

Subject:	Learning Disability Accommodation Services		
Date of Meeting:	28 April 2016 – Special Policy & Resources Committee 19 April 2016 – Special Health & Wellbeing Board		
Report of:	Executive Director for Adult Services		
Contact Officer:	Name:	Karin Divall	Tel: 01273 294478
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Ward(s) affected:	All		

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

- 1.1 Policy & Resources Committee agreed on 4th November 2015 to a three month consultation with all service users, and their families, living in the Council's directly provided accommodation services for people with a learning disability. The purpose of the consultation was to look at what alternative options there are to re-provide the care and support so that it meets service user individual needs, provides value for money, and delivers financial efficiencies over the next four years.
- 1.2 This report asks the Health & Wellbeing Board and Policy & Resources Committees to fully consider the consultation outcome and to make recommendations regarding the future of these services.

2. RECOMMENDATIONS FOR POLICY AND RESOURCES COMMITTEE

- 2.1 That the Policy & Resources Committee members should read and consider the full consultation outcome and equalities impact assessment.
- 2.2 That Policy & Resources endorse the recommendation from Health & Wellbeing Board.
- 2.3 That Policy & Resources Committee should delegate to the Executive Director, Adult Services, the authority to re-provide the Council's learning disability accommodation services through a procurement process and award of the contracts for services that aim to meet individuals' needs in the most cost effective way

3. RECOMMENDATIONS FOR THE HEALTH AND WELLBEING BOARD

- 3.1 That the Health & Wellbeing Board members should read and consider the full consultation outcome and equalities impact assessment.

- 3.2 That Health & Wellbeing Board should recommend to Policy & Resources Committee that the services should be re-provided as set out in paragraph 9 of the report.

4. CONTEXT/ BACKGROUND INFORMATION

- 4.1 The learning disability accommodation service includes four registered residential homes, and seven registered supported living services including group homes and self-contained flats. The housing is a mix of council and housing association owned properties, and the staff are employed by the council. A total of 51 people currently live in these services
- 4.2 A report was presented to a Special Policy & Resources Committee on 4th November outlining the need to make efficiencies in the provision of these services and proposing that the Council should no longer provide these services and instead they should be provided by the independent sector through procurement arrangements.
- 4.3 This meeting agreed to commence a three month consultation with service users, their families and carers.
- 4.4 This consultation has now been completed and the scope and outcomes are set out within this report.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The purpose of the consultation was to look at what alternative options there are to re-provide the care and support so that it meets service user individual needs, provides value for money, and delivers financial efficiencies over the next four years. The consultation considered three options:
- That people are supported to move to alternative accommodation that meets their needs and can be provided in a more cost effective way.
 - That people are supported to receive a personal budget and alternative accommodation
 - That people remain in their own homes and receive their care and support from another provider.
- 5.2 The option to do nothing was not included within the consultation as there £0.637m savings required over the next four years from learning disability accommodation services revenue costs and the services cannot continue to be provided in the same way within the allocated budget.
- 5.3 As set out in the paper on the Council's budget for 2016/17, Adult Social Care has been set a savings target of £6 million in order for the Council to deliver savings of £19 million in the context of a predicted budget gap of £68 million over 4 years. The Adult Social Care precept will generate funding of £2.300 million which will contribute towards the additional demands from demographic growth, increase in complexity of care, supporting the independent sector to pay care workers a living wage, and the increased costs of safeguarding.

- 5.4 The Council must demonstrate good value for money, however the unit costs of the in house services are high compared to services provided by the independent sector. The 2014/15 unit costs were at £2,833 per client per week for the in-house Learning Disability support in residential care (18-64) compared to the independent sector of £1,368 per client per week. (Department of Health Adult Social Care – Finance Return). The 2014/15 unit costs for in-house Learning Disability supported accommodation calculated on the same basis were £1,561 per client per week compared to the independent sector at £1,119 per client per week.
- 5.5 In 2015/16 there were 177 people with learning disabilities in supported accommodation in the City; 77% of whom were living in the independent sector. And there were 99 people with learning disabilities living in residential placements of which 82% are in the independent sector.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 This consultation involved those service users who were able to participate with the support of advocates, and families. The vast majority of people value the services that are provided by the Council and the quality of the staff.
- 6.2 The consultation included three options:
- That people are supported to move to alternative accommodation that meets their needs and can be provided in a more cost effective way.
 - That people are supported to receive a personal budget and alternative accommodation.
 - That people remain in their own homes and receive their care and support from another provider.
- 6.3 The detailed outcome of the consultation is set out in the appendices. In order to protect the personal details and views of the people who were consulted, some of this information is confidential to the members of the appropriate committees, and not available for wider public view.
- 6.4 Meetings with families. Meetings were held with families on a house by house basis and individually where requested. The views of the families and carers are set out in Appendices 6 and 7. These appendices are confidential because they contain personal information.
- 6.5 “Brighton & Hove Speak Out” who are an independent advocacy for adults with learning disabilities, met with all service users who have capacity to understand the consultation. The views of these service users are set out in Appendix 10. This information is confidential because it contains personal details.
- 6.6 Questionnaires were sent out to all families, and easy read information provided to service users where appropriate and the views expressed in the returned questionnaires are set out in Appendices 8 and 9. These are confidential because they contain personal information.

- 6.7 Individual letters were also received during the consultation period and these are appended at Appendix 11. This information is confidential because it includes personal details.
- 6.8 Newsletters were sent out during the consultation to keep families updated. These are attached at Appendices 3 and 4.
- 6.9 In addition to the consultation process, individual reviews were carried out independently by the Learning Disability Social work team to determine individual current needs and views and the outcome of this work is set out in Appendix 12. This information is confidential because it concerns individuals' personal information.
- 6.10 Soft market testing was carried out by the Procurement and Commissioning teams during the three months to determine whether there was capacity within the independent market to provide alternative care and support for people currently living within the Council's services. Families were given the opportunity to find out more about these Providers by attending an information afternoon. More information is provided within paragraph 8.
- 6.11 An initial communication was put out in November 2015 via EU Supply (an online procurement portal available to view by any provider) which generated 7 responses from providers (4 currently providing services, 3 who were new to the area) confirming they would be interested in increasing their capacity in residential care and / or supported living services in the local area.
- 6.12 A second email was sent out in February 2016 to all current Approved Providers of learning disability services asking for expressions of interest in bidding in any future tender for the re-provision of support within existing directly provided services. 57 providers were emailed, generating 14 expressions of interest.

7. OUTCOME OF CONSULTATION

- 7.1 Fifty one people live within the Council's directly provided accommodation service for people with a learning disability.
- 7.2 The three month consultation involved those service users who were able to understand the proposals, with appropriate support, and the families and carers of people living in the services.
- 7.3 Most of those consulted valued the service that the Council provides.
- 7.4 A number of relatives challenged why services staying as they are were not included in the options. This was not included for the reasons set out in paragraph 5.2 and 5.3. Of the three options set out in paragraph 5.1, the majority of people consulted preferred that they or their family member should remain living in their current home, with another support provider delivering care and support.
- 7.5 The outcome of the family responses to the consultation is set out in the table below:

A summary of the ranking of options in order of preference are set out in the table (1 for first choice, 2 for second, and 3 for third choice).

Response to the options- preferences	1	2	3	Total responses
That people are supported to move to alternative accommodation that meets their needs	2	12	4	18
That people are supported to receive a personal budget and alternative accommodation	1	4	11	16
That people remain in their existing homes and receive care and support from another provider	28	2	1	31
Other (please specify)				5
Total number of people who answered the questions				31
People who didn't answer the questions				2

- 7.6 Other responses included: ideally re-training staff and not compromising safe staff, client ratios, we do not believe any options are viable or lead to a reduction of costs, that people only remain in their existing homes and receive their care from existing staff only, in their present home.
- 7.7 The outcome of the individual social work assessments and reviews showed that.
- Social work assessments identified that 13 people would like to move to alternative accommodation that meets their needs and can be provided in a more cost effective way.
 - A move is already being proposed for two people due to a change in their needs, and who could therefore have their needs better met in alternative accommodation.
 - Three people who did not wish to move to alternative accommodation, could have their accommodation and support needs met in a more cost effective way following the social work assessment.
 - The outcome of the consultation and social work reviews concluded that the majority of people preferred to remain in their existing homes and receive their care and support from another provider.
 - One service user is the responsibility of East Sussex County Council.
 - Two families are not happy about any of the proposals.
- 7.8 The majority of service users can have their needs met in the most cost effective way by remaining in their existing homes but with another support provider.
- 7.9 Five service users who were supported to respond to the consultation expressed a preference to move to alternative accommodation. The remainder preferred to remain in their existing home with a new service provider.

- 7.10 Some service users could have their service provided in a more cost effective way by moving to alternative accommodation. Any re-provision of accommodation, as opposed to a change in the care provider, would aim to ensure that staff and friendship groups were maintained.
- 7.11 Some houses could operate more cost effectively if people with similar needs were accommodated together e.g. rather than having people who require waking nights in a number of services, they could be accommodated together in a small number of waking night staffed services. The remaining services could then be provided with sleep in staff.
- 7.12 The service is faced with unprecedented savings and maintaining the existing service is simply not possible. When taking into account the outcome of the consultation it is proposed that the majority of the service should maintain existing people's accommodation where this provides best value in meeting the needs of the service user but recognise that this approach may not be appropriate in every individual situation.
- 7.13 During the consultation, it was identified that service users living at one registered residential care service, Beaconsfield Villas (BV), could be supported to move to an alternative council provided service; The Beach House. The Beach House was established as a respite service, however as the council services focus on more specialist services, this is providing less routine respite and more short term services that support people with the more complex needs and challenging behaviour. This building has capacity to provide additional accommodation services for people with high level of needs. BV service also provides services for people with the most complex needs and has a skilled staff team. One proposal explored during the consultation is for the BV service to move into The Beach House. This would bring together two skilled staff groups in a purpose built service that could provide economies of scale in staffing.
- 7.14 This proposal was discussed with the service user's families and they have agreed that this is the best option for their relatives. BV is our most expensive service and is accommodated in a converted building. The building requires continual repair and maintenance due to its age. Relocating the service to The Beach House would enable sharing of staff and reduction in maintenance and repair costs. The Beach House was purpose built as a service for learning disabilities. There would be one-off capital costs. Capital funding for these services was set aside in the capital resources and capital investment programme 2016/17. The groups of service users and their staff group would move together to the new service at The Beach House.
- 7.15 There were 13 people who either expressed a wish to move, or their individual social work review identified that their needs could be better met in alternative accommodation. These people would have been supported to move regardless of this consultation and therefore it is recommended that these people are supported to move to more appropriate accommodation that meets their needs and provides value for money.
- 7.16 It should also be recognised that the needs of the individuals will continue to change as they age and so future reviews of their needs may involve

individualised approaches and support to move to alternative more personalised or more appropriate services.

- 7.17 These proposals may release housing that can be returned to the housing revenue account, and houses that can be redeveloped or sold for a capital receipt. The council's asset management strategy sets out the procedure to follow for a registered care home property disposal. Capital receipt resulting from disposal will be incorporated into the council's corporate strategic investment resources. A business case and committee approval at Policy & Resources will be required if the sale proceeds are intended to be ring-fenced to the original service. A detailed business case will be required to demonstrate the viability of the proposal. Some of the properties were transferred from the NHS to provide homes for people with a learning disability and any proposal to dispose of these properties would be subject to agreement by the CCG, with a reinvestment of the capital receipt into services for people with a learning disability.
- 7.18 If the decision is made to re-provide the accommodation service then this will have implications for the staff who will potentially be subject to TUPE or at risk of redundancy. Consultation will be carried out in accordance with the Council's management of change procedures.

8. ALTERNATIVE PROVIDERS

- 8.1 During the consultation period a number of relatives asked about the capacity of the independent sector to provide alternative services. An approach was made by the Adult Social Care commissioning team to providers of learning disability services to see whether they would be interested in bidding in a future tender should this be agreed as a way forward. 13 providers responded to say they would be interested in bidding in a future tender and one responded to say they possibly would be.
- 8.2 Of these, 13 Providers said they would be interested in attending an event to talk to service users and carers and therefore an event was set up on 3rd March to enable this to happen. Seven providers attended this event; Small Opportunities, Turning Point, Sanctuary, Grace Eyre, Mencap, Dimensions and Autism Sussex. Nine families attended during the afternoon to speak to these Providers.

9. PROPOSAL

- 9.1 There are 51 service users currently living in the Council run accommodation services.
- 9.2 Permission is being requested to carry out a procurement process to seek independent sector providers to provide the accommodation, care and support services that meet the needs of the individual service users.
- 9.3 The proposals for the accommodation services are as follows:
- 9.3.1 For Preston Drove, Leicester Villas, Windlesham Road, Hawkhurst Road (two properties), Beaconsfield Villas (supported accommodation), Rutland Gardens, Cromwell Road, Burwash Lodge, Mantell House. The accommodation will remain available where it meets assessed needs and

the proposal is for the care and support service to be managed by an alternative provider.

9.3.2 That the Beaconsfield Villas (registered residential care) service will be re-located to The Beach House

9.3.3 Ferndale Road. The proposal is for the accommodation and the service to be provided by an alternative provider. This re-provision will be carried out in conjunction with East Sussex with the aim of maintaining the existing friendship group.

9.4 During the consultation period, 13 people were identified who either indicated that they would like to move to alternative accommodation, or who through the social work review it was determined that they could have their needs better met in alternative accommodation. It is therefore proposed that those 13 should be supported to move will do so, and this will be managed on an individual basis. This work would have happened whether or not this consultation took place. The details of these service users are set out within Appendix 12 which is confidential because it includes service user information. The details have been shared with respective families prior to this meeting.

9.5 Any moves to alternative appropriate accommodation will be managed in a way that best supports the service user and ensures that their individual needs can be met. We will continue to meet all the needs of our service users prior to and during the transfer to alternative service providers.

9.6 The re-provision of these services will deliver on-going revenue savings as the cost of care and support can be delivered more cost effectively in the independent sector. There may be additional capital savings from the sale of some properties but these will be one-off savings.

9.7 Clearly as people's needs change in the future there will be on-going individual reviews that will aim to maximise people's independence and to ensure that service users' needs can be met in the most cost effective way. This will mean that people may move individually to alternative accommodation in the future as their needs change.

10. CONCLUSION

10.1 Committee members will need to read all the documentation provided in the appendices including the equalities impact assessment. They will need to take account of the savings requirements, the assessed needs of each individual and the outcome of the consultation.

10.2 The key reasons that this decision is being sought is to deliver the revenue savings required in the learning disability services, to ensure people have opportunities to live in more personalised way with greater choice where this is appropriate, and to ensure the service is provided in the most cost effective way.

10.3 The proposals for the accommodation services are as follows:

Learning Disability Residential Services including Preston Drove, Leicester Villas, Windlesham Road; these services will be re-provided as residential care services through a procurement process.

- 10.4 Learning Disability Residential Care Service at Beaconsfield Villas will be re-located to The Beach House
- 10.5 Learning Disability supported Accommodation at Hawkhurst Road (two properties), Beaconsfield Villas, Rutland Gardens, Cromwell Road, Burwash Lodge, Mantell House, will be re-provided as supported living services through a procurement process that seeks an alternative support provider.
- 10.6 Learning Disability supported accommodation service at Ferndale Road will be re-provided as supported living through a procurement process that seeks both alternative housing and support.
- 10.7 13 individuals whose needs can be better met in alternative accommodation will be supported on an individual basis to move to new homes.
- 10.8 Any proposals from potential service providers to use alternative accommodation to meet the needs of individuals will be considered as part of the procurement evaluation process if they offer better value for money.

11. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 11.1 The re-provision of the Learning Disability accommodation services is expected to deliver better Value for Money through reducing the annual revenue costs associated with these services. It is anticipated that the re-provision will support the delivery of savings of £0.637 million over the four years 2016/17 to 2019/20 net of the costs for supporting individuals under the proposals. The anticipated savings in 2016/17 are £0.164 million leaving a net budget of £4.209 million whilst maintaining the quality of provision.
- 11.2 If the proposals are not approved then alternative savings measures would need to be identified by Adult Social care over the four year period.
- 11.3 The unit costs of the current services are high compared to the independent sector as set out in paragraphs 5.4. The costs of running the smaller units (2-3 bed services) drive up the unit costs.
- 11.4 The financial evaluation as part of the tender process will test the financial viability and sustainability of the bidders' proposals.
- 11.5 It is expected that through this procurement and service redesign some buildings may be identified as too expensive to operate. The options for the future use of these buildings and potential for capital receipts will be considered, bearing in mind any restrictions, and recommendations made to a future Policy & Resources Committee.

Finance Officer Consulted: Anne Silley

Date: 24/03/16

Legal Implications:

- 11.6 The Health & Wellbeing Board is responsible for the oversight, monitoring and decisions concerning Adult Social Care. Decisions concerning procurement and potential disposal of assets require a decision by Policy & Resources Committee.
- 11.7 In considering its statutory duties the Local Authority must be mindful of the resources available. The Care Act 2014 requires the Local Authority to assess and meet the needs of adults with care and support needs. The approach required by the Act (and associated Guidance) is personalised and meeting needs can be achieved in a variety of ways within the personalised approach; the Local Authority is not required to be the provider of the services to meet identified need. In exercising its duty to meet need under the Care Act the Local Authority has a duty to promote individuals' wellbeing in addition to having regard for individuals' Right to Family Life (Article 8 European Convention Human Rights) enshrined in the Human Rights Act 1998.
- 11.8 A full consultation process has been undertaken and along with the Equalities Impact Assessment must be read and taken in to account by members to inform the respective committees' decision making.

Lawyer Consulted:

Name Sandra O'Brien

Date: 24/3/2016

Equalities Implications:

- 11.9 An Equalities Impact assessment has been completed and is attached at Appendix 5.

SUPPORTING DOCUMENTATION

Appendices:

1. Letter advising of consultation and invite to Family meetings
2. Family questionnaire- blank
3. Newsletter 1
4. Newsletter 2
5. Equalities Impact Assessment

The following appendices are excluded from publication because of the nature of the information and therefore excluded under Exempt Category 3.

6. Record of family meetings- summary (confidential circulated to Members only)
7. Record of family meetings held (confidential circulated to Members only)
8. Summary of questionnaires- families (confidential circulated to Members only)
9. Copies of all returned questionnaires (confidential circulated to Members only)
10. Speak Out advocacy service- service users report and questionnaires (confidential circulated to Members only)
11. Letters received and replies (confidential circulated to Members only)
12. Proposals based on social work assessments and service users preferences (confidential circulated to Members only)

Documents in Members' Rooms

None

Background Documents

None

