



Cabinet Meeting on Wednesday 19 June 2019

Adult Learning Disability Community Offer 2022 Programme:

(a) Day Opportunities for Adults with a Learning Disability and / or Autism

(b) The future of Staffordshire County Council directly provided Learning Disability Services

Feedback of Engagement

Cllr Alan White, Deputy Leader and Cabinet Member for Health, Care and Wellbeing said,

“In January 2019, we undertook extensive consultation with people with a learning disability and autism, asking them their opinions about the options for building based day services as part of our Adult Learning Disability Community Offer. We wanted their opinions on what currently works, and how services could potentially work in the future. More than 300 people responded, and from the feedback we gained, it became clear that our community offer needs to change so they are fit for the future.

“We want to redesign the day services the council provides for people with complex needs and work better with the independent marketplace, so we can ensure people’s eligible care and support needs are being met. This means looking at the options available to us to design services that really make a difference to people’s lives, helps them achieve the independence they have told us they want, and prevents the need for long-term reliance on social care services.”

Report Summary:

The purpose of Staffordshire’s Adult Learning Disability Community Offer 2022 Programme is to establish the assessed eligible care and support needs of adults with a learning disability and/or autism and ensure that there are appropriate and sustainable services across the county to meet them. The programme includes consideration the future of day opportunities for adults with a learning disability and / or autism.

In January 2019, Cabinet considered the issues and a range of options for building based day opportunities for Adults with a Learning Disability and / or Autism and resolved to commence proportionate further engagement with key stakeholders and consider the outcome of this engagement in April 2019.

This engagement has now been completed and the feedback has been used to inform further analysis of the options, and recommendations of preferred options.

In addition, this paper will provide an overview of the remaining Learning Disability Services that are currently provided by Staffordshire County Council and our

externally commissioned respite service, whose contract is due to expire on 31st March 2020.

Recommendations

I recommend that Cabinet:

In respect of Building Based Day Opportunities:

- a. Considers the proposed options and outcome of further engagement for building based day opportunities for adults with a learning disability and / or autism.
- b. Approves the redesign of day services for people with complex needs directly provided by the Council, ensuring they are consistent with peoples assessed eligible care and support needs.
- c. Approves the development of a contracting arrangement under the Light Touch Regime (in accordance with Public Contract Regulations 2015) for building based day services commissioned from the independent market, and delegate the decision to proceed with these contracting mechanisms to the Cabinet Member for Health, Care and Wellbeing in conjunction with the Director of Health and Care and the Director of Corporate Services.
- d. Approves the development of a pricing strategy for the purchase of building based day services commissioned from the independent market (including a period of engagement with key stakeholders as appropriate), and delegate the decision to introduce a pricing strategy to the Cabinet Member for Health, Care and Wellbeing in conjunction with the Director of health and Care and the Director of Corporate Services.

In respect of all Learning Disability Services directly provided by the Council:

- e. Approves the development of an evidence based options appraisal to consider the future operating model of all Learning Disability services currently directly provided by the Council.
- f. Requests that the evidence based options appraisal is presented to Cabinet in September 2019.

Local Members Interest
N/A

Cabinet – Wednesday 19 June 2019

Adult Learning Disability Community Offer 2022 Programme:

(a) Day Opportunities for Adults with a Learning Disability and / or Autism

(b) The future of Staffordshire County Council directly provided Learning Disability Services

Recommendations of the Deputy Leader and Cabinet Member for Health, Care and Wellbeing

I recommend that Cabinet:

In respect of Building Based Day Opportunities:

- a. Considers the proposed options and outcome of further engagement for building based day opportunities for adults with a learning disability and / or autism.
- b. Approves the redesign of day services for people with complex needs directly provided by the Council, ensuring they are consistent with peoples assessed eligible care and support needs.
- c. Approves the development of a contracting arrangement under the Light Touch Regime (in accordance with Public Contract Regulations 2015) for building based day services commissioned from the independent market, and delegate the decision to proceed with these contracting mechanisms to the Cabinet Member for Health, Care and Wellbeing in conjunction with the Director of Health and Care and the Director of Corporate Services.
- d. Approves the development of a pricing strategy for the purchase of building based day services commissioned from the independent market (including a period of engagement with key stakeholders as appropriate), and delegate the decision to introduce a pricing strategy to the Cabinet Member for Health, Care and Wellbeing in conjunction with the Director of health and Care and the Director of Corporate Services.

In respect of all Learning Disability Services directly provided by the Council:

- e. Approves the development of an evidence based options appraisal to consider the future operating model of all Learning Disability services currently directly provided by the Council.
- f. Requests that the evidence based options appraisal is presented to Cabinet in September 2019.

Report of the Director of Health and Care

Reasons for Recommendations:

Adult Learning Disability Community Offer 2022 Programme

1. The purpose of Staffordshire's Adult Learning Disability Community Offer 2022 Programme is to establish the assessed eligible care and support needs of adults with a learning disability and / or autism and ensure that there are appropriate and sustainable services across the county to meet them.
2. The programme will also support people to maximise their independence, in line with Staffordshire's Whole Life Disability Strategy and the Council's vision for Health and Care.
3. In July 2018, Cabinet agreed the vision, scope and approach of the programme. The scope of the programme includes:
 - a. Building based day opportunities for adults with a learning disability and/or autism – including directly provided services from Staffordshire County Council for adults with complex needs and services provided by the independent market;
 - b. Building based respite for adults with a learning disability and/or autism - including directly provided services from Staffordshire County Council (Douglas Rd) and services commissioned from the independent market (Woodland View and Silverbirch. Commissioned provider: Lifeways);
 - c. Other directly provided services:
 - i. Horninglow Bungalows - Supported Living
 - ii. Hawthorn House – Residential Care
 - iii. Greenfields – Residential Care
 - d. Carers services.
4. The approach being taken is:
 - a. Understanding the needs and demands of the people in the scope of the Programme;
 - b. Understanding the current market for services;
 - c. Engagement and consultation with key stakeholders as appropriate; and
 - d. An options appraisal based on the above.
5. The outcomes to be achieved by the programme are:

- a. To take into account the feedback received from key stakeholders to strengthen and improve opportunities to meet assessed eligible care and support needs and outcomes, ensuring we continue to gather meaningful feedback and engagement;
- b. To ensure 'The Offer' is fair, transparent, sustainable and proportionate to meet assessed eligible care and support needs (as per the Care Act 2014) – promoting choice and control, but not at any cost;
- c. To maintain and strengthen the quality of support, establishing clear contracting mechanisms, with proportionate quality monitoring / assurance;
- d. To address the difference in price paid for the provision of services, ensuring a sustainable and fair marketplace;
- e. To support people and services to shift from community presence to genuine community inclusion; and
- f. To contribute towards the £3.7million savings required for the Medium Term Financial Strategy (by 2021/22). Note that these savings are across the full scope of the programme, not just in day opportunities for adults with a learning disability and / or autism.

Building based day opportunities for Adults with a Learning Disability and / or Autism.

6. Building based day opportunities are not required to be registered with CQC.
7. Building based day opportunities for adults with a learning disability and/or autism include services directly provided by the Council for adults with complex needs, and services externally commissioned from the independent market. A summary of activity and expenditure in building based day opportunities is shown in Table 1. More detail was presented previously in the 16 January 2019 Cabinet report

Table 1: building based day opportunities expenditure

Service	Number of people	Total expenditure (per year)
Services directly provided by the Council for adults with complex needs	58 approx. (Staffordshire Residents)	£2.7 million
Services provided by the independent market	469 approx.	£5.8 million

8. The January 2019 Cabinet report highlighted a number of issues with day opportunities for adults with a learning disability and / or autism, most notably that the pathway following an assessment of need, including the subsequent service offer, is neither consistent or clear for either directly provided services or services commissioned from the independent market

9. For services directly provided by the Council for adults with complex needs for adults with complex needs:
 - a. Services are nearing capacity due to either constraint of the workforce and / or the building;
 - b. There is an ageing staff cohort – meaning there will be a recruitment and training consideration in future to keep the services operational
 - c. Compatibility of needs, when considering new referrals, is more difficult to achieve because of the constraints of the building and / or the workforce;
 - d. The equipment used will require significant financial investment.
10. For services commissioned from the independent market:
 - a. The Council currently pays between £25 to £325 per person per day, with the price not commensurate to the level of need or the quality of the service;
 - b. There are no contractual or quality monitoring arrangements in operation.
11. On 16 January 2019 Cabinet considered a range of options for day opportunities for adults with a learning disability and / or autism and noted the comments and recommendations made by the Healthy Select Committee on 03 December 2018. Cabinet resolved to commence proportionate further engagement with key stakeholders and consider the outcome of this engagement in April 2019.
12. This approach was delayed until June 2019 to ensure the careful consideration of the high level of feedback received and to allow the Healthy Staffordshire Select Committee consider the outcome of the engagement and subsequent proposals.

Further engagement

13. In the wake of the 16 January Cabinet decision, further engagement with key stakeholders commenced on 28 January 2019 and concluded on 15 March 2019. In addition to this engagement, the Council has continued work to detail needs and demand for services as well as the supply from the independent market.
14. Engagement activity is summarised in Table 2.

Table 2: summary of engagement activity

Engagement activity	No. of responses / attendees
Complex Needs Staff Session	67
Locality Drop in events (x8) – open to all key stakeholders	83
User Forum / Group visits	75
Independent Market Provider Session	16
1:1 Telephone Conversations	16
Written submissions (post or email)	17
Citizen Space Survey Portal – individual survey for users/carers, SCC employees and providers	84
TOTAL	358*

**The figures are responses received for each activity: a number of stakeholders may have submitted several responses through different activities. Therefore, the unique number of responses is estimated at 275 (due to being able to submit responses anonymously).*

15. In general stakeholders commented positively about the Programme including the openness of approach and the number of opportunities to engage. A few key stakeholders commented that they had found the options difficult to understand. A small number commented that the engagement was likely tokenistic with no impact on the final decision.
16. Common themes echoed those from previous engagement, including:
 - a. The provision of day opportunities is critical to the health and wellbeing of both the people who directly attend these services and their carers, acting as a form of carer relief / respite;
 - b. Without the provision of these services, it may not be possible for a number of people in the cohort to remain living with the relatives – thus requiring increased care and support in alternative accommodation settings, thus at a higher cost to the Council; and
 - c. People who use services and their carers are concerned about service closure or reduction, with a strong desire for longevity and security of arrangements.
17. Predominantly, the majority of people using services and their carers were happy with the current care and support they received; however service improvements suggested included:
 - a. Clarity about what is included in their care and support package that any provider is required to provide;
 - b. Equity and consistency in respect of personal financial contributions and transport arrangements;
 - c. Greater consideration of compatibility of needs, particularly in respect of those with complex needs and communication difficulties; and
 - d. Greater variety in terms of meaningful activities and occupation (and flexibility of operation).

Directly provided services for adults with complex needs

18. Five options were presented for consideration. Feedback is summarised below with further details included at Appendix 1.
19. **Option 1: maintain the status quo.** The Council would continue to own and operate the complex needs service as is, without significant change.

- a. This option had broad support – particularly from carers whose relatives access the service and are concerned about the impact of change on wellbeing.
 - b. A number of respondents highlighted risks including sustainability of the workforce (given that it is ageing) and the quality of some of the estate. They also noted the absence of a clear service charter and concerns about a repeat of such exercises in future.
 - c. A number of respondents noted this option created a risk that the services were not consistent with people’s needs, and that the services are not very visible to new users (with limited consideration of future needs and demand).
20. **Option 2: increase capacity.** The Council would continue to own and operate complex needs services and would:
- a. Utilise the current existing ‘vacancies’ across the services; and
 - b. Consider increasing up to a maximum of 90 people (including current attendees) as per the current mapped needs.
21. This option also had broad support – particularly from carers whose relatives currently attend the service and wish to increase their attendance but are unable to do so due to current capacity and from carers who felt their relatives would benefit from such a provision. As per Option 1, some carers of current attendees were concerned about the impact of change – however the service feels that any change could be positively managed for the current attendees, but consideration of compatibility and service delivery model is key.
22. As per Option 1, a number of respondents highlighted risks in respect of the service charter, sustainability of the workforce, and quality of the estate, with two services not being able to increase their capacity currently.
23. A number of respondents noted this option removed the risk that the services were not consistent with people’s needs and would be accessible to meet the needs of new / future users.
24. **Option 3: redesign and/or explore alternative delivery model.** The Council would redesign the current complex needs services and consider alternative ways to provide the service including Local Authority Trading Company, Community Interest Company, or Mutual Co-operative.
- a. As per the January Cabinet paper, this option would likely take into consideration increasing capacity of the service (as per option 2).
 - b. This option also had broad support – with both positives and concerns / risks voiced as per option 1 and 2 remaining pertinent.
 - c. A number of respondents highlighted potential benefits including a clear service charter, an equitable footing in the marketplace with greater visibility of the services, facilitating expansion, as well as greater autonomy for staff.

- d. A number of respondents asked for further information about the alternative ways to provide the service to aid their understanding and what this might specifically mean for them.
25. **Option 4: decrease capacity.** The Council would continue to own and operate the complex needs services and decrease capacity.
- a. This option did not have broad support – with carers of relatives who currently attend the services expressing concern that the previous design of services and current service charter was neither clear, transparent or equitable in its application and were worried this option could result in future closure.
 - b. The principle concern of a number of respondents was the ability of the independent market to be able to meet the needs of people with complex needs.
 - c. Current providers who can support people with complex needs, have either limited or no capacity to increase the number of people they support due to the size and facilities of their buildings and ideally would be seeking investment from the Council (either capital or in the provision of accommodation) in order to meet these needs – with expressions of interest comparatively limited.
26. **Option 5: cease direct provision.** The Council would cease to directly provide complex needs day services and would instead source these services from the independent market.
- a. This option was not supported – with carers of relatives who currently attend the services expressing concern about the ability of the independent marketplace to meet the needs of people with complex needs. A number noted this option would likely mean their relative could not remain living in the family home with them, as they were concerned the loss of quality care would impact on their own caring role.
 - b. As per Option 4, the current independent market noted their limited capacity and requirement for investment from the Council, with expressions of interest comparatively limited.
27. Having taken into account this feedback, and consideration that the services in their current format are not sustainable in the medium / long term, the recommendation is to pursue a combination of Options 2 and 3. These are the options that have the greatest potential to achieve the programme outcomes, based on a full analysis as set out in Appendix 2.
28. The services would be redesigned to ensure that they were consistent with people's assessed eligible care and support needs, with a clear service charter to reflect these needs and to make the offer clear to current and new users. Other changes would be considered including: increased capacity; revised operating times; the potential for synergies with other learning disability services directly

provided by the Council; and the support these services could give to other services - e.g. training.

29. The services could either be directly provided by the Council, or by a Local Authority Trading Company, along with other learning disability services. The merits of these two options would be considered through a further evidence based options appraisal, with a recommendation considered by Cabinet in September 2019

Services commissioned from the independent market

30. Two options were presented for consideration. Feedback is summarised below with further details included at Appendix 3.
31. **Option 1: maintain the status quo.** The Council would continue to work with the independent marketplace 'as is' with no significant change.
- a. There was some support for specific aspects of this option – primarily from carers whose relatives attended these services who were worried about the impact of change on the provision of services.
 - b. However, a number of respondents highlighted a range of issues with current arrangements, including but not limited to:
 - i. Lack of clarity and consistency of the service offer – including referrals, sharing information about local providers and personal financial contributions;
 - ii. Rates are not reflective of need and/or quality, fair or equitable in all cases;
 - iii. There is no regulatory oversight.
 - c. In addition, this option may not be wholly compliant with the Care Act 2014, as the Council is not ensuring that there is a sustainable marketplace in operation.
32. **Option 2: introduce rates and proportionate contracting.** The Council would devise and implement a clear service specification which would include a formal procurement process, contracting and quality assurance arrangements.
33. There was some support for of this option, with benefits highlighting including:
- a. Quality monitoring and oversight;
 - b. Equity of referrals / all providers having the opportunity of considering new business;
 - c. Fairness and equity across the marketplace; and
 - d. Clarity of service offer (and accountability).
34. However, a number of respondents highlighted some concerns about this option:
- a. Rates may not be sustainable for providers or representative of needs;
 - b. Concerns about reduction in customer choice;

- c. Compromising autonomy and creativity of providers – thus negatively impacting attendees; and
 - d. Onerous processes in respect of procurement and contracting (including monitoring arrangements).
35. Having taken into account this feedback the recommendation is to pursue Option 2 as this has the greatest potential to achieve the programme outcomes, based on a full analysis as set out in Appendix 4.
36. A service specification, to underpin the Council’s Contractual Arrangements with the independent marketplace, will be developed (in co-production) to:
- a. Ensure there is a fair, clear and consistent offer for everybody who uses these services (including existing users and new users);
 - b. Reflect users assessed eligible care and support needs;
 - c. Promotes the choice and control of the user (as far as possible);
 - d. Minimise bureaucracy (as far as possible) for all key stakeholders from the point of assessment onwards; and
 - e. Further develop a competitive, sustainable marketplace.
37. Contractual Arrangements under the Light Touch Regime (in accordance with Public Contract Regulations 2015) will be developed – taking into consideration the feedback received from respondents during engagement.
38. A pricing strategy will be developed, taking into consideration the feedback received from the majority of respondents; these are likely to be a minimum of (noting the majority of respondents told us that the low rate would not provide a safe service in a number of circumstances):
- a. Low Needs: £30 per day
 - b. Medium Needs: £49 per day
 - c. High Needs: £58 per day
39. In addition, the pricing strategy will consider the amount payable for persons who are eligible to receive support with transport.
40. If a user is not eligible to receive support with transport, the provider will be entitled to enter into a private arrangement with them if requested.

Other services directly provided by the Council for adults with a learning disability and/or autism and respite services commissioned from the independent market

41. These services are summarised in Table 3.

Table 3: services directly provided by the Council for adults with a learning disability and/or autism and respite services commissioned from the independent market

Service	Service	Provider	Location	Number of	Cost
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	Type			users	(annual revenue)
Douglas Rd	Residential respite	County Council	Newcastle	13 beds	£1.1 million
Woodland View	Residential respite	Lifeways	Cannock	10 beds	£1.1 million
Silverbirch	Residential respite	Lifeways	East Staffs	5 beds	
Hawthorn House	Residential care	County Council	Lichfield	18	£1.8 million
Greenfields	Residential care	County Council	Moorlands	9	£1.1 million
Horninglow Bungalows	Supported Living	County Council	East Staffs	15	£0.9 million

Residential respite

42. The Council provides residential respite from Douglas Road in Newcastle. This 13 bed home is rated 'good' by the Care Quality Commission. The estate is in a fairly good state of repair, however due to the increased complexity of need of users the downstairs of the accommodation is oversubscribed with the upstairs significantly underutilised, with this position predicted to worsen.
43. There are currently high staff sickness levels in this service which is threatening its viability. Historically, there has been some speculation about whether the Council would continue to provide this service which may have contributed to the high staff sickness levels.
44. The Council commissions Lifeways to provide residential respite from Woodland View and Silverbirch. Both services are rated 'good' by the Care Quality Commission. The contracts are due to expire on 31 March 2020. The beds are block booked but appear to be underutilised.
45. Both Douglas Road and Lifeways report the following issues / concerns:
- Services are 'weekend heavy', affecting their staffing and capacity; and
 - Services are underutilised during the week day – with a number of attendees still accessing their day opportunity; thus meaning the Council is in effect 'double funding' on such occasions.
46. Initial feedback from respondents notes that the quality of support is variable and there appears to be disparity in the utilisation and expectations across the two providers.

Hawthorn House

47. Hawthorn House is a residential care home. The service is rated 'good' by Care Quality Commission, however due to the poor state of repair of the estate it is unlikely to achieve 'outstanding'.

48. The service is registered to accommodate 29 residents – however the property could not accommodate this number in its current condition, nor is it staffed to this level.
49. There are currently 18 residents (aged 45 – 87 yrs old) accommodated across two buildings, thus requiring high staffing ratios. The Adult Learning Disability Team have confirmed that the majority of residents will likely require ongoing residential care:
- a. The bottom house accommodates 12 residents – whose needs are predominantly complex physical health needs; and
 - b. The top house accommodates 6 residents – whose needs are predominantly ‘behaviours that may challenge’.
50. The 2007 Cabinet decision to reprovide this service remains live. Carers / relatives of the residents, and staff in the service, are frustrated with the duration of the process thus far and are anxious about the independent market’s ability to provide quality care and support.

Greenfields

51. Greenfields is a residential care home. The service is rated ‘good’ by Care Quality Commission. The estate is in a good state of repair, however there is limited scope for change / improvements due to the position and size of land – situated between two schools.
52. The service is registered to accommodate 10 residents.
53. There are currently 9 residents (aged 46 – 68 yrs old) accommodated in a single building. Support is predominantly in relation to ‘behaviours that challenge’, however increasing support is being provided in relation to physical needs. Further discussions are required in respect of the required future models of care and support.
54. The 2007 Cabinet decision to reprovide this service remains live. Carers / relatives of the residents are frustrated with the duration of the process thus far and are anxious about the independent market’s ability to provide quality care and support.

Horninglow Bungalow

55. Horninglow Bungalows is a Supported Living Scheme. The service is incorrectly registered with the Care Quality Commission as a ‘Homecare Agency’ – however it is rated ‘good’. The buildings are owned by Midland Heart
56. The service can accommodate a maximum of 16 tenants across 3 bungalows, depending on need and compatibility. 15 tenants (aged 34 – 81 yrs old) are currently accommodated with one vacancy.

57. There are currently high staff sickness levels is this service meaning a high usage of agency staff.
58. There has historically being a speculation about whether the Council will continue to provide the service.

Common themes in services directly provided by the Council

59. Across the four sites the following common themes have been identified:
 - a. The workforce is ageing with over half of the workforce is aged over 55;
 - b. There are higher than Council average sickness levels;
 - c. Services are typically not 'digital by default' – with poor ICT equipment and connectivity;
 - d. The buildings are not appropriate to people's needs and/or are in a poor state of repair.
60. Taken together these issues mean that the services are not sustainable in their current form.
61. Analysis to date suggests that the independent market:
 - a. Is unlikely to be able to offer residential respite for people with complex needs at the required levels of capacity as a viable alternative to provision by the Council, either directly or through a Local Authority Trading Company;
 - b. Is unlikely to be able to offer residential care for people with complex needs in specific areas of the county as a viable alternative to provision by the Council, either directly or through a Local Authority Trading Company;
 - c. Is better developed in respect of Supported Living and more likely to be able to offer a viable alternative to provision by the Council.
62. The recommendation therefore is to develop and evaluate options for the future of all services for adults with a learning disability and/or autism directly provided by the Council. This evaluation will include consideration of:
 - a. the state of the market – further exploring the comments detailed in paragraph 61;
 - b. the potential for synergies by closer working between services;
 - c. options for future provision including direct provision by the Council or provision by a Local Authority Trading Company.
63. The Council would engage with users, carers and staff on these options, and bring the outcome along with recommendations to Cabinet in September 2019.

Scrutiny Feedback

64. Members of the Healthy Staffordshire Select Committee considered this Cabinet Report on 10th June 2019 and noted the following points for consideration and inclusion in development of the ALD 2022 Community Offer Programme:

- a. In respect of day opportunities purchased from the independent marketplace:
 - i. Develop a clear service specification, inclusive of quality standards, ensuring the delivery of safe, quality services;
 - ii. Further consider the availability and provision of services in Staffordshire Moorlands, including transport arrangements;
- b. Clarify what direct payments can purchase in respect of meeting eligible needs, including activities within day opportunities and respite / short breaks;
- c. In respect of all services in the scope of the programme, consider the needs of carers;
- d. In respect of services directly provided by the Council:
 - i. Ensure a good understanding of current and future needs;
 - ii. Provide clarity about the Council's intentions and position in the market.

List of Appendices:

Appendix 1 – ALD Community Offer 2022 Appendix 1 Summary of Engagement on services directly provided by SCC

Appendix 2 - ALD Community Offer 2022 Appendix 2 Complex Needs Service Options Achievement of Outcomes

Appendix 3 - ALD Community Offer 2022 Appendix 3 Summary of Engagement on services provided by the independent marketplace

Appendix 4 - ALD Community Offer 2022 Appendix 4 Independent Marketplace Options Achievement of outcomes

Community Impact Assessment - Executive Summary

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