

| MAYOR AND CABINET | | |
|--------------------------|--|------------------------|
| Report Title | Outcome of consultation on the proposal to remove the subsidy for meals at day centres | |
| Key Decision | Yes | Item No |
| Ward(s) | Borough Wide | |
| Contributors | Executive Director for Community Services | |
| Class | Part 1 | Date: 15 November 2017 |

1. SUMMARY

- 1.1. This report sets out the outcomes of the consultation relating to the proposal to remove the subsidy for meals at 3 day centres, Cedar Court, Cinnamon Court and the Ladywell Centre. This was proposed at Mayor and Cabinet on the 11 February 2015 as part of the Council's savings programme under 'decision regarding charging for meals' (A14) and 'widening the scope for charging for social care' (Com 41) as a saving for 2016/17. The specific proposals regarding day centre meals would deliver a saving to the Council of £62K. Mayor and Cabinet asked that the impact of these proposals be consulted on and reported back. There was a delay on beginning the consultation because of the risk of confusion with the other wider day centre consultations and changes taking place at that time.
- 1.2. The contract for the delivery of meals to day centres was part of a bigger contract for the delivery of 'meals on wheels'. This was a shared contract with Lambeth and Southwark held by Apetito. That contract expired on 7th August 2016. The agreement to continue a subsidy was extended by the Executive Director for Community Services due the wider considerations at the time, and alternative interim meals arrangements were out in place. Housing and Care 21 extended their internal contracted meals service to Cinnamon Court and Cedar Court; Apetito continued to deliver meals to the Ladywell Centre. The current arrangement ends on the 31st December 2017.
- 1.3. The consultation on the removal of the subsidy for meals at day centres took place between the 5th September and 14th October 2017. This report sets out the consultation process and the responses received by the Council. The consultation proposed the continuation of a hot meals service at the centres on a full cost recovery of about £6 a meal or whether service users would prefer a 'bring your own' option.
- 1.4. The majority of service users (78% of the returned questionnaires) expressed a preference to continue a hot meals option, though were concerned about the increase in cost. This preference was also reflected in the meetings with service users. The key recommendation of this consultation is therefore that hot meals services should continue at the three centres but at full cost recovery.
- 1.5. The report was considered by Healthier Communities Select Committee at its meeting of 1st November 2017. No specific comment or recommendation was made.

2. RECOMMENDATIONS

The Mayor is recommended to:-

- 2.1 approve the removal of the subsidy currently paid for the meals service at three day centres Cinnamon Court, Cedar Court & the Ladywell Day Centre and that full cost recovery for meals for those meals apply.
- 2.2 approve that the subsidy be extended for a further month to the 31st January 2018 at a cost of £5,195.
- 2.3 agree that the delivery of a meals offer become part of its directly managed day service provision at the Ladywell Centre.
- 2.4 agree a £9.8K capital allocation for the purchase of new kitchen equipment.

3. POLICY CONTEXT

- 3.1 The function of Adult Social Care is to ensure that people eligible for support receive services appropriate to their needs within the framework of statutory duties and agreed policies. This is determined through the completion of an assessment in accordance with the Care Act 2014, followed by the application of the appropriate eligibility criteria and support decisions.
- 3.2 The Care Act 2014 is the single most substantial piece of legislation relating to adult social care to be implemented since 1948. It has taken previous legislation, common law decisions and other good practice guidance and consolidated them. The Care Act places a wide emphasis on prevention, the provision of advice and information, changes to eligibility, funding reform and market shaping and commissioning.
- 3.3 The Care Act requires the Council to engage with providers and local communities when redesigning services and planning for the future, as well as ensure that active engagement and consultation with local people is built into the development and review of their strategies for market shaping and commissioning.
- 3.4 The final report of the Local Government Association's Adult Social Care Efficiency (ASCE) Programme published in July 2014, sets out a number of initiatives that Councils across the country have put in place to deliver services that will meet the requirements of the Care Act in the current financial climate. It sets out advice on how to agree a new contract with citizens and communities, managing demand, transforming services, improving commissioning and developing more integrated services.
- 3.5 The contents of this report are consistent with the Council's policy framework. It supports the following goals outlined in Lewisham's Sustainable Community Strategy 2008-2020:

Healthy, active and enjoyable – where people can actively participate in maintaining and improving their health and well-being.

Ambitious and achieving: where people are inspired and supported to fulfil their potential.

Empowered and responsible: where people can be actively involved in their local area and contribute to tolerant, caring and supportive local communities.

- 3.6 The proposed recommendations in the report also meet with the Council's following corporate priority:

Caring for Adults and Older People: working with health services to support older people and adults in need of care.

- 3.7 This consultation is governed by the Council's revised (2017 Best Value Guidance, which states that "to achieve the right balance – and before deciding how to fulfil their Best Value Duty – authorities are under a Duty to Consult representatives of a wide range of local persons including representatives of council tax payers, those who use or are likely to use services provided by the authority, and those appearing to the authority to have an interest in any area within which the authority carries out functions. This should apply at all stages of the commissioning cycle, including when considering the decommissioning of services."

4. BACKGROUND

- 4.1 Councils throughout the UK are currently under severe financial pressure. By the year 2019/20, savings worth a further £45 million need to be made across Lewisham Council. With this in mind, the Council has been thinking about the best ways to make savings and reduce costs, whilst continuing to deliver a quality service and protect those who are most vulnerable.
- 4.2 As one part of this work, the Council has been looking to close the gap between what service users pay for a meal and the actual cost of providing that meal. This was proposed as one of a number of savings at Mayor and Cabinet on the 11 February 2015. The proposal was part of the Council's wider savings programme under to 'decision regarding charging for meals' (A14) and 'widening the scope for charging for social care' (Com 41). There has been no increase to the cost of meals for a number of years.
- 4.3 The Council held a 'cost and volume' contract for the provision of a hot meal service 7 days a week, 52 weeks a year with Apetito. This was a partnership contract with Southwark and Lambeth Councils and ended on 7th August 2016. For all three Councils, numbers of clients assessed as requiring a hot meals service had been steadily declining over the life of the contract. It was envisaged that there would be further reductions in numbers as Lewisham and other Councils moved to asset based assessments as required by the Care Act (2014). The cost of meals was escalating as take up decreased, therefore the contract was increasingly not cost effective and would not be re-procured.
- 4.4 Three day centres in the borough, the Ladywell Centre managed directly by the Council, and Cinnamon Court and Cedar Court Day Centres managed by Housing and Care 21 were in receipt of subsidised meals as part of the Apetito contract. Other day centres/ services not linked with the Apetito contract had addressed the issue of meals provision without subsidy several years earlier, or indeed had never had a meals subsidy. The inclusion of these specific three centres in the Apetito contract had protected them from earlier consideration of removal of the meals subsidy and alternatives being put in place.
- 4.5 One hundred and twenty one individuals receive hot meals across the three day centres and would therefore be directly affected by any change to the subsidy: 67 in total across Cinnamon Court and Cedar Court and 54 at Ladywell. The majority are

older adults, some of whom, particularly at the Ladywell centre, also have a diagnosis of dementia. There is also a small number of adults with physical disabilities and a small number of adults with a learning disability.

- 4.6 The ending of the Apetito contract presented a different requirement from a straightforward individual, asset based, assessment process, as at day centres people are by definition in groups and away from home. Therefore, a more formal consultation process was required.
- 4.7 Usually a consultation would be run in parallel with, and completed in time for, the end of a contract. However, when the Apetito contract was ending in August 2016, the Council had just come to the end of a significant consultation and reorganisation of its directly managed services which affected many of the same service users at Ladywell, Cinnamon Court and Cedar Court. There were concerns raised that competing and additional changes and consultations might cause unnecessary stress and confusion to those service users. Consequently, in July 2016, the Executive Director for Community Services agreed to continue the subsidy for lunchtime meals at day centres as follows:
- a variation to the Apetito contract and continuation of the subsidy to 31st December 2017 for service users at the Ladywell Centre
 - the continuation of a meals subsidy to 31st December 2017 for service users at Cinnamon Court and Cedar Court to be paid to Housing and Care 21s commissioned meals provider
- 4.8 Other variables which delayed formal consultation proceeding during that period included an unexpected general election and an associated period of purdah.

5. THE CONSULTATION PROPOSAL

- 5.1 The Council consulted on the following proposal:

Lunchtime meals are currently available at the day centre you attend. These meals are subsidised by the Council, which means that you do not pay the full cost of the meal. The actual cost of the meal to the Council is higher than the amount you pay for it.

At the moment you are asked to pay £3.50 towards your meal. The additional amount that the Council pays towards your meal varies between £2.50 and £4.32 a meal – this is the Council subsidy.

We are proposing that the current subsidies for lunchtime meals at Cinnamon Court, Cedar Court and the Ladywell Centre be removed. Going forwards, we are considering the following two options:

- Continue to provide hot meals at lunchtime. However, you would be asked to pay the full cost of this meal at a flat rate of approximately £6 per meal
OR
- Provide a 'bring your own' option where you can bring food and drink from home to the day centre

As part of the consultation people were also asked to comment on the impact of the proposals and how this might be mitigated against.

Process and Activity of Consultation

- 5.2 The consultation took place over a 5 week period from 5 September 2017 to 14 October 2017.
- 5.3 The consultation pack was sent to the 121 directly affected service users with a covering letter. Freepost envelopes were provided to enable return of completed feedback sheets. The consultation pack was made available in different languages, if requested.
- 5.4 The consultation was posted on Lewisham Council's website so that the form could be completed on line.
- 5.5 A link to the consultation website was sent by email to local voluntary and community organisations likely to have an interest in the proposals including Age UK, Pensioners Forum, Carers Lewisham, Mind Care, Seniors, & Voluntary Action Lewisham.
- 5.6 Six meetings (two at each centre) were held so that people and their families had an opportunity to talk directly to officers.

Consultation Outcomes

- 5.7 Full detail of the consultation responses from the meetings and from the questionnaires can be found in appendices 1 and 2.
- 5.8 Of the one hundred and twenty one questionnaires sent directly to service users, twenty one questionnaires (19%) were returned. One questionnaire was completed on line. A total of 58 service users and 25 staff attended the 6 meetings held at the three affected day centres. No submission was received from the third sector organisations contacted.
- 5.9 Officers recognise that this proposal was difficult for people to engage with, and recognise that many of the service users strongly held a preference for no change. Officers would like to thank everyone for giving up their time to attend the meetings and to complete the questionnaires and for their contributions to this consultation process.
- 5.10 The following tables summarise the main comments made both at meetings and in written submissions as part of the consultation process. They do not contain every comment and officers recognise that the format carries a risk of masking the impact of the points being made. However, officers believe that the content is a true reflection of the key points raised and the sentiments with which they were expressed.

| General comments about the savings and the process | |
|--|--|
| Comment | Officer Response |
| The Council is targeting the most vulnerable and lowest income members of the community and this is causing anxiety and distress | Officers understand that all adults eligible for and in receipt of services are likely to be affected by the government's reduction in its spending on council services generally, and adult social care services in particular. |
| It already costs more to care for someone with a disability | Officers recognise that some people with a disability may have additional daily living costs and the extent to which this may be the case is reflected in the benefits that people receive. |
| Relatives manage money for some individuals and should be asked for feedback | Relatives had an opportunity to respond to the consultation either through the Council website, though attending the meetings, or by completing a paper questionnaire |
| Family carers may have to provide both a packed lunch and also a more substantial meal in the evening. This would have a big impact on people who care for their relative at home. | Officers understand the valuable role that families play in supporting people to maintain their independence at home. Officers will work with providers to take into account individual circumstances where this may be a specific issue depending on the outcome of the consultation. |

| Continue to provide hot meals at lunchtime at £6 per meal | |
|--|---|
| Comment | Officer Response |
| Would be willing to pay more if meals were more varied and better quality | Officers note that some people are dissatisfied with the quality of meals currently and would expect there to be closer discussion and involvement with service users about menu planning and meal availability if a hot meals option was retained |
| Would pay the increase | Officer note that 18 of the 22 questionnaires received (78%) suggest that people would prefer a hot meals service at an increased cost in preference to no hot meals service |
| We can't afford the increase | People attending other day services pay for the full cost of their meal. Also, the Council has not increased the client contribution to meals for several years. |
| An increase would have an impact on ability to pay other bills | Officers note that the increase would affect people's overall disposable income |
| A cooked meal is the only reason some people attend the centre | Officers understand the importance of a hot meal offer as part of the wider day services offer. |
| If no meals were available then there may need to be a reassessment/ review of the current care package and how it is used | Officers recognise the importance of a hot meal to people attending day services. However, the key needs met by day services are respite and/or socialisation. Officers note that some people may wish to reconsider how their care package/ personal budget is allocated |
| It is similar to what I pay at another centre. | Officers note that some service users pay differential costs relating to a subsidy/ the absence of a subsidy at other day service locations. |

| Provide a 'bring your own' option where you can bring food and drink from home to the day centre | |
|---|--|
| Comment | Officer Response |
| Some service users are not able to cook a meal & take a packed lunch because their physical and/or mental disability does not allow this and they do not have a carer to do this for them | Officers note that this may be a particular difficulty for service users living alone with no other support system. This relates to very few people currently receiving meals at the centre. A hot meals option would be the preferred offer to support this group, and take up will be monitored on a case by case basis through the implementation period if the proposal is agreed. |
| Would take a packed lunch/ already take a packed lunch | Officers note that some people are already bringing their own lunch, or would be happy to bring their own lunch in future |
| A packed lunch would not be suitable for people who need 'soft' food or who have difficulty chewing or swallowing | Officers know that a soft or pureed meals offer is a requirement for some people's health conditions. Some people already bring prepared pureed hot food to the centre in food flasks. A hot meals option would better support pureeing of food. |
| The Council could partner with a supermarket offering a £3 meal deal | Officers do not believe that the Council could do this without incurring additional cost in either staff time or delivery costs which would increase the cost of sandwiches. |
| Concern that food brought in by service users would not be nutritious | Officers recognise staff concerns about the nutritional quality of food that might be brought in by service users and that therefore a hot meals offer would be the better option. |

| Whether the changes would stop you from attending the day centre | |
|--|--|
| Comment | Officer Response |
| Three questionnaires returned said that people would stop attending and two said that they might. The majority (74%) of questionnaires returned said that they would continue to attend and this was also the sense of the 6 meetings. | The officers note that the majority of people intend to continue to attend the centre. However, officers will monitor attendance in the first quarter of implementation and follow up anyone who unexpectedly stops attending. |

| What the Council might be able to do in mitigation | |
|---|--|
| Comment | Officer Response |
| Stop the change and continue to provide hot meals | The decision to proceed or not with removing the subsidy will be considered by Mayor and Cabinet on the 15 th November. |
| Restrict menu choices | Officers do not believe that this is a possibility due to the varied needs of the service users attending the centres, and because some service users are already concerned about the choice and quality of meals available. |

| Other cost effective meals options the Council should consider | |
|---|---|
| Comment | Officer Response |
| Cut top bosses pay | Public sector pay has been restrained for a number of years. Some Council officers have already moved to part time working |
| Provide hot meals only 3 days a week rather than 5 | Officers do not believe that this is a possible option as different service users attend the centres on different days. |
| Buy from Iceland and provide microwave ovens | A cook from frozen option might be an option for people who could manage a microwave oven. Cook from frozen prepared at the centre would require staff time to prepare. |

- 5.11 Overall, the outcomes of the consultation suggested that there was a mix of preferences to the proposals, but that the majority of the respondents showed preference to pay the full cost of a hot meal, with 4 people (18 people = 17%) expressing a preference to bring their own lunch. The majority (75%) of people who responded to the questionnaires said that the proposed changes would not prevent them from continuing to attend the day centre. Respondents expressed a preference for a hot meals offer to continue to be available, though some would also like the flexibility of bringing a sandwich or a microwave meal to heat on site.

6. RESPONSE TO THE CONSULTATION

- 6.1 This section considers areas of specific concern by each proposal and sets out officers' responses and assurances about what actions will be put in place so as to meet or minimise those concerns.

Continue to provide hot meals at lunchtime at a flat rate of approximately £6.

- 6.2 People have highlighted a preference for the continued provision of a hot meals offer at the Centres. However, they are concerned about the increased cost.
Response – Officers will work with Housing and Care 21 to ensure that they deliver a high quality hot meals option at Cinnamon Court and Cedar Court. Officers have also been in discussion with the Council's direct service provider at the Ladywell Centre who have expressed an interest in incorporating a meals provision into their wider service offer when the current contract with Apetito ends. Officers have included this as a recommendation to Mayor and Cabinet. Officers will ensure that the provision of soft/ pureed meals and ethnic appropriate meals options are available as required at the three centres and will work with day service providers to monitor the impact of the removal of subsidy on take up of meals and general health and wellbeing. The rate of £6 was included in the consultation as the estimated actual cost of meals delivery including staff and food. Officers will keep the cost of meals under review and ensure that they reflect the actual cost of the provision.

Provide a 'bring your own' food and drink option

- 6.3 Officers are mindful that some people already take their own lunch to the centres and that some others would like to consider this option in preference to a hot meals option. **Response** - Officers will work with Housing and Care 21 and the Council's directly managed service to ensure that there is space available for people to keep their food safely. Officers will also work with both day service providers to risk

assess the presence and usability of micro wave ovens or similar for people who would prefer to bring their own meal in to heat independently. Officers will also explore options with both providers for sandwiches to be available for sale in each of the three day centres.

General comments

- 6.4 Officers note the comments about affordability and the increase in cost. **Response** – The current subsidy is due to end on the 31st December. This will allow only a short period of notice for service users and their families. It also means that the increased cost will start from the 2nd January 2018. Many people already experience financial difficulty in the first month of January due to Christmas spending. Officers will therefore propose that the subsidy is extended to 31st January 2018 to allow service users and their families a longer lead in time.

7. IMPLICATIONS OF THE PROPOSALS

- 7.1 The Council's direct provider of day service at Ladywell have expressed an interest in delivering a hot meals service at the centre following the termination of the Apetito contract. They advise that this would give them control over the quality and choice of food, encourage longer term development of the centre as a wider community offer, and support opportunities for further partnership working with third sector providers, including the possibilities for future supported employment opportunities. Officers have assessed the cost of this as being cost neutral to the Council with a cost of meal being in the region of £5.60 (Appendix 3) and therefore within the consultation guide price.
- 7.2 As stated above, the reduction of meals numbers has resulted in the cost of individual meals purchased from Apetito increasing. If Apetito were to continue to provide meals at the Ladywell Centre, this would represent an increasing financial risk to the Council if the subsidy were not removed or to service users if it were. Officers therefore recommend that the contract extension with Apetito is formally ended. The formal ending of the Apetito contract will result in one of their employees being put at risk. Apetito has written to advise that in the circumstances that the contract stops completely they would require the Council to underwrite the cost of that member of staff's redundancy or give an additional 3 month notice.
- 7.3 If Mayor and Cabinet agree the development of a directly managed hot meals offer at Ladywell as part of their wider direct provision offer, then that member of staff is likely to be eligible for TUPE transfer to the Council. Informal due diligence discussions do not suggest that this would present a financial risk to the Council. Any matters arising from implementation of the proposals will be addressed through the Council's Code of Practice Relating to Employment.
- 7.4 Housing & Care 21 accepted responsibility for meals delivery at Cinnamon and Cedar Courts when the original Apetito contract ended in August 2016. They subsequently extended their contract with their own contracted meals provider. Housing & Care 21 have stated as part of contract monitoring that they will support the Council to maintain delivery of a hot meals service and/ or a packed lunch offer as may be required by the Council as an outcome of this consultation.
- 7.5 Healthier Communities Select Committee at its meeting on 1st November 2017 recognised the financial pressures on the Council leading to the proposal as set out in this paper. However, the Committee reinforced the need for officers and

providers to be alert to the possible impacts of the proposals on both continued attendance and general nutrition and hydration. Officers undertook to monitor any impact through the first three months of implementation and until the change had settled and any impact understood.

8. FINANCIAL IMPLICATIONS

- 8.1 This report recommends that the Council discontinue the payment of a subsidy for hot meals in three day centres, Cinnamon Court, Cedar Court and the Ladywell Centre. This recommendation would generate £62K in savings.

| | Annual Cost less Client Charge |
|---|---------------------------------------|
| Cedar Court | |
| 89 lunches @ £2.50 weekly subsidy | £11,570.00 |
| Cinnamon Court | |
| 70 lunches @ £2.50 weekly subsidy | £9,100.00 |
| Ladywell Centre | |
| 459 lunches monthly (various subsidies) | £41,239.08 |
| TOTAL ANNUAL SUBSIDY | £61,909.08 |

- 8.2 The report further outlines a proposal that the responsibility for delivering hot meals at the Ladywell Centre become part of the Council's directly managed service offer at the Centre. To achieve this, the service would require the purchase of some new equipment at a cost of £9.6K. Financial modelling shows that a meals offer could be delivered cost neutral to the Council at a full cost recovery of £5.60 a meal, including depreciation on the equipment (Appendix 3).
- 8.3 Should recommendation 2.3 be agreed as per paragraph 8.2 above, TUPE would be likely to apply to the one member of staff employed by Apetito. While formal due diligence processes cannot be undertaken prior to a decision being made, informal knowledge of the terms and conditions of the post holder suggests that this can be contained within the general financial modelling.

9. LEGAL IMPLICATIONS

- 9.1 The Council has a responsibility to provide care and support services for those with assessed eligible need pursuant to the Care Act 2014. The Council may also charge for these services, in accordance with any charging policy or decision as may be applicable at any time, subject to statutory guidance.
- 9.2 The Council also has a legal duty to set and pursue a balanced budget in any financial year, and address any issues relating to budget pressures or overspending in a robust manner in order to fulfil its fiduciary duties in the administration of public funds.
- 9.3 When service changes are called for, the Council has a duty to consult those affected, interested parties, and any other interested bodies, providing sufficient information in an accessible manner so as to allow for informed, timely response, and taking into account in its decision making the outcome of such consultation.

- 9.4 In the event that Mayor and Cabinet agree recommendation 2.5, to extend the directly managed service to include a hot meals offer, then TUPE is likely to apply to a member of staff currently employed by Apetito. In that eventuality the Council will undertake consultation and due diligence processes in line with the Council's TUPE transfer guidance and statutory requirements.
- 9.5 The Equalities Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. In summary the Council must, in the exercise of its functions, have due regards to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited under the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
- 9.6 The duty continues to be a “has regard” duty, and the weight to be attached to it is a matter for the Mayor to decide, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.
- 9.7 The Equality and Human Rights Commission (EHRC) has issued “Technical Guidance on the Public Sector Equality Duty” and statutory guidance the “Equality Act 2010: Services and Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to chapter 11 which deals in particular with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The Statutory Code and the Technical Guidance can be found at:
- www.equalityhumanrights.com/legal_and_policy/equality-act-codes-of-practice-and-technical-guidance/
- 9.8 The EHRC has previously issued five guides for public authorities in England giving advice on the duty:
- The essential guide to the public sector equality duty
 - Meeting the equality duty in policy and decision making
 - Engagement and the equality duty
 - Equality objectives and the equality duty
 - Equality information and the equality duty
- 9.9 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duty and who they apply to. It covers what public authorities should do to meet the duty, including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at:

10. EQUALITIES IMPLICATIONS

- 10.1 An Equalities Analysis Assessment (EAA) has been completed (Appendix 4). This identifies that the groups directly affected by these proposals are predominantly older adults, who are likely to have additional disabilities or health conditions and who are predominantly women. This reflects the social care reason why service users are attending the day services and reflect the relative gender mix of the population.
- 10.2 The breakdown of ethnicity and what is known about religion and beliefs from the meals purchased evidences that there is a need for culturally appropriate (halal and Afro-Caribbean) meals to continue to be available so that these groups were not disadvantaged.
- 10.3 Analysis of individual service users' marital status prompted further consideration of whether they live alone in case this presented a different equalities issue which could be considered as mitigation regarding the proposals. No one lives alone who uses the Ladywell Centre and therefore there are people in the immediate environment who can support them. Approximately half of the service users at the Cinnamon Court Day Centre and approximately one third of the service users at Cedar Court Day Centre live alone: however, of that number a significant proportion live in the Extra Care provision where the Day Centres are sited and so again there is a support structure available.
- 10.4 There are no specific equalities considerations relating to the other protected characteristics of marriage and civil partnerships, pregnancy and maternity, sexual orientation or gender reassignment.
- 10.5 A small number of the returned questionnaires suggested that people would stop attending the centre should the proposals be agreed. Officers will monitor whether this occurs and will mitigate against any detriment to respite or socialisation needs on an individual basis by supporting people to meet those needs differently within their Personal Budget.

11. ENVIRONMENTAL IMPLICATIONS

- 11.1 There are no specific environmental implications arising from this report

12. CRIME REDUCTION IMPLICATIONS

- 12.1 There are no specific crime reduction implications arising from this report

13. SUMMARY AND CONCLUSIONS

- 13.1 This report contains the outcome of a consultation on the Council removing its subsidy for the provision of hot meals at Cinnamon Court, Cedar Court and the Ladywell Centre. The consultation focussed on two options: paying the full cost of a

hot meal at approximately £6 a meal provided at the Centre; or bringing a packed lunch to the centre.

- 13.2 An analysis of the comments provided to the 6 consultation meetings and of the completed consultation questionnaires suggest that retaining the facility for a hot meals service on a full cost recovery model was the preferred option. It was noted though that some service users might want to consider bringing their own packed lunch.
- 13.3 The cost of maintaining a meals offer with further reductions in take up at Ladywell via a further contract with Apetito would present a financial risk to either the council of a higher subsidy or to service users on a full cost recovery model. This report therefore recommends that the directly managed day service provider based at the Ladywell Centre extend their offer to include a hot meals service.
- 13.4 Council officers will continue to work with both Housing and Care 21 and the Council's directly managed day service provider at Ladywell to implement the change in hot meals delivery and will closely monitor the impact of this change on the welfare and attendance of individual service users. Any service user identified where there may be a risk to welfare will be reviewed/ reassessed as necessary.
- 13.5 Should Mayor and cabinet agree these proposals, no action will be taken until Business Scrutiny Panel on 28th November 2017.
- 13.6 Should Mayor and Cabinet agree to the recommendations, the subsidy will be removed as of 1st February 2018. The intention is for the delivery of a directly managed meals offer at Ladywell will begin on 2nd January 2018, subject to TUPE due diligence.

Background documents

| Short Title of Document | Date | Location | Contact |
|--|------------|---|---|
| Lewisham Future Programme, 2015/16 Revenue Budget Savings Report | 15.02.2015 | http://councilmeetings.lewisham.gov.uk/documents/g3500/Public%20reports%20pack%2011th-Feb-2015%2018.00%20Mayor%20and%20Cabinet.pdf?T=10 Item 137 | Executive Director Resources & Regeneration |

If you would like any further information on this report please contact Heather Hughes, Joint Commissioning Lead for Complex Care and Learning Disabilities on 020 8314 3511 or

Corinne Moccarme, Joint Commissioning Lead for Community Support and Care 020 8314 3342.

Appendix 1

Detailed Analysis of the Consultation process outcomes

The consultation period ran from 5th September – 14th October 2017. Throughout this consultation period, numerous steps were taken to involve and inform those likely to be affected by the changes to the arrangements, including service users, carers, families and organisations representing adult & older people.

Below is a list of the methods used to provide information about the proposals and the opportunities in which people were given to have their say:

- Letters to service users
- Website information
- Facilitated meetings at all day centres (listed below)

| List of Consultations | | | |
|------------------------------|-----------------|------------------------|---------------------|
| Date | Location | Number of Users | Carers/Staff |
| 13 th Sept | Ladywell | 4 | 8 |
| 26 th Sept | | 1 | 3 |
| 15 th September | Cinnamon | 10 | 3 |
| 28 th Sept | Court | 11 | 3 |
| 15 th Sept | Cedar Court | 20 | 4 |
| 28 th Sept | | 12 | 4 |

All meetings were informed of the reason for the consultation. Participants were informed that at this stage it is only a proposal and views need to be heard and feedback to Mayor and Cabinet before a decision is made. The Mayor and Cabinet meeting is on 15th November and the decision will be communicated to the Centres.

1 Ladywell Centre

A number of comments were made at the **Ladywell Day Centre**

- Vulnerable, lower paid, disabled people were being targeted
- People will not be able to afford a meal
- Meals are disgusting as they do not have jacket potato or salad
- Carer said it was only cooked food for the day and often the only reason why they come to the day centre
- Co-ordinator worried about the food that is taken in by users
- Husband attends day centre three times weekly, has pureed meals but would not be able to afford the increase
- One mentioned that he can't eat hard food and the food had to be processed
- Increase would have an impact as other bills have to be paid
- Find it difficult to prepare meals
- Soft diet required and important to health
- Would need assessment if price went up
- Husband not well, coming to the day centre gives husband a break
- It gives respite

- Enjoy coming to the day centre and would find it very difficult
- All dementia clients have meals at the day centre and relies on the day centre for their only hot meal of the day
- One user depends on relatives financially as son gives set amount of money
- No meal at the day centre would mean added pressure on the carer
- One said she enjoyed the meals especially the curry
- Another depends on relatives and if money is not left then packed lunch would be brought

A relative of a service user attended and said that her sister attends the Ladywell Day Centre four times a week. However her sister attended Leemore Day Centre where meals had already stopped. As a result her sister is now used to having packed lunch and continues to have packed lunches at the Ladywell Day Centre. She then left the meeting. This user requires a puréed diet which the Family prepare for her in the mornings.

Staff mentioned that some of the packed lunches taken in by users are lacking in nutrients. It was also mentioned that it would also impact on health and well-being. A member of staff said that she can clearly recall someone who stopped eating (lunches provided) as meal prices increased. A member of staff said that (as far as she recalls) the level of client's contribution has not increased for over 6 years.

Specific Reduction in Subsidy Questions

Would the proposed changes described in this consultation stop you from attending the day centres in the future?

- Most clients who attended the consultation said that they would still attend the day centre. It was also mentioned that for many service users it was the only cooked meal of the day especially for those with dementia and often the only reason they attended the day centre.
- *Response 'the proposal is that hot meals would still be available but it would be more expensive'*
- Others mentioned the proposal was targeting the low paid, disabled and vulnerable.
- A few individuals mentioned that they would not be able to afford it, already paying for transport & care package
- Others mentioned that no meals at day centre would mean added pressure on the carer
- One individual mentioned that because of her epilepsy she was unable to cook at home and the meals were very important
- A few mentioned that they would bring a packed lunch.
- Carers would have to stay longer at additional cost to prepare meals for clients, if no meal at the day centre, an assessment would be required
- Some complaint about the menu that they are currently receiving.
- *Response 'it is likely that the new arrangement would give individuals more say regarding the menu. The initial price would not be more than £6'.*

It was also said by one of the carers that if service users did not receive a balanced diet their health will suffer and this will have a knock on effect on users.

Given that you would be impacted by these proposed changes, is there anything that the Council could do to reduce any concerns you might have?

- It was difficult to communicate this question as they were all concerned about the increase than other reductions that could be found.
- What was requested by a relative was the exact price, timeline and prices to be guaranteed for a long period.
- Some users spoke about the fact that attending the day centre gives the carer a respite break. Another mentioned how wonderful the day centre is.

Do you have any other cost effective ideas for day centre meals that the Council should consider?

- Individuals did not mention any other cost effective ideas. As above they were most engrossed in talking about how they would be affected and the issues that they are currently experiencing.
- Ladywell user group includes very intensive complex needs. As a result a number of service users have 1:1 carers. Some meals are also pureed or a soft diet.
- A relative mentioned that it should be means tested as it is already costing a lot to care for someone with a disability, as they are already paying for incontinence pads etc. She also mentioned that she was unable to give advice without the necessary figures.

2 Housing & Care 21

Cinnamon & Cedar Courts users were asked similar questions, however the user groups appeared more able to answer questions and the disabilities were not as severe as those at the Ladywell Day Centre.

Would the proposed changes described in this consultation stop you from attending the day centres in the future?

Cinnamon Court Feedback

- one service user said that she attends only one day per week and already pays £5 for lunch at the Calabash Centre and it would be reasonable
- Willing to pay more if the meals were better, could also take a sandwich
- Another user who attends 2 days per week said she would probably pay the increase but would also consider packed lunches
- Another two users said that relatives would have to decide
- Another user who attends 3 days per week said that she would pay the extra to keep the hot meals
- Most people felt that they wouldn't have a problem paying the extra cost
- One said that she would not be able to afford it
- If packed lunch was the only option, it would mean more work for the Carer.
- Another client who attends 5 days said he will not move. The day centre manager thinks he will not have a problem paying the extra cost.

Cedar Court Feedback

Some service users mentioned that they would still attend the day centre

- One mentioned that she will bring own lunch, willing to pay if meals are better
- One service user who attends daily mentioned that it would be too expensive.
- Two service users would have to talk to family members
- Another two service users mentioned that they are quite happy to pay more
- Another two said that they would take a pack lunch
- Soft diet required
- One user said that she would consider paying for 2 meals but would also consider a packed lunch

The staff expressed health & safety concerns if they were to heat meals and due to staffing issues would find it quite challenging to assist everyone with meals. It appeared as if the majority of clients would still attend the day centre even if the cost was increased. The staff were asked on the importance of hot meals to clients and was informed that in addition to the nutritional value the meals provided an important social gathering for the clients.

Given that you would be impacted by these proposed changes, is there anything that the Council could do to reduce any concerns you might have?

- One service user mentioned that keeping people local could assist as she lived next to one of the Centres and now transferred to another centre where she has to be transported to.

Do you have any other cost effective ideas for day centre meals that the Council should consider?

- This question was difficult to respond to by users. Limited discussions were had at the events about this question. The first question evoked the discussions but little was said on questions 2 and 3.

Appendix 2 Analysis of Questionnaires received

There were a total of 121 questionnaires that were sent to service users of the Ladywell, Cinnamon & Cedar Courts. The questionnaire was also available on line. The following table breaks down responses received.

| Questionnaire | Responses | % of questionnaires returned | % of all service users |
|---|--|------------------------------|------------------------|
| | | Base = 23 | Base = 121 |
| Number of responses | 23 | | 19% |
| Service Users/representative | | | |
| A service user | 13 | 57% | 11% |
| A friend or family member of a service user | 7 | 30% | 5% |
| An advocate for a service user | 2 | 9% | 2% |
| other | 1 | 4% | 1% |
| | | | |
| | | | |
| Options | | | |
| • Paying the full cost | 18 | 78% | 15% |
| • Bring your own lunch | 4 | 17% | 3% |
| • Cannot afford it | 1 | 4% | 1% |
| | | | |
| Would change stop you from attending? | | | |
| No | 17 | 74% | 14% |
| yes | 3 | 13% | 2% |
| Possibly | 2 | 9% | 2% |
| No response | 1 | 4% | 1% |
| What could Council do to reduce concerns? | Continue to provide hot meals stop the proposed change restrict menu choices provide a decent meal | | |
| Any other cost effective ideas | Cut top bosses pay Sandwiches, do hot meals only 3 days, provide more microwave ovens, buy from Iceland, ask for advice & input, Salvation Army, ask parents to Volunteer | | |
| | | | |
| Age | | | |
| 0 – 64 | 4 | 17% | 3% |
| 65 – 84 | 13 | 57% | 11% |
| 85+ | 5 | 22% | 4% |

| | | | |
|---------------------------------------|----|-----|-----|
| No response | 1 | 4% | 1% |
| | | | |
| Gender | | | |
| Male | 7 | 30% | 6% |
| Female | 16 | 70% | 13% |
| Not say | | | |
| Ethnicity | | | |
| White | 15 | 65% | 12% |
| Asian/Asian British | 1 | 4% | 1% |
| Black/African/Caribbean/Black British | 7 | 30% | 6% |
| Mixed/Multiple ethnic groups | | | |
| Not say | | | |

Appendix 3
Financial Modelling
In-house Ladywell Day Centre Hot Meals Provision

Labour and meals costs

180 meals sold a week. Basic cost of pre-cooked 2 course meal = **£3.50** (17/18 prices)

Substantive cook @ 20 hours a week (4 hours x 5 days) @ SCP 18 inc on costs £15,529 (£27,953 / 36 hours x 20 hours). Substantive staff cost for meal = £15,529

Holiday Cover (agency) costs @ £17.65 an hour for 20 hours x 4 weeks = £ 1,412

Total Labour cost = £16,941

Cost per meal for labour = £16,941/ 50 working weeks/ 180 meals a week = **£1.88** a meal.

Depreciation cost of equipment = £9,800/ 5 years/ 50 working weeks/ 180 meals a week = **22p**

Total cost of meal = £3.50 + £1.88 + £0.22 = £5.60 a meal

Other costs such as services and management overheads are minimal and contained within the existing running costs of the centre.

Set up Capital Costs

| Equipment | Unit Cost (Net) | Overall Cost (Net) |
|---------------------------|-------------------|--------------------|
| 5 x Industrial Microwaves | £200 | £1,000 |
| 2 x Dishwasher | £1,100 | £2,200 |
| 2 x Heated Trolleys | £1,800 | £3,600 |
| Kitchen Clearance | £3,000 | £3,000 |
| | Total Cost | £ 9,800 |

1.0 Introduction

- 1.1 Lewisham Council has worked to increase choice, rights and inclusion for people with social care needs in line with government policy and legislation. This has been achieved through a range of approaches including the introduction of personal budgets and redesign of services.
- 1.2 Lewisham currently provides subsidised meals at Cinnamon and Cedar Courts (Housing & Care 21) and Ladywell Day Centres and the proposal is to remove the payment of subsidies paid for meals or bring a packed lunch to the day centre.
- 1.3 The people who will be affected are users of the Ladywell Day Centre, Cinnamon- and Cedar- Courts Day Centres.
- 1.4 This Equalities Impact Assessment has been undertaken to identify the impact of the reduction of the meals subsidy from the protected characteristics group.
- 1.5 Full regard has been had to the requirements of the Equalities Act 2010 and proper regard has been had to the nature and extent of the duties owed by it.
- 1.6 The EIA determines the likely implications of the changes and assesses whether or not the changes will disadvantage some groups or individuals more than others. The EIA addressed the following questions:
 - Could the proposed changes affect some groups differently?
 - Would the proposed changes disproportionately affect some groups more than others?
 - Would the proposed changes promote equal opportunities?
- 1.7 Affected service users were consulted between 5th September 2017 – 14th October 2017 and relatives were able to express their views on the proposals.
- 1.8 Other agencies who may have an interest in the changes, and members of the general public were able to comment should they so wish through the Council's on line portal

2.0 Assessment of Impact

- 2.1 The tables below summarise the likely impact of the proposals to stop the subsidy to the cooked meals service on the specific service users at Cinnamon Court, Cedar Court and Ladywell day centre reflecting the protected characteristics of the people attending, highlighting where there may be specific implications and how any potential adverse impact may be mitigated against.

Age

The proposal to remove the meals subsidy have a greater impact on older people as they are the significant user group.

| Age | Cinnamon | % | Cedar | % | Ladywell | % |
|--------------|----------|-----|-------|-----|----------|-----|
| 0 - 64 | - | | 6 | 13% | 17 | 31% |
| 65 - 84 | 16 | 80% | 19 | 40% | 25 | 46% |
| 85 | 4 | 20% | 22 | 46% | 12 | 22% |
| Total | 20 | | 47 | | 54 | |

Gender

Women make up the majority of users at the day centres and this reflects the demographics of an older population, due to life expectancy disparity from the age of 80+

| Gender | Cinnamon | % | Cedar | % | Ladywell | % |
|--------------|----------|-----|-------|-----|----------|-----|
| Men | 2 | 10% | 12 | 25% | 24 | 44% |
| Women | 18 | 90% | 35 | 75% | 30 | 56% |
| Total | 20 | | 47 | | 54 | |

Disability

The proposal impacts on people with a disability or health condition at all centres because access to the service is based on people having significant assessed needs.

| Disability | |
|------------|---|
| Cinnamon | All have a form of disability & uses a walking aid |
| Cedar | All have a medical condition e.g. arthritis ,registered blind, dementia |
| Ladywell | All have a medical condition, some more severe than others |

Ethnicity

A number of culturally appropriate meals are provided at day centres and any meals offer will need to continue to meet the cultural preferences and needs of these populations

| Ethnicity | Cinnamon | % | Cedar | % | Ladywell | % |
|------------------------|----------|-----|-------|-----|----------|-----|
| White or White British | 8 | 40% | 30 | 67% | 22 | 41% |
| Black or Black British | 11 | 55% | 12 | 27% | 21 | 39% |
| Asian or Asian British | 1 | 5% | 3 | 7% | 3 | 5% |
| Other Ethnic Group | 0 | 0 | 0 | 0 | 5 | 9% |
| Not Known | 0 | 0 | 0 | 0 | 3 | 5% |

Religion and Belief

The majority of service users declare themselves as having christian beliefs. There are a small number of services users from different faiths and this triangulates with the kinds of meals purchased currently (e.g. Halal). Any meals offer will need to continue to meet the cultural preferences and needs of these populations

| Religion/belief | Cinnamon Court | % | Cedar Court | % | Ladywell | % |
|-----------------|----------------|-----|-------------|--------|----------|--------|
| Christian | 10 | 50% | 28 | 62.22% | 25 | 46.3% |
| Islam | 1 | 5% | 1 | 2.22% | 2 | 3.7% |
| Hindu | 1 | 5% | 0 | 0 | 1 | 1.85% |
| None | 4 | 20% | 3 | 6.67% | 3 | 5.56% |
| Unknown | 4 | 20% | 13 | 28.89% | 23 | 42.59% |

Marriage and Civil Partnership

There is no discrimination as a result of these proposals in relation to marital and civil partnership rights. It is noted, however, that a significant number of the service users are single, widowed or divorced and of that number, a significant number of people using the Cinnamon Court and Cedar Court services live alone. Therefore the day service provider and the Council should have regard to and monitor the impact of these proposals on those people, ensuring that their health and wellbeing is well supported, particularly those with no visiting relatives or other social networks.

| Marital Status | Cinnamon Court | % | Cedar Court | % | Ladywell | % |
|----------------|----------------|--------|-------------|--------|----------|--------|
| Divorced | 2 | 10.00% | 8 | 19.05% | 2 | 4.08% |
| Widowed | 6 | 30.00% | 11 | 26.19% | 12 | 24.49% |
| Single | 4 | 20.00% | 10 | 23.81% | 14 | 28.57% |
| Married | 8 | 40.00% | 13 | 30.95% | 21 | 42.86% |
| Live Alone | 11 | 55.00% | 14 | 33.00% | 0 | 0 |

Pregnancy and Maternity

There is no specific information on this protected characteristic discrimination as a result of these proposals in relation to pregnant service users or maternity conditions.

Sexual Orientation

There is no specific information on this protected characteristic discrimination as a result of these proposals in relation to sexual orientation

Gender Reassignment

There is no specific information on this protected characteristic discrimination as a result of these proposals in relation to gender reassignment

3.0 Conclusion

- 3.1 Some service users reflect some protected characteristics which will require mitigation through a culturally or belief specific meals option continuing to be available. Furthermore, there are a large number of single people using the hot meals service currently many of whom live alone, though the most vulnerable group at Ladywell do not, and some of the people living alone using the Cedar Court and Cinnamon Court day services also use the Extra Care service to which they are attached and so there are generally support systems to check and ensure that people continue to eat well however that food is prepared and served.

- 3.2 While not a specific characteristic, officers note that some of the questionnaires returned through the consultation, which are likely to have been completed by clients or their families, state that they will no longer attend the centre if the meals proposals are implemented. This is a possible detriment of the proposals and will be monitored through the implementation phase and mitigating actions taken on an individual basis as may be necessary.