch. 3. One-way opening pedestrian gate, easy latch. 4. Large kissing gate (metal with RADAR latch, or timber), suitable for large mobility vehicles and large baby-buggies. 5. Medium mobility kissing gate (metal or timber), suitable for medium mobility vehicles and pushchairs. <p>Elaine showed photographs of each type of installation that had been used in West Berkshire.</p> <p>Board members made a number of comments regarding the installations, options 1, 2 and 4 were regarded generally as most easy to use but felt that options 3 and 5 still presented a number of difficulties to disabled users. The Board felt that its members could provide much more valuable advice and feedback on both the design and implementation of the installation standards and would welcome being directly involved in future consultation on rights of way access projects.</p> <p>The countryside team were also asked to consider how transport and transfer facilities could be improved for disabled people planning to make use of buggies at West Berkshire countryside sites.</p> <p>Sue Hinks asked if guided walks for the visually impaired could be established. Elaine thought this was a good idea and would approach voluntary support groups to develop the idea.</p> <p>Action 1: EC to investigate the option of providing guided walks for the visually impaired.</p> <p>Further details are available in Appendix 1.</p>
<p>3.- Minutes</p>	<p>The draft minutes of the meeting held on 30th September 2010 were approved as a true and correct record and signed by the Chairman.</p> <p>Actions were updated as follows:</p> <ol style="list-style-type: none"> 1. DB to report back to the Board as appropriate regarding presenting to council officers at future Senior Management Seminars.

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	<p>Action 2: Ongoing. DB to continue to report back to the Board.</p> <p>2. DB to look into including the Board in a future member development session</p> <p>Action 3: Ongoing. The content of Member Development sessions are decided a year in advance from April. DB to report back to the Board as appropriate.</p>
<p>4 – Day Services</p>	<p>Jan Evans asked the Board to comment on the written responses provided by WBC to the written questions regarding the closure of 5 day services submitted on 20/12/10. Mick Hutchins responded on behalf of the Board having just compiled a full response and reviewed a set of supplementary questions for WBC to consider.</p> <p>Full details of the response are documented in Appendix 2.</p> <p>The main points summarised by Mick Hutchins at the meeting were:</p> <ul style="list-style-type: none"> • Q&A 1. It is clear that WBC took a decision to close the 5 day services before any engagement/consultation took place with services users on the specific issue of the closures, contrary to the requirement of the Disability Equality Duty. • WBC appears to have high-jacked ‘the Putting People First agenda’ as this decision was made solely on the back of the Government’s spending review and not under any strategic plan or planned timescales. Budget constraints and not people were put first. • Service users have major concerns about moving onto Direct Payments or Personalised Budgets • WBC’s Equality Impact Assessment was not fit for purpose and needs to be re-visited • The Resource Allocation System applied to the assessment process is not a proven science and as such people could find themselves poorly resourced by the process. We are also concerned that the process is working to an unrealistic time scale which could result in mistakes and many lengthy appeals. <p>WBC should consider the process laid out in A10, 11, 12 & 13 for the 460 service users cited in A9 as a pilot and set up a review to evaluate the process after it has been completed. This review should also look at other issues re: Personal Budgets e.g. their make up, rules/guidelines, transport, brokerage, advocacy and other costs. WBDA, WBNA & FORS would like to take part in any such review. These possible issues should be reviewed at the earliest possible opportunity</p>

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	<p>Action 4: MH to circulate written copy of supplementary questions to Board members</p> <p>Action 5: JE to respond to MH in respect of the additional questions raised.</p> <p>Jan Evans summarised the project milestones of the review process:</p> <ul style="list-style-type: none"> • Phase I – pilot of interested users and carers • Phase II – up to April 2011, covering lessons learnt from the pilot and wider implementation. Involvement is key picking up the 465 users across all 9 day services. Plan to complete all 465 assessments in 1Q 2011 and to work up new services for the 465 users during the period April –Sept 2011. • There will be a review completed by the end of June. A meeting will be set up between officers and Mick Hutchins to represent user experiences. • Phase III full implementation <p>Action 6: JE to set up review meeting in June.</p> <p>Bob King commented that Mick Hutchins was looking for involvement at the formative period of new services and not when the new services were being implemented.</p> <p>Keith Hester and Bob King raised concerns over the management of personal budgets and some the potential complexities they involved for vulnerable people.</p> <p>Jan Evans proposed that a presentation be planned covering both personalised budgets and benefits (DREs) to the Board</p> <p>Action 7: JE to set up a presentation on personalised budgets and benefits for a future Board meeting.</p> <p>Jan Evans also proposed a presentation covering the re-structuring of the Adult Care and Community Service management teams to the Board</p> <p>Action 8: JE to set up a presentation on the restructured management teams.</p>
5 – AOB	- Transport Forum – Nothing new to report

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	The next meeting of the forum was set for the 9th March 2011.	
	<ul style="list-style-type: none"> - Home Care User Group– Nothing to report, there was a need for a replacement representative. Alan Fleming requested if future meetings of the group could be arranged on days he was able to attend. <p>Action 9: NO to check future meeting dates</p>	
	<ul style="list-style-type: none"> - Access Panel – The panel was working well, dates for meetings in 2011 had been set and applications were coming through. 	
JC	The Board’s answer phone was still receiving calls from residents regarding Adult Social Care issues. Nigel Owen emphasised to JC that all queries needed to be directed to the main WBC contact number 01635 42400	
AF	<p>Raised safety concerns about a crossing point on Hildens Drive, Tilehurst as no traffic control system was available. Councillor Joe Mooney offered to take the matter up and investigate.</p> <p>A second road safety issue was raised regarding the S bend on Longworth Avenue, where traffic was being forced onto the wrong side of the road because of poor parking.</p> <p>Action 10 Cllr JM to investigate safety concerns</p>	
BK	Bob informed the meeting that Jan Rothwell (CAB) had agreed to take over the chairmanship of the board and would be introduced at the next board meeting	
6 – Meeting dates for 2011	<p>Dates agreed for future meetings: Thursday 31st March 2011 in Committee Room 2 Market St Thursday 30th June 2011 in Committee Room 2 Market St Thursday 29th September 2011 in Committee Room 2 Market St Thursday 26th January 2012 in Committee Room 2 Market St</p> <p>The Board concluded that it should keep meeting through 2011. Its main strategy would be to work with a focussed agenda. The Board would look to influence policy development rather than policy review by involving and using its expertise earlier in the planning cycle to achieve better value services.</p>	

Item	Notes
	<p>The Board suggested the following topics for the next meeting:</p> <ul style="list-style-type: none"> - Barriers to housing experienced by young disabled people. <p>Date for the next meeting have been agreed as:</p> <p>Thursday March 31st 2011 – 10:30a.m. to 12.30 p.m.</p> <p>This meeting will be held in Committee Room 2 at the Council Offices in Market Street, to be followed by buffet lunch - 12.30 to 1.00</p>
	<p>Meeting was closed at 12.40 p.m.</p>

All meetings to be held between 10:30 a.m. and 12:30 p.m. in Committee Room 2.

(Committee Room 2 will be booked out from 10.00 to 1.00 for each meeting).

DISABILITY EQUALITY SCHEME SCRUTINY BOARD**Available access methods:**

Public rights of Way: Footpaths, bridleways, restricted byways and byways open to all traffic.

Open Access Land: commons, some heath and downland.

Rights of Way Improvement Plan

Consultation: Tourism South-East telephone survey 2005. 70% of households visit public rights of way each year, 20% visiting daily. Of the 802 households surveyed, 10% had one or more residents registered as disabled. Of these, around half visit the access network each year. Popular requests for improvement are to provide smoother, even surfaces; replace stiles with accessible gates; and provide more information.

Improvement Plan Objectives

ROWIP 38 'Identify routes and circuits which are suitable for promotion for those with restricted mobility, including within countryside sites. Promote and sign the routes in terms of grading, and carry out works, where needed (ongoing).

ROWIP 39: continue to provide buggies, for those with restricted mobility, at West Berkshire countryside sites (ongoing).

ROWIP 41: Implement improved promotion of access to the rights of way / access network for walking the way to health participants (to begin work 2010-11).

Work done to dateRights of way

Annual replacement of 30 stiles by accessible gates for last 6 years (total 180 gates). 20 of these are installed by volunteers.

Some suitable surfacing, e.g. routes to school and useful links.

Most effort has gone into accommodating those with restricted mobility.

No significant effort at identifying joined-up circuits, or publicity.

Work to provide for other disabilities has been limited. The ROAR group consists of a team of adults with learning disabilities from the Phoenix Centre, clearing vegetation and rubbish from rights of way each week.

Rights of way/ WBC countryside sites

'Walking the Way to Health' – a scheme accredited by Natural England, to encourage people to walk to improve their health. There are about 10 walks per week, to cater for varying levels of fitness, including buggy walks. The bulk of the scheme is run by volunteers (18 walk leaders and 14 hours per week office assistance).

Identification of 'Walk4Life' mile and 1-3 mile routes has begun, with waymarking planned for the near future.

Countryside sites

Three buggies are available for people to use to access the West Berkshire-managed countryside sites. There is a lack of staff to manage a suitable booking system at the moment, but the Volunteer Bureau has offered to give some guidance to people as to how to use the buggies.

Good surfaced tracks have been laid across Greenham Common, between Pile Hill, the control tower and the business park. Further surfacing is due in August 2011 to link to Crookham Common.

The gates on Greenham Common are to be audited in 2011, and improvements made to facilitate easier access by those with restricted mobility.

Standards for structures:- least restrictive access

A structure on a right of way may be authorized by WBC for stock-proofing, or to safeguard path users. Liaison with the farmer is needed.

Installation options, in order of preference:

1. Gap
2. Two-way opening pedestrian gate, suitable for all disability vehicles, easy latch.
3. One-way opening pedestrian gate, easy latch.

4. Large kissing gate (metal with RADAR latch, or timber), suitable for large mobility vehicles and large baby-buggies. Disadvantages: these may permit unauthorized motorcycle access, and the very large timber gates take up a lot of land.
5. Medium mobility kissing gate (metal or timber), suitable for medium mobility vehicles and pushchairs.

Surfacing standards

'Fieldfare Trust' guidelines used, and 'Centrewire' gate designs (Fieldfare 'works with people with disabilities and countryside managers to improve access to the countryside for everyone').

Recent advice by the WBC Access Panel is that a sufficient surfaced width is needed to allow for both wheels of access vehicles. Also, that it is not easy to use a manual wheelchair on grass or over any stones.

New projects

Purley – a project to open up a circular route for use by manual wheelchairs. To involve surface improvements and a replacement of a number of stiles with gates.

Sulham – to render the structures at Sulham Hill car park more accessible, and thereby to open up some accessible flat hill-top rights of way.

Present funding

The following capital projects assist with delivering improvement works:

Disabled access to the countryside £15k

Rights of way volunteer scheme £5k

Elaine Cox

Senior Rights of Way Officer

January 2011

**WBDA, WBNA & FORS Response to:
WBC Answers received on 20/01/11
Re: Written Questions submitted 20/12/10**

Subject: WBC Proposed Changes to Day Services for Disabled People & Community Care restructuring

WBDA, WBNA & FORS points and supplementary questions re: WBC's Answers to be discussed at DES Scrutiny Board Meeting 27/01/11:

(Answer) A1.

A1.(Point)P1 Although WBC held a series of consultations on the overall strategy of the future of adult social care, it is clear that WBC took a decision to close the 5 day services before any engagement/consultation took place with services users on the specific issue of the closures, contrary to the requirement of the Disability Equality Duty.

The evidence is clear to support this view in WBC's Disability Equality Impact Assessment (DEIA) re: the closure of the 5 day centres supplied as an appendix in Section 4 it states: *'Consultation will take place with staff, service users, carers and stakeholders regarding the overall changes within ASC during November & December 2010'*

And in WBC's answer; *'It was not until the Councillors had decided which of several options they wished to take to both progress the Putting People First agenda, and make savings, that we were able to go public (8th November, 2010)'*

A1.P2 WBC appears to have high-jacked 'the Putting People First agenda' as this decision was made solely on the back of the Government's spending review and not under any strategic plan or planned timescales. Budget constraints and not people were put first.

A1.P3 No evidence has been produced re: how many service users have expressed a desire to move away from traditional day service provision and take a Personal Budget at the afore mentioned consultations.

In fact evidence suggests that regarding moving onto Direct Payments or Personal Budgets and away from the way services have traditionally been provided service users in West Berkshire (and across the country) have been reluctant to embrace the concept of taking more control (even though Direct Payments have been available for many years) for a number of reasons, including:

- Fear of the unknown
- A perception that people on direct payments are not given enough support and have no safety net e.g. what if my care attendant or support worker does not turn up?
- Lack of confidence or energy because of disability
- Not wanting to be an employer or procure services on their own behalf

It is noticeable that in section 2 of WBC's Disability Equality Impact Assessment that it constantly uses the word 'some' to indicate how many services users have expressed an interest in having a Personal Budget or do not wish to attend a day centre suggesting the number is small.

Supplementary Question for WBC

Q1. How many people (not including the 5 in Answer 18) have took a Personal Budget for Day Services prior to 08/11/10 and have their day service provision provided in a different way to traditional provision?

A2 & A3.

Without any documental evidence e.g. emails etc between WBC and Newbury College prior to 22/11/10 the WBC answer has to be accepted as fact.

However, it is hard to believe that WBC was not aware that there could be certain advantages for both parties if the Ormonde Centre was closed and handed back to the College (i.e. cost savings for WBC and a commercial opportunity for the college) when they made their decision to close the Ormonde Centre prior to 08/11/10.

A4. *'We know that traditional day services do not provide appropriate support for some people ...'*

A4.P1 Day services do provide appropriate services for others and modernisation should include having plans that develop existing models and this should have been an ongoing management process. Account should have taken of this before the Phoenix Centre was built. Other similar physical disabilities day services in other local authority areas involve considerable numbers of volunteers and this makes them less expensive, while delivering excellent outcomes.

A4.P2 The reasons people may have moved away from traditional day services in other localities are many and varied and this is not a universal trend, especially where providers are focused on satisfying client needs and expectations. (example Disability Initiative Centre at Camberley)

A5.

A5.P1 Para 1 mentions working with others to develop LD and OP but not physical disabilities services.

A5.P2 The interesting range of expressions of interest from new providers should all of have been developed systematically, without the current climate of urgency, with more time to develop a full range, not an ad hoc range, of alternatives, to meet clear and acceptable purposes and outcomes.

Supplementary Question for WBC

Q2. Are accountabilities for reviewing and updating services clear within the Council's management structure?

A6. *'Staff will work flexibly enabling us to provide specialist staff'*

This appears a little contradictory.

Supplementary Questions for WBC

Q3. Does it mean that existing, inefficiently managed, generalist staff will be made to work on an even more general and even less efficient basis, allowing small numbers of specialists to be not distracted by generalist duties?

Q4. Is a different meaning intended in the written answer if so could WBC clarify?

A7. Disability Equality Impact Assessment (DEIA) re: the closure of the 5 day centres.

The DEIA supplied as an appendix to WBC's Answers is not fit for purpose. Namely:

7.1 The term Disability is excluded from the document title

7.2 No distribution or publicity re: publication of DEIA until 20/01/11

7.3 In section 2 there is no supported evidence to identify the amount of services users expressing a desire to move away from traditional day service provision and have a Personal Budget prior to 08/11/10

7.4 In section 3 only the Gender of staff researched – where is the research re: Disabled service users that will be affected by reducing in-house day services?

7.5 In section 5 WBC states that they have not completed the necessary work relating to the DEIA suggesting the document was rushed out and not thought through before 08/11/10 as a tick box exercise

7.6 In section 6 WBC has cited West Berkshire Independent Living Network as a monitoring body – even though it is at the moment a one year project with guaranteed funding up to 20/06/11 and is not yet a fully up and running entity which could easily fail in the present financial climate

7.7 The document makes no mention of new service users affected by this change in policy

7.8 The document has not been signed off and no date has been set for its review (section 7)

A.8

The answer avoids the question completely. Day centre users are not mentioned in the answer!

A.9

See reply to A.7 (7.7) - Also the answer does not say how many are on the waiting list.

A.10, 11, 12 & 13 – Assessments

Supplementary Questions for WBC

Q4. Para 2 (A13) suggests that current in-house criteria could be clearer:

- Who set the current criteria and when was it recognised it was the case things should be clearer?
- Is the excessive number of management layers within the council an inherent cause of concern? (There is only one answer to this question).

Q5. More generally:

- How impartial is the assessment process in making it clear that day centre services are a real and affordable option, knowing that the council has taken an approach of 'notional' personal budget amounts that are distant from real costs due to subsidies?
- Such an approach in the assessment process is bound to distort the day centres market. Whereas this may satisfy towards less immediate cost to the council, what evidence is there that the overall outcomes will be good value?

The Resource Allocation System applied to the assessment process is not a proven science and as such people could find themselves poorly resourced by the process. We are also concerned that the process is working to an unrealistic time scale which could result in mistakes and many lengthy appeals.

WBC should consider the process laid out in A10, 11, 12 & 13 for the 460 service users cited in A9 as a pilot and set up a review to evaluate the process after it has been completed. This review should also look at other issues re: Personal Budgets e.g. their make up, rules/guidelines, transport, brokerage, advocacy and other costs.

WBDA, WBNA & FORS would like to take part in any such review

A.14, 15, 16, 17, 18 & 19 – make up of the Personal Budget

A.14 References to the mobility component of DLA are inappropriate and irrelevant as regards day services and transport.

Surely, the Council cannot take DLA into account in anything it does other than things such as to award blue badges.

A.18

Supplementary Question for WBC

Q6. The low uptake of Personal Budgets among the day centre client group (5 clients) warrants investigation:

- Has the market already been distorted?
- What have others with Personal Budgets actually done with the funds allocated and were these individuals directed anywhere else in particular?
- Are those who were directed elsewhere satisfied with the outcomes?
- What does the long term value for money equation look like?

A.19

Supplementary Questions for WBC

Q7. What is the more detailed basis of the very rounded notional figures quoted?

Q8. Is the basis a well-structured set of valid alternatives to day services, options that will provide equivalent quality and quantity of outcomes?

Q9. If the Council already knows how to provide equivalent services at notional values such as those shown, will the Council kindly publish a list of these services immediately?

Q10. Or is it all this just some kind of fantasy marketing ploy, in which case it may be discriminatory against disabled people?

Q11. Are the figures quoted adequate (see example below)?

E.G. a person currently using the Ormonde Centre at a cost of £67.23 to WBC could choose to use the new Diamond Quality Care Service providing a similar service costing £49.50 per day although that person is only likely to get £45 per day in a Personal Budget (including transport allowance of £5).

Diamond only provides transport to/from activities and not from home and back so if that person lives 3 miles away and has to take a taxi their travel costs would be approx. £8-£9 each way leaving a deposit of approx £22-£23

There is also a concern that the local transport infrastructure i.e. specially adapted vehicles will be put under severe strain during peak hours as people need to go to/from many small services.

These possible issues should be reviewed at the earliest possible opportunity (see A14-A19)

A.20

Factual answer accepted

A.21

Supplementary Questions for WBC

Q11. How big was the Social Care Reform Grant and what value for money can be demonstrated from use of that money?

A22 & 23.

P1. We welcome that the council is not disbanding specialism, but have noted the council has not handled that issue with total fluency and is heading towards becoming less efficient by reducing some important specialist hours, e.g. for those affected by MS.

P2. The Council has a track record of three star ratings and relatively few complaints about its social care provision. More consistency surrounding initial contact with the Council will be welcome. However, one major, recurring concern is that existing client cases are often closed, then have to be reopened, which is very inefficient and leads to inconsistent service. Consistency of service needs to be ensured right through the system.

Supplementary Questions for WBC

Q12. How can WBC assure under this new structure that person contacting them regarding care and support does not have to tell their story over and over again, and once in the system will have a single point of contact?

WBDA, WBNA & FORS 27/01/11