

Subject:	Providing homes for people with learning disabilities		
Date of Meeting:	10th June 2014		
Report of:	Executive Director, Adult Services		
Contact Officer:	Name:	Karin Divall	Tel: 29-4478
	Email:	Karin.divall@brighton-hove.gov.uk	
Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Adult Social Care Market Position Statement (March 2014) sets out the strategic direction for social care services, with an emphasis on maintaining independence and offering a personalised approach. All social care services need to meet the demands of a population which has increasingly complex needs, and make best use of resources.
- 1.2 The Learning Disability Accommodation and Support Plan (2011-14) set out three key objectives to meet the range of accommodation needs for people with learning disabilities in the City:
 - § Better commissioning of specialist services
 - § Reshaping the local market to better meet local need
 - § Maximising independence through move on, prevention, and community support
- 1.3 The strategic direction for the council's directly provided Learning Disability Accommodation Service (LDAS) is to continue to provide services for people with the most complex needs and/or challenging behaviours, whilst supporting people to live as independently as possible.
- 1.4 Phase One of the LDAS strategy took place during 2013 and resulted in the consolidation of some services, the closure of houses in New Church Road and Old Shoreham Road and the creation of a larger women-only residential care service. A further commissioning review has since been carried out to determine how to continue providing high quality support and care whilst achieving the required savings and efficiencies.
- 1.5 The commissioning review has informed the proposals for Phase Two of the LDAS strategy, as described in sections 4 and 5 of this report.

- 1.6 The council's Budget Strategy for 2014/15 included savings of £150,000 (full year effect £300,000) in relation to the proposed Phase Two of the LDAS strategy.

2. RECOMMENDATIONS:

- 2.1 That this Board agree to a 90 day consultation with service users and their families and carers about the transfer of part of the council's Learning Disability Accommodation Service, as identified in Table 3, to private and voluntary sector providers.
- 2.2 That following this consultation, a report is brought back to this Board to consider the outcome of the consultation and to make their recommendations to the Council's Policy and Resources Committee.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The in-house Learning Disability Accommodation Service (LDAS) provides a mix of residential care and supported living services. These are primarily in street properties, with two of the services being provided to residents in self-contained flats and the remainder mainly in shared houses. Some of the buildings are owned by the Council, some were transferred from the Health Authority and others are owned by Registered Social Landlords.
- 3.2 The current configuration is based on a response to the closure of large long stay hospitals (Foremost) about 20 years ago when the principle of "an ordinary house on an ordinary street" was applied. Since that time, people with learning disabilities have increased longevity, increased complexity of need and increased expectations of independence and citizenship.
- 3.3 LDAS provides 62 units of accommodation; 43 units of supported living across 8 services and 19 units of residential care across 4 services, as follows:

TABLE 1:
Learning Disability Accommodation Services (LDAS), currently provided by Brighton & Hove City Council

Service Name	Service Type	Configuration	Total service capacity
Beaconsfield Villas	Supported Living	Shared House	5
Burwash Lodge	Supported Living	Shared & individual flats	7
Cromwell Road	Supported Living	Shared & individual flats	7
Ferndale Road	Supported Living	Shared House	2
Hawkhurst Road	Supported Living	Shared House	2
Hawkhurst Road	Supported	Shared House	4

	Living		
Mantel House	Supported Living	Individual flats	8
Rutland Gardens	Supported Living	Shared House	8
Beaconsfield Villas	Residential Care	Shared House & individual flats	5
Leicester Villas	Residential Care	Shared House	4
Preston Drove	Residential Care	Shared House	5
Windlesham Road	Residential Care	Shared House	5
Total - All Services			62

- 3.4 The needs of the people in these services varies from people with mild learning disabilities living semi-independently, through to people with severe learning disabilities and complex needs including physical and health needs. Some people have challenging behaviours, and some are on the autistic spectrum, with associated communication needs.
- 3.5 131 council staff are currently employed to deliver the Learning Disability Accommodation Service, which currently accommodates 59 people across the services (with 3 vacancies).
- 3.6 The LDAS is part of a wider market of accommodation services for people with learning disabilities. There are 24 residential care homes provided by 15 private and voluntary providers, and 35 supported living services provided by 17 private and voluntary sector providers. Therefore LDAS makes up approximately 14% of the learning disability residential care sector and 19% of the learning disability supported living sector.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The recent commissioning review of LDAS has shown that the service has developed as a mix of registered residential accommodation and supported living, with only some services supporting people with the most complex needs. Some services support people with very complex challenging behaviour. However, in many services, including most of the supported living services, the levels of need are lower and most individuals are less complex.
- 4.2 The LDAS has higher costs than equivalent services provided in the private and voluntary sector. Opportunities for reducing cost through efficiencies are now limited and will not be enough to achieve the required savings.
- 4.3 The commissioning review found that that three of the four registered residential care homes and two small supported living services do provide for people with very complex needs and/or challenging behaviour & that that these services are in demand, they are good quality and they fit within the model for council provided specialist services. These services are:

TABLE 2:
Future shape of LDAS, provided by B&HCC, as set out in these proposals

Service Name	Service Type	Configuration	Total service capacity	No. of current people
Ferndale Road	Supported Living	Shared House	2	2
Hawkhurst Road	Supported Living	Shared House	2	2
Beaconsfield Villas	Residential Care	Shared House & individual flats	5	5
Preston Drove	Residential Care	Shared House	5	5
Windlesham Road	Residential Care	Shared House	5	5
Total - All Services			19	19

- 4.4 Outside of this core of specialist residential and supported living services the level and complexity of need within the remaining services overall is more mixed and generally lower. These services do not fit within the recommended future scope of in-house accommodation services which should support people with the most complex needs, and there are some long term vacancies so demand is not as strong. These services are:

TABLE 3:
Services to be tendered, as set out in these proposals

Service Name	Service Type	Configuration	Total service capacity	No. of current people
Beaconsfield Villas	Supported Living	Shared House	5	5
Burwash Lodge	Supported Living	Shared & individual flats	7	6
Cromwell Road	Supported Living	Shared & individual flats	7	7
Hawkhurst Road	Supported Living	Shared House	4	4
Mantel House	Supported Living	Individual flats	8	7
Rutland Gardens	Supported Living	Shared House	8	7
Leicester Villas	Residential Care	Shared House	4	4
Total - All Services			43	40

- 4.5 The commissioning review identified that the services in Table 3 could be re-provided in the private and voluntary sector, at lower cost, and that there is no reason to believe that the private and voluntary sector could not deliver very successful, high quality services to these people.

- 4.6 Of the total of 131 staff who work in LDAS, 62 staff work in the services in Table 3 and would be affected by these proposals.

5. PROPOSAL

- 5.1 It is proposed that a consultation is undertaken with service users, their families and carers regarding the future provision of support and care. The proposal would be to retain the registered residential services and specialist supported living services as set out in Table 2 as directly provided Council services, but cease to directly provide the care and support within the services set out in Table 3.

This would mean the support and care services delivered in the services identified in Table 3 would, through a competitive tendering process, transfer from Brighton and Hove City Council to the private or voluntary sector. The homes that individuals live in would not change because of this process but the organisation responsible for the provision of their support and care would.

TUPE is likely to apply to approximately 62 council staff who would see their work, jobs and employment transfer from the council to the new provider.

For the people living in the services and their families this would mean that they would continue to live within their existing homes with the same people they currently share with and their care would continue to be provided based on their assessed needs.

However the consultation and the potential change of care provider from the council to another provider will raise anxieties, particularly for families and carers, about the quality of future provision of these services and concerns about the possibility of a change in the level of service being provided. Reassurance can be given that quality and outcomes in the private and voluntary sector is equal to LDAS, as evidenced through reviews by the Care Quality Commission and the council's commissioning & contracts units. Similarly, any prospective transfer of employment is likely to be a cause of concern for affected employees and the council's recognised trade unions.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 It is recommended that a 90 day consultation commence with service users and their families and carers regarding the recommendation to transfer the provision of some support and care services into the private or voluntary sector.
- 6.2 The consultation with the service users directly affected by these proposals will need to take account of their individual needs including where appropriate a risk assessment to determine the likely impact of consulting with each individual, their capacity to engage in the consultation and the most appropriate means of consultation with them and any appropriate support from an advocate.

- 6.3 Alongside the consultation with service users we will also engage and consult our trade unions and staff about the potential transfer of services prior to any transfer decision being made.

7. CONCLUSION

- 7.1 People with learning disabilities should be supported to live as independently as possible and be members of their community. The accommodation provided by the council is expensive and the quality is comparable to the voluntary and private sectors. This report sets out a proposal to consult with service users and their families about a change in the way that support and care is provided.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 The option set out in paragraph 5.1 shows potential savings of £0.232 million per annum and opportunities to generate further efficiencies against a gross service budget of £5.6million. The savings target for 2014/15 is £0.15 million assuming a part year effect with a full year effect of £0.3 million; it is likely that further savings will be required year on year based on the medium term financial strategy. In addition there are unachieved savings from previous years of £0.421million which need to be addressed. Current unit costs are high compared with equivalent services provided by the private and voluntary sector and are also high against benchmarked other authorities providing in house residential services.
- 8.2 The cost of the consultation will be met from the Adults budget. Two of the homes were transferred from Health under Valuing People Now and any change of use would need to be agreed by Health. The financial implications following the consultation period will be costed and the potential for savings, the impact on income streams, and housing benefit evaluated. The progress in delivering savings in 2014/15 will be reported through the TBM process.

Finance Officer Consulted: Anne Silley

Date: 23/05/14

Legal Implications:

- 8.3 The Local Authority has a duty to ensure the assessed needs of learning disabled adults are met including care and accommodation needs. In meeting this duty the Local Authority should promote personalisation affording people choice and control in terms of their care needs being met. The Local Authority must have regard to individual's Human Rights in particular the Right to Family Life enshrined in Article 8 of the European Convention on Human Rights. In addition it is incumbent upon the Local Authority to meet the demands of the public purse and make provision for statutory services whilst ensuring value for money within the means available.

The proposals contained in this Report include a consultation over a period of time as recommended in guidance; consultation must take place with those

persons affected or potentially affected by the proposals and ensure a fair and transparent process. Consultation must take in to account the specific needs of this potentially affected group. As identified in the body of this Report the proposals could have an effect on employment with the result that TUPE will apply.

The Health and Wellbeing Board has strategic responsibility concerning the effective delivery of adult care services and to make recommendations to Policy and Resources Committee concerning changes in provision and commissioning of such services. The Board therefore has the power to agree the recommendations in paragraph 2 of this Report.

Lawyer Consulted: Sandra O'Brien

Date: 12 May 2014

8.4 Equalities Implications

Budget EIAs has been produced covering service user and staffing impacts of the savings proposals associated with these financial savings. A full EIA will be completed to support the preferred option.

8.5 Any Other Significant Implications:

These proposals will have implications for staff and for families and carers. Learning Disabilities Accommodation services are provided in family houses across the City. There are no sustainability, crime and disorder or public health implications associated with a proposal to consult contained within this report.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

1. None

Background Documents

1. None