

Public Report with Exempt Appendices  
Delegated Officer Decision

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**Committee Name and Date of Committee Meeting**

Delegated Officer Decision – 15 August 2023

**Report Title**

Officer decision record for delegated approval to commence a 90 day consultation exercise regarding a future delivery model for the Rothercare Service.

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

Yes

**Strategic Director Approving Submission of the Report**

Ian Spicer, Strategic Director of Adult Care, Housing and Public Health

**Report Author(s)**

Julie Moore – Head of Service, Adult Care Provider Services

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**Ward(s) Affected**

Borough wide

**Report Summary**

This report seeks powers of delegation for the Strategic Director Adult Care, Housing and Public Health to approve the commencement of a 90 day Consultation Exercise regarding a future delivery model for the Rothercare Service

**Recommendations**

It is recommended that agreement is granted to complete a 90 day Consultation Exercise regarding a future delivery model for the Rothercare Service

**List of Appendices Included**

EXEPMT - Appendix 1 Rothercare Internal Audit Report – July 2022

EXEMPT - Appendix 2 Rothercare Options appraisal November 2022

**Background Papers**

Red Quadrant report - 2018

Rothercare position statement- June 2022

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

**Council Approval Required**

No

**Exempt from the Press and Public**

Open report with exempt appendices.

An exemption is sought for Appendix 1 and 2 under Appendix 3 and 4 of Part I of Schedule 12A of the Local Government Act 1972 is requested, as the reports contain information relating to the affairs of the council and may lead to workforce negotiations.

It is considered that the public interest in maintaining the exemption would outweigh the public interest in disclosing the information because the details relate to internal processes and structures which would be of a confidential nature until such time as staff consultations have been entered into.

# Officer Decision Record for commencement of a 90-day Consultation Exercise regarding a future delivery model for the Rothercare Service

## 1. Background

- 1.1 Rothercare provides a community alarm service to residents of Rotherham who are 18 years and older; customers are issued with a pendant alarm which can be worn around the neck, wrist or on a belt.

The service also provides and distributes low level assistive technology equipment (AT) including fall detectors, clocks and medication dispensers, that have been identified to support or maintain independence.

The current Rothercare business model and offer is outdated in terms of service delivery, structure, funding, cost, location, technology and digitalisation. This was highlighted in a report completed by Red Quadrant which was commissioned in 2018, Rothercare position statement June 2022 (background papers) and also raised in the findings of an internal audit report completed in July 2022. (appendix 1)

As such there is a requirement to complete a full service review, redesign, and fully cost a new business model which is based around customer choice and requirements. The model must give consideration to the development of technology, resources and cost effectiveness. Regard must be given to the full understanding of change requirements.

## 1.2 Aims and objectives of the review

The aim of this review is to fully understand and challenge constructively the current “as is” position and articulate future opportunities for service delivery.

Objectives:

- Understand current delivery model and the key challenges
- Understand current demand and future forecasting
- Consult with the residents of the borough
- Complete future business model options appraisal
- A fully costed business case is written based on preferred option and ensuring a ‘choice based’ delivery model.
- Understand dependencies including with the new AT/Digital approach being led by commissioning
- New business model must link to all adult care pathways, OT pathways and align with the front door, reablement and localities teams to ensure AT support is formally assessed and implemented as the initial element of all support packages and advice/signposting for self-funders/private enquiries.
- Ensure financial sustainability
- Market testing exercise to be carried out
- Consider a new site for the location of the Rothercare service
- Clarification of the VAT status for tenants receiving the service that are not subject to a mandatory charge
- The charging policy for the Rothercare Service is reviewed including an understanding of changes since the implementation of the existing policy
- The Housing allocations policy is reviewed
- A review is completed to understand which tenants are currently eligible for the Rothercare subsidy including if the subsidy should be paid for tenants in receipt of Universal Credit
- Understand potential inequalities relating to private Rothercare customers who are in receipt of housing benefit or universal credit.

- Quantify the people impact of any proposed changes
- A Rothercare customer satisfaction survey is completed
- Benchmark and research models and delivery levels with other LAs

### 1.3 **Consultation exercise**

The Leader and Chief Executive of RMBC have agreed that a public consultation exercise must be completed prior to submission of a report to cabinet.

The purpose of the consultation will be to establish the views and needs of users of the Rothercare Service, their families, and carers regarding current service delivery and a future service offer.

### 1.4 **Scope and Tools**

Preliminary work has begun to scope out the dates of the consultation, the tools, partners, and types of questions.

It is proposed that the 90 Day consultation runs from **15<sup>th</sup> August 2023 to 13<sup>th</sup> November 2023**.

The review will consist of an online questionnaire, a series of public meetings and drop in sessions. This will be supported by a robust communications plan.

The consultation will :

- Be clear and concise - easy to understand and easy to answer.
- Be principle based
- Be informative and give enough information to ensure that those consulted understand the issues and can give informed responses.
- Be targeted and so consider the full range of people, business and voluntary bodies affected by the policy.
- Consider how to tailor consultation to the needs and preferences of particular groups.

External advocacy support will be commissioned to ensure an inclusive approach and that all residents of the borough are given the opportunity to take part and have a voice when they find it difficult to express their views and opinions.

A formal report will be written detailing the output of the consultation.

### 1.5 **Guiding Principles**

The 'Gunning Principles' are the founding legal principles applicable to public consultation and consist of the following 4 rules:-

1. That consultation must be at a time when proposals are still at a formative stage.
2. That sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response.
3. That adequate time is given for consideration and response; and
4. That the product of consultation must be conscientiously taken into account when finalising the decision.

There are two further points of law that the Council must also follow, and these will be particularly relevant given that some customers using the service may have varying degrees of cognitive impairment:

5. The degree of specificity with which the Council should conduct the consultation exercise may be influenced by the identity of those whom it is consulting; and
6. The demands of fairness are likely to be higher when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit.

### **Anticipated Costs**

- 1.6 An initial estimate of external support costs in relation to the consultation is circa £5,000 tbc.

### **2. Options considered and recommended proposal**

- 2.1 A range of options relating to the review of Rothercare have been considered and detailed in an options appraisal. (appendix 2)

The recommended proposal is to complete a full 90 day public consultation in relation to a future service model, the output of which to be considered within a report to cabinet.

### **3. Consultation on proposal**

- 3.1 The public consultation will run from 15<sup>th</sup> August 2023 to 13<sup>th</sup> November 2023 and establish the views and needs of users of the Rothercare Service, their families, and carers. regarding current service delivery and the principles of a future service offer.

The output of the consultation will be presented to cabinet and will be integral to the design of the new service model.

### **4. Timetable and Accountability for Implementing this Decision**

- 4.1 The public consultation will run from 15<sup>th</sup> August 2023 to 13<sup>th</sup> November 2023.

### **5. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

- 5.1 Any financial costs (currently estimated at £5k) incurred as part of the consultation process will need to be funded from within existing Adult Services revenue budgets.
- 5.2 The outcome of the consultation together with a fully costed new delivery model, including financial implications, will be included in a report to cabinet. There are no direct procurement implications associated with the recommendations detailed in this report.

### **6. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

- 6.1 In addition to the 'Gunning Principles', the Council also has a duty to comply with legal obligations encompassed in the:

- Human Rights Act (1998), to treat everyone equally with fairness dignity and respect with a focus on those who are disadvantaged as a result of disability; and
- Equality Act (2010) to legally protect people from discrimination in the wider society.

Section 149 of the Equality Act 2010 establishes the public sector equality duty (“PSED”) – which requires that the Council, as a public body, in carrying out its functions must have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality 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.

The relevant protected characteristics referred to in the Equality Act are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status.

There is a duty on the Council to keep a record to demonstrate that it has genuinely and consciously had due regard to the PSED.

## **7. Human Resources Advice and Implications**

- 7.1 At this stage there are no immediate staffing implications and the staff at Rothercare will be involved in the planned consultation. However, post consultation and depending upon the results of any options appraisals, the staffing establishment supporting the current Rothercare service may need to be reviewed in line with any transformation of the service.

## **8. Implications for Children and Young People and Vulnerable Adults**

- 8.1 NA

## **9. Equalities and Human Rights Advice and Implications**

- 9.1 A full Equality Impact Assessment (“EIA”) will be completed as part of the overall consultation process and be included in the final decision report. In addition, any report must be published no later than 12 weeks after the end of the exercise.

## **10. Implications for CO2 Emissions and Climate Change**

- 10.1 None

## **11. Implications for Partners**

- 11.1. None

## **12. Risks and Mitigation**

- 12.1 NA

**13. Accountable Officers**

13.1 Ian Spicer  
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**14. Appendices**

EXEMPT - Appendix 1 Rothercare Internal Audit Report – July 2022  
EXEMPT - Appendix 2 Rothercare Options appraisal November 2022