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## **DAY SERVICE PROVISION TEVIOT AND LIDDESDALE – NEXT STEPS**

**Report by Joint Director of Health and Social Care Integration**

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### **SCOTTISH BORDERS COUNCIL**

**27 October 2022**

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#### **1 PURPOSE AND SUMMARY**

**1.1. The purpose of this report is to advise Members of the next steps relating to reviewing Day Service provision in Teviot and Liddesdale.**

- 1.2 In June 2019, the Executive Committee decided that it would decommission the then existing Day Centres. One of those centres was the Teviot Day Centre in Hawick. In late 2021 a Petition was lodged in the Court of Session seeking a Declarator that this decision was unlawful. The case was heard by Lady Carmichael on 28 April 2022.
- 1.3 On 20 September, Lady Carmichael issued her judgment. She found that the Council's decision to close the Teviot Day Centre was unlawful and she "reduced" that decision. That means, in effect, that the Council has not decided to close that Centre. The Court found that SBC had failed to properly undertake an Equality Impact Assessment and, also, that it had failed to properly consult with effected parties.
- 1.4 In Council on 29<sup>th</sup> September 2022, the Council noted that it accepted the Court judgement with regard to Teviot Day Centre, and agreed for a further report detailing the next steps to be presented in the October meeting of Council.
- 1.5 The Council has apologised to Service Users and this report now sets out proposed next steps.

## **2 RECOMMENDATIONS**

### **2.1. It is recommended that Council:-**

- a) Note the update on the next steps in reviewing Day Service provision in Teviot and Liddesdale;**
- b) Agrees that a new process of consultation on the design and delivery of day services, and new equalities impact assessment will now be undertaken;**
- c) Requests that a report recommending the way forward for day services be brought back to Council by the Chief Officer following appropriate consideration with the Integration Joint Board.**

### **3 BACKGROUND**

- 3.1 Through 2017 and 2018 Scottish Borders Council and the Scottish Borders Health and Social Care Integration Joint Board sought to consider how best the needs of Day Service users could be met within the Scottish Borders. Through that process it was noted that there had been a sharp decline in the number of service users who attended Day Centres (from 240 in 2014/15 to 43 in 2019). It was considered, at that point, that service users gained more from alternative community based services rather than the traditional Day Centre model. This was also in line with government guidance.
- 3.2 On 4 June 2019, a paper was taken to the Executive Committee where it was agreed that individual Day Centres would be decommissioned. Importantly, that would not happen until "suitable alternatives that met assessed needs were identified .... for older adults".
- 3.3 In March 2020, the Teviot Day Centre was closed as a result of Covid. It has not yet re-opened.
- 3.4 In 2021, a petition was made to the Council's Audit & Scrutiny Committee, and following a hearing, the Committee remitted the petition to the Health and Social Care Integration Joint Board to examine the scope of buildings-based services that the Borders may require in the future, including the alternatives of day centres and social centres. A Carers' group has now been formed and work is on-going.

### **4 INTEGRATION JOINT BOARD PROCESS**

- 4.1 The Integration Joint Board accepted the remit from the Scottish Borders Council and delegated the work required to the Integration Joint Board Unpaid Carers work stream. As there were a number of unpaid carers on this group, and representatives from carer organisations that advocate for unpaid carers, it was agreed that this would ensure good co-production of the next steps relating to the process.
- 4.2 The work stream has agreed that the approach would be based on need and would fit into wider work relating to the carers needs assessment being developed to help inform the strategic direction for the future commissioning of services.
- 4.3 A survey of carers views has been undertaken and these survey results became available at the end of September 2022. These supported the view that day service provision is a priority for the Scottish Borders. These results were reviewed in the Integration Joint Board Carers work stream meeting on 28 September 2022, both in the context of the feedback from carers and the judgement from the Court of Session.
- 4.4 A high-level mapping process for what services are in place already, what good looks like for buildings based day services, what carers on the group would want to see, and who should be engaged with in the next steps will now be developed.

- 4.5 The intention is to design a seamless service offering across Health and Social Care services, which will provide enabling, person-centred and relationship centred support. This will include the provision of information and support to both carers and those being cared for who use services.
- 4.6 Work on the future design of day services will be treated as a fresh process, with a new Integrated Impact Assessment and further consultation within the Teviot and Liddesdale locality initially. This will help inform similar future work in other localities and will include work to explore opportunities to integrate with services and to develop new approaches.
- 4.7 No decisions as to the future model of day service delivery have as yet been made, and a future consultation on the model of day service provision will now be undertaken, referencing the work of the unpaid carers group. Work to re-design services will adopt the principles of co-production, fully involving and engaging service users, carers, and other stakeholders in a thorough process of consultation. The process will ensure that equalities issues are fully identified and addressed, along with the views of consultees in developing the future service delivery model.
- 4.8 A paper will now be produced making recommendations for review by the Integration Joint Board Strategic Planning Group in November, prior to discussion at the Integration Joint Board in December. This will then be brought back to Council with a recommended way forward.

## **5 IMPLICATIONS**

### **5.1 Financial**

There are no financial implications to the proposals included in this report at this stage. The further reports which will be taken to the Integration Joint Board are likely to include financial implications. The financial implications of any decision will require to be addressed as part of the budget setting process for 2023/24.

### **5.2 Risk and Mitigations**

The Council is required to comply with the legal judgement issued by the Court of Session and failure to do so will result in reputational damage and potentially result in further legal challenge.

### **5.3 Integrated Impact Assessment**

An Integrated Impact Assessment will be developed as part of the next stages of the Integration Joint Board's process.

### **5.4 Sustainable Development Goals**

While future reports on this topic are likely to give rise to issues relevant to agreed Sustainable Development Goals, there are none arising from this paper.

### **5.5 Climate Change**

At this stage, as we are at the scoping stage, we are not clear on the impacts on Climate Change. Future reports to the Integration Joint Board may give rise to further Climate Change considerations.

## 5.6 **Data Protection Impact Statement**

There are no personal data implications arising from the proposals contained within this report.

## 5.7 **Changes to Scheme of Administration or Scheme of Delegation**

There are no implications for the Scheme of Administration or Scheme of Delegation arising from the proposals contained in this report.

## 6 **CONSULTATION**

- 6.1 The Chief Financial Officer, the Monitoring Officer/Chief Legal Officer, the Chief Officer Audit and Risk, the Director (People Performance & Change), the Clerk to the Council and Corporate Communications are being consulted and any issues will be reported to the meeting.

### **Approved by**

**Name**            **Chris Myers**

**Title**   **Joint Director of Health and  
Social Care Integration**

### **Author(s)**

Name	Designation and Contact Number
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### **Background Papers:**

- Nil

### **Previous Minute Reference:**

Scottish Borders Council 29 September 2022

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Michael Cook can also give information on other language translations as well as providing additional copies.

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