

Summary Sheet

Name of Committee and Date of Committee Meeting

Cabinet and Commissioners' Decision Making Meeting – 21 May 2018

Report Title:

The Transformation of Services and Support for People with a Learning Disability

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Anne Marie Lubanski – Strategic Director of Adult Care, Housing and Public Health

Report Author(s)

Janine Moorcroft – Head of Service for Provider Services
01709 254875 or janine.moorcroft@rotherham.gov.uk

Garry Parvin – Joint Head of Commissioning for Learning Disability, Autism and Transitions
01709 255952 or garry.parvin@rotherham.gov.uk

Ward(s) Affected

All

Summary

The purpose of this report is to set out the next steps in the transformation of services and support for people with a learning disability in line with the learning disability strategy, vision and the learning from the consultation with people and families.

The needs of people with a learning disability are continuing to change and are becoming more diverse. People and families have higher expectations of what it means to have an independent life in their community, and want more control over their lives.

There are a number of key steps that the Council needs to take to achieve the vision and the three year improvement journey for people with a learning disability.

Recommendations

1. That approval be given to the draft Learning Disability Strategy and approve future stakeholder engagement.

2. That approval be given to the development of a Rotherham Supported Living and Better Days Framework as detailed in the Learning Disability Strategy (Appendix C).
3. That approval be given to the transformation of the Learning Disability Services over the next two years which will see the services move from existing building based locations to alternative care and support that will be situated as close to the person as possible in their local community, using and developing existing resources and community buildings i.e. leisure centres and community provision. Oaks Day Centre, Addison Day Centre, Treefields, Quarryhill and Parkhill will be decommissioned.
4. That the Council continue to provide a service to people with high complex needs. The Elliott Centre and Maple Avenue buildings will be reviewed and may be moved to more suitable alternative premises should they become available.
5. That approval be given to the delivery plan which sets out how the Council will make sure all people with a learning disability have access to community based services that promote independence, wellbeing and social inclusion. This will ensure that:
 - Each person with a learning disability has a review based on a person centred approach, which will inform the support and services the Council needs to provide to meet their individual needs by 2020. A dedicated team of social workers with the support of the existing staff will undertake the reviews. This will also include advocacy support and engagement with carers.
 - Each person will have the opportunity to make sure every day in their life is meaningful, of value and leads to them having a 'Good Day'. Doing things which have a purpose; being in ordinary places doing things most other people in the community would be doing; doing things that are for the individual; making sure they receive the right amount of support; and are in touch with local people, developing friendships.
 - More people have the opportunity to participate in paid employment.
 - A strength based approach will be taken to develop a range of opportunities, including shared lives, use of personal budgets, develop skills for independent living provide support when the carer needs it and making sure more people have their own front door.

List of Appendices Included

Appendix A Consultation Executive Summary

Appendix B Delivery plan

Appendix C Learning Disability Strategy

Appendix D Equalities Analysis

Appendix E Outcome following consultation held between September 2017 to December 2017.

Appendix F Rotherham Case Studies

Background Papers

Vision and Strategy for Adult Social Care – March 2016

Implementing a Strategic approach to the commissioning and delivery of learning disability services- 26 May 2016

Consultation on the modernisation of the Learning Disability Offer and the future of In-house Services for Adults with a Learning Disability and/or Autism” on 14 November 2016

Transforming Care for people with Learning Disabilities, 2015

Care Act 2014/15

Mental Capacity Act 2005

Making it Real 2012

Think Local, Act Personal 2010

Valuing people now

Rotherham Housing Strategy 2016 – 2019

Together for Change Document (Learning Disabilities)

Full consultation document from online consultation (Sept 2017 – Dec 2017)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Overview and Scrutiny Management Board – 16 May 2018

Council Approval Required

No

Exempt from the Press and Public

No

The transformation of services and support for the people with people with a learning disability

1. Recommendations

- 1.1 That approval be given to the draft Learning Disability Strategy and approve future stakeholder engagement.
- 1.2 That approval be given to the development of a Rotherham Supported Living and Better Days Framework as detailed in the Learning Disability Strategy (Appendix C).
- 1.3 That approval be given to the transformation of the Learning Disability Services over the next two years which will see the services move from existing building based locations to alternative care and support that will be situated as close to the person as possible in their local community, using and developing existing resources and community buildings i.e. leisure centres and community provision. Oaks Day Centre, Addison Day Centre, Treefields, Quarryhill and Parkhill will be decommissioned.
- 1.4 That the Council continue to provide a service to people with high complex needs. The Elliott Centre and Maple Avenue buildings will be reviewed and may be moved to more suitable alternative premises should they become available.
- 1.5 That approval be given to the delivery plan which sets out how the Council will make sure all people with a learning disability have access to community based services that promote independence, wellbeing and social inclusion. This will ensure that:
 - Each person with a learning disability has a review based on a person centred approach, which will inform the support and services the Council needs to provide to meet their individual needs by 2020. A dedicated team of social workers with the support of the existing staff will undertake the reviews. This will also include advocacy support and engagement with carers.
 - Each person will have the opportunity to make sure every day in their life is meaningful, of value and leads to them having a 'Good Day'. Doing things which have a purpose; being in ordinary places doing things most other people in the community would be doing; doing things that are for the individual; making sure they receive the right amount of support; and are in touch with local people, developing friendships.
 - More people have the opportunity to participate in paid employment.
 - A strength based approach will be taken to develop a range of opportunities, including shared lives, use of personal budgets, develop skills for independent living provide support when the carer needs it and making sure more people have their own front door.

2. Background

- 2.1. People with a learning disability have been telling people who commission and provide services that they want the same quality of life as anyone else; that they have the same dreams and wishes as other people; and that they want the same chance as anyone else of being able to realise these dreams.
- 2.2. People with a learning disability want access to a wider range of services and support which are part of their local community; they want access to employment, jobs, good leisure time, friendships and to travel as independently as possible around the borough. Examples of what this looks like are contained within the Rotherham Case Studies (Appendix E).
- 2.3. The Community Catalysts programme has given people who currently attend a day centre the opportunity to try or 'taste' great local community activities, which has led to people feeling part of something of value and "ordinary". The learning from this will inform the future development of services and support.
- 2.4. The needs of people with a learning disability are continuing to change and are becoming more diverse. People and families have higher expectations of what it means to have an independent life in their community, and want more control over their lives. This change is reflected in the declining numbers of people who have accessed traditional building based "day services" (Oaks - 0, Addison - 2, Adpro - 4) over the past two years. People and families are telling us they expect support and services to be more person centred, flexible, available during the day, evening and weekends, and are community based and as close to where the person lives as possible. People and families want more opportunity to contribute and be part of main stream life.
- 2.5. Good practice and national research tells us that it is possible for people to develop skills and gain greater independence through providing alternatives to day services. This is achieved through volunteering projects (such as cafes, volunteering in a community/hospital radio station, a park warden service and other services run by the large statutory organisations) and through real, paid jobs. There are people with high support needs in paid employment in places such as large department stores, supermarkets, and the entertainment sector. There are job share schemes, where jobs are broken down into a number of tasks and the tasks undertaken by a number of people who together complete the whole job. Some people become self-employed and are supported by the development of a number of projects, such as the 'nursery project', where people with learning disabilities learn about horticulture, work towards qualifications and producing a certain amount of produce which they can sell at local farmers markets. There are new ways of developing supported employment by bringing together employers and work with them strategically and supportively to employ people from many different under-represented groups, including people with a learning disability.
- 2.6. The Department for Education has recently made changes to the regular minimum English and Maths requirements needed to complete an apprenticeship for people with a learning difficulty or disability. These changes will allow more people to access apprenticeships through local colleges and educational providers and move into paid employment.

- 2.7. The Care Act 2014 reinforces national policy for adults with a learning disability, including the core principles in Valuing People (2001), and Valuing People Now (2009): rights, independence, choice and social inclusion. It reaffirms the principles of personalisation, legislating for Personal Budgets and requiring local authorities to promote Direct Payments. For example, a person with a learning disability can use their direct payment to employ personal assistance to support their care needs in their own home and help them travel to the local college, rather than relying on a care agency, who may send different people each time and would not spend all the allotted time with them. Assessments should build on individual, family and community strengths, support access to universal services and aim to prevent, delay or reduce people's dependency on services and transitions for young people with a learning disability into adulthood must be effective.
- 2.8. Rotherham Council faces significant challenges. Some local services are out of date, expensive, and need to change if the Council is to meet people's expectations for the future. The current building based services of day care; respite and residential care restrict independence, choice and control and may not provide the best outcomes for the customer. In addition the model is not in line with government policy, good practice and does not provide value for money when looking at other Council's offers.
- 2.9. The Council is also facing severe financial pressures, and there is an increase in the number of people with a learning disability. Higher numbers of people with a learning disability are reflected in the proportion of 2017/18 budget spend with 30% of all Adult Care expenditure being spent on people with a learning disability. It is recognised that the current service spends a net £20.4m on learning disability services for approximately 750 people.
- 2.10. Recognising the challenges facing the Council, a review of the learning disability services began in 2015, resulting in a number of Cabinet reports and consultation with the people who use services. The review is integral to the Council's overall vision for transforming social care and builds on the principles of the Care Act 2014 and the need to move away from traditional building based support.
- 2.11. The Learning Disability Strategy sets out the Vision for services for the next two years and the direction of travel to achieve this ambition.

Our vision is that in two years' time:

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| The Services | will provide high quality care and support to people with a learning disability and their families. |
| | will actively promote people's wellbeing, helping them have a good life and be as independent, healthy and well as possible. |
| | will be more diverse so all people with a learning disability in Rotherham, whatever their age, background, or level of need, will have more choice in their support. |
| | will move away from traditional building based or institutional form of support and will focus on support which is personalised, flexible and meets people's individual needs. |
| | will help people work together and pool their personal funds so they can share their support and sustain meaningful and rewarding relationships. |
| | will provide the best value for the people of Rotherham. |
| Improved Accommodation and Support | will enhance the local offer and ensure that there is support for people who live away from their families. Housing will be of high quality, with more people having their own "front door" and the support will promote people's independence and wellbeing, offering dignity and privacy. |
| | will ensure fewer people with a learning disability live out of Rotherham, and people who need and want to return will have been helped to do so. |
| A Focus on Work and Skills | will ensure that more people with a learning disability will be in paid work and volunteering opportunities, working alongside the rest of the community. |
| An Inclusive Approach | will be promoted throughout everything the Council does. More people with learning disabilities will be doing more within their community. Support will build on resources in the community, tackle barriers to social inclusion and reduce dependence on social care services alone. The Council will stimulate creative and innovative ways to make this happen. |
| | will enable people to say they have been fully included and involved in the planning and implementation of changes over the next two years. |
| Enhanced Information and Advice | will enable more coordinated information about services and support to be shared across all relevant agencies. |
| Carers | will have improved support available to them in their own right, making life better for people with learning disabilities who live in the family home. This will include comprehensive carers assessments and a diverse approach to respite. |
| Improved Transition | will enable young people with a learning disability to positively move into adulthood. |
| Strong Partnerships | will ensure that services and support are joined up across Rotherham in both the voluntary and statutory sectors. |

2.12. Previous reports from 2016/17 have acknowledged that this approach will be a three year improvement journey to ensure the success of the future model and to build on the vision for Rotherham. The Council therefore envisage changes to continue until 2020 to allow sufficient time to develop alternative community enterprises, build on our employment offer and for the transition time that will be required for customers.

3. Key Issues

3.1. The purpose of this report is to set out the next steps in the transformation of services and support for people with a learning disability in line with the learning disability strategy, vision and the learning from the consultation with people and families.

3.2. The consultation commencing September 2017 was undertaken and guided by best practice in co-production with people with a learning disability and their carer. The findings from the consultation found that people with a learning disability expressed the following views;

- People were anxious about any changes and loss of contact with their friends.
- People wanted to do more things outside of the day centre and more activities in the community.
- People wanted more opportunities for real employment.
- Respite services are important to carers but not all carers have access.
- Across all groups consulted with, on average, at least 32% (up to 45%) of people were either unsure what services should look like in the future or they didn't want them to look the same.
- One third of carers want the services to remain the same, while another third want the same and more investment and the final third want more integration into the community (Appendix A).

3.3. There are a number of key steps that the Council needs to take to achieve the vision and the three year improvement journey for people with a learning disability.

- The Council needs culture and practice in Rotherham to change so it is based on high expectations of people's capabilities and their ability to develop new skills (whether they live with, or away from their families), and recognises that unnecessary dependence on institutionalised services is 'disabling'.
- The Council will require major improvements in the quality of community-based services, including robust, preventative and proactive care. This will involve innovative approaches including the rapid development in assistive technology.
- The need to ensure that the Council has a spectrum of support in place which meets the needs of all people, including those with significant and complex needs and those in a caring role, who may require support in a building environment whilst optimising their independence.

- The need to make sure pathways are developed to meet the changing needs and expectations of younger adults with a learning disability, at the same time as meeting the changing needs of an ageing population.
 - The Council needs to ensure that the assessment and commissioning process understands and practices within the principles of Person Centred Planning and looks at the person's whole life. It is acknowledged that people may need to be supported to be actively involved in their care planning and consideration will be given to provide advocacy support to facilitate involvement in care planning and review.
 - The Adult Services Change Programme Board will oversee the transition from a centre-based to a community-based service, as the Council moves from reliance on building and service based model. Commissioning will lead on the reconfiguration of services/support and the transition to community based model (Appendix B sets out the delivery plan over the next two years for the transformation of services moving away from a building based model, with key milestones and targets).
 - Maximise the availability of different revenue streams to ensure equal access to mainstream opportunities.
 - Ensure the voluntary sector services know how they link into the modernisation.
 - Develop a robust communication strategy to ensure people and their carers receive reliable and timely information and are fully engaged and included in the modernisation of services as the Council moves forward.
- 3.4. Progress and updates on the learning disability modernisation programme will be monitored and managed by the Adult Services Change Programme Board which is chaired by a national expert, with the involvement and regular reporting to the Learning Disability Partnership Board.
- 3.5. Over the next two years the Council aims to realise our vision and strategy for people with a learning disability. This will improve people lives, aspirations and opportunities and make sure all people with a learning disability have access to community-based services that promote independence, wellbeing and social inclusion. It will be the difference between "having a life rather than just a service".
- 3.6 The Council understands that changes can create anxiety and will be respectful of this. The Council will consider and take into account the learning from the consultations that have taken place and will develop a robust communication and engagement strategy to ensure people with learning disabilities, their families and carers receive reliable and timely information and are fully engaged and included throughout the development of plans.

4. Options considered and recommended proposal

- 4.1. **Approve the Transformation of services and the move away from segregated building based support, as outlined in the delivery plan (Appendix B)**

The current building based services of day care, respite and residential care restrict independence, choice, and control and may not provide the best outcomes for the customer. In addition it is not in line with government policy and good practice and does not provide value for money.

Differing estimates make needs analysis of the population very difficult. What the Council does know is that people are living longer with complex health problems and profound and multiple learning disabilities. Younger people with learning disabilities have different expectations about the support they require than older people with learning disabilities. The Council needs to enable people with learning disabilities to be supported in the most appropriate way to meet their needs taking into account both quality and cost.

A third of the people and families who took part in the consultation want more integration into the community.

“My son has never used day centres - they can be good for other people but I prefer to have my son out of day centres and be in college with other students and do more community based activities.” (Appendix A. Executive summary of the consultation on the modernisation of In-house services for Adults with a learning disability and or Autism:Sept- December 2017, Cabinet approval 10th July 2017)

The delivery plan sets out how the Council will make sure all people with a learning disability have access to community based services that promote independence, well-being and social inclusion. The Council will do this by ensuring;

- Each person with a learning disability has a review based on person centred approach which will inform the support and services the Council needs to provide to meet their individual needs by 2020. A dedicated team of social workers with the support of the existing staff will undertake the reviews. This will also include advocacy support and engagement with carers.
- Each person will have the opportunity to make sure each day in their life is meaningful, of value and leads to them having a ‘Good Day’. Doing things which have a purpose; being in ordinary places doing things most other people in the community would be doing; doing things that are for the individual; making sure they receive the right amount of support; and are in touch with local people, developing friendships.
- More people have the opportunity to participate in paid employment.
- A strength based approach will be taken to develop a range of opportunities, including shared lives, use of personal budgets, develop skills for independent living provide support when the carer needs it and making sure more people have their own front door.

Examples of alternative support/provision can be seen in the Rotherham Case Studies (Appendix E).

4.2. To approve the learning disability strategy and the development of a Rotherham Supported Living and Better Days Framework as detailed in the strategy (Appendix C).

The learning disability strategy sets out the vision and direction of travel for the next two years including the aims for a greater choice of supported living options in Rotherham.

4.3 Take no further action.

This option is not viable and therefore is not recommended. The option does not tackle the need to change and transform service in-line with the requirements of the Care Act 2014. Further, the vision and aspirations outlined within the Draft Learning Disability Strategy would not be met as this would not offer any choice and control to customers to move on to live independently or to promote independence.

5. Consultation

- 5.1. Since 2015 there have been a number of consultation and engagement sessions which have taken place with people and families of Rotherham. This has included a wide consultation on the Learning Disability and Autism Offer for Rotherham and more recently a specific consultation on the Learning Disability In house provision. This is referenced in Appendix A of the report.

6. Timetable and Accountability for Implementing this Decision

- 6.1. The timescale for delivery is set out in the attached Delivery Plan (Appendix B).
- 6.2. Commissioning will drive through the change as part of the Learning Disability Strategy.

7. Financial and Procurement Implications

- 7.1. The current spend on adults with a learning disability is £20.4m. As part of the budget setting process for 2017/18 and 2018/19, £3.4m of potential savings were agreed based on a review of services provided. The items identified in the Delivery Plan will contribute towards the required saving. The actual amount saved will be dependent on individual assessments which will focus on better outcomes for service users.

8. Legal Implications

- 8.1 The Care Act 2014 sets out that the general duty of a local authority in exercising a function under the Care Act is to promote an individual's wellbeing in decisions made with and about them. This duty extends to meeting needs for care and support where the eligibility criteria are met.

- 8.2 The legislation sets out specific duties of local authorities including:

- to provide or arrange services that help prevent people developing needs for care and support or delay people deteriorating such that they would need on going care and support.
- providing information and advice that people need to make good decisions about their care and support; and
- having a range of quality and appropriate services to choose from.

8.3 Local authorities are required to approach assessments looking at an individual's life in a holistic way and to consider their needs in the context of what they can do and what their goals and priorities are; and how the people involved in their life can support them to achieve the same.

8.4 The Care Act s12 and the Care and Support (Assessment) Regulations 2014 specify local authorities should ensure that appropriate and proportionate assessments are undertaken including effective participation of the person being assessed.

8.5 While there is no timescale for assessment in the Care Act or associated regulations, the statutory guidance to the Care Act sets out that:

“An assessment should be carried out over an appropriate and reasonable timescale taking into account the urgency of needs and a consideration of any fluctuation in those needs. Local authorities should inform the individual of an indicative timescale over which their assessment will be conducted and keep the person informed throughout the assessment process”

(Care and Support Statutory Guidance (2014), para. 6.29)

8.6 This is supported by guidance from the Local Government Ombudsman stating that they normally consider it reasonable for an assessment to be carried out between four to six weeks from the date of the request for assessment.

8.7 While the Council is entitled to take the account of resources when assessing needs and deciding what arrangements to make to meet needs, once a decision has been made that it is necessary to make the arrangements, the Council is under an absolute duty to make them.

8.8 Direct Payments are a mechanism for personalised care and support, giving individuals more choice and control and a means to commission their own care. The Council has a key role in promoting the use of Direct Payments.

“A Direct Payment (DP) is money given to individuals by social services departments to buy the support they have been assessed as needing. A Direct Payment can ensure people have the kind and amount of support they need to live their lives as fully, as freely and with as many choices and opportunities as they can”. (SCIE good practise and guidance.)

8.9 Local authorities are required to consider the following:

- what services, facilities and resources are already available in the area (for example local voluntary and community groups), and how these might help local people
- identifying people in the local area who might have care and support needs that are not being met
- identifying carers in the area who might have support needs that are not being met

8.10 In discharging this duty, local authorities are required to work with their communities and provide or arrange services that help to keep people well and independent. This should include identifying the local support and resources already available and helping people to access them.

8.11 The Council currently discharges its duties to adults with a learning disability through a combination of in-house services and externally provided services. As set out in this report, the Council has carried out a thorough consultation exercise (Appendix A) which has been considered in making the recommendations set out in this report.

8.12 The Council must ensure it complies with its duties under the Equality Act 2010. Under Section 1 of that Act the Council must, when making decisions of a strategic nature about how to exercise its functions, have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage. In addition under Section 149 of the Equality Act, the Council must comply with the public sector equality duty which requires it to have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.13 In dealing with this duty, the Council must have due regard in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant characteristic that are connected to that characteristic.
- Take steps to meet the needs of people who share a relevant protected characteristic that are different to the needs of persons who do not share it.
- Encourage persons who share a relevant characteristic to participate in public life or any other activities where their participation is disproportionately low.

8.14 Protected characteristics include disability, age, race, sex, religion or belief, gender reassignment, marriage and civil partnership, pregnancy/maternity and sexual orientation.

9. Human Resources Implications

9.1. The staffing establishment supporting the current Learning Disability service model will need to be reviewed in line with the modernisation of the service. As such a robust consultation will need to commence with all affected employees as per Council policy on restructure and change management. A reduction in staffing numbers may be inevitable and where possible redeployment will be considered in order to avoid redundancy processes.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1. The development of a range of high quality sustainable opportunities for future customers who may transition from children's services will help these young people to maintain their skills and have choice and control over where they live and how they spend their time. Services will be local to where people live and customers will become fully integrated within their local communities. Through the transition board progress has been made to gain an understanding of whom the younger people are and identify any needs at an earlier stage and the impact on Adult Services. This will form a key work stream to be taken forward.
- 10.2. The Council have engaged with young people and attended events such as the "parent's partnership group". Work has taken place with the Strategic Commissioner in CYPs to ensure that the strategies across the services are aligned. There has been development with the schools in Rotherham to build better working relationships and solutions for younger people.

11. Equalities and Human Rights Implications

- 11.1. The attached is the Learning Disability Equality Analysis (Appendix C) for the Adult Social Care Development Programme. There will be a need to work on individual analyses that relate directly to each area. There will be work with customers to co-produce an equality analysis for each decision made.

12. Implications for Partners and Other Directorates

- 12.1. There is a need for a clear engagement and communication/media plan. There will need to be a working group that would drive this project and include dedicated officers from a variety of teams including the communications team.

13. Risks and Mitigation

- 13.1. The risks of not agreeing to the recommendations are that the aspirations and outcomes for people with a learning disability may not be achieved.
- 13.2. There is a risk that the savings identified for 2017/18 will be delayed and that this will leave a pressure within existing budgets. Alternative options will therefore need to be identified in order to achieve a balanced budget.
- 13.3. Young people coming through transition will have limited choice if alternative service models are not developed in a timely way.
- 13.4. Market development as part of Shaping the Future Strategy, and more specifically highlighted in the Market Position Statement will be required to deliver the alternative solutions with the proposed decommissioning as outlined within the report. Effective engagement will increase the range of options available to facilitate further transformation.

14. Accountable Officer(s)

Richard Smith - Interim Assistant Director of Independent Living and Support
Anne Marie Lubanski - Strategic Director of Adult Care, Housing and Public Health
Nathan Atkinson - Assistant Director of Strategic Commissioning.

Approvals obtained on behalf of:

| | Named Officer | Date |
|---|----------------------|-------------|
| Strategic Director of Finance & Customer Services | Julie Copley | 06.04.2018 |
| Assistant Director of Legal Services | Neil Concannon | 13.03.2018 |
| Head of Procurement (if appropriate) | Neil Murphy | 21.02.2018 |
| Head of Human Resources (if appropriate) | Kay Wileman | 13.03.2018 |

Report Author: *Janine Moorcroft – Head of Service for Provider Services
01709 254875 or janine.moorcroft@rotherham.gov.uk*

*Garry Parvin – Joint Head of Commissioning for Learning Disability, Autism and Transitions
01709 255952 or garry.parvin@rotherham.gov.uk*

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