

Cabinet Meeting on Wednesday 18 September 2019

Adult Learning Disability 2022 Community Offer: The Future of Learning Disability Services directly provided by Staffordshire County Council



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

“After consultation with users, it is clear that our services for adults with a learning disability need to change to ensure that they are sustainable.

“We have developed a series of recommendations to modernise these services so that they can continue to meet people’s needs now and in the future.

“The way we support people in the future needs to be about ability, not disability, about focussing on what people can do and building on these strengths so that they can live full and independent lives for as long as possible.”

Report Summary:

The purpose of Staffordshire’s Adult Learning Disability 2022 Community Offer 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.

In June 2019, Cabinet requested that proposals for the future of services directly provided by the Council for adults with a learning disability and/or autism be developed and evaluated.

This report includes these proposals along with proposals for the residential replacement care services currently provided by Lifeways, as the current contractual arrangements will expire on 31 March 2020.

The proposals have been developed following engagement with a range of key stakeholders (including users, staff and carers), current and anticipated future demand, the current state of the market, and the quality of current services.

The proposals will ensure that the Council continues to meet peoples assessed eligible care and support needs. The Council will commission services where we are confident the market can offer quality and value for money; and continue to provide services directly where necessary, with modernisation of directly provided services to improve quality and reduce operating costs.

Recommendations

I recommend that Cabinet:

- a. Approves commissioning of a Supported Living service (care and accommodation), from the independent market, to replace the residential service currently provided by the Council at Greenfields House in Staffordshire Moorlands.
- b. Approves the commissioning of a Supported Living service (care only), from the independent market, to replace the care currently directly provided by the Council at Horninglow Bungalows in East Staffordshire.
- c. Approves consultation with staff (and recognised Trade Unions) on the proposed changes for Greenfields House and Horninglow Bungalow.
- d. Approves the revised Service Charter for the Complex Needs Day Services, including rebranding to "Staffordshire County Council Specialist Day Opportunities.
- e. Delegates the authority to implement any future changes to staffing and accommodation for the Staffordshire County Council Specialist Day Opportunities to the Cabinet Member for Health, Care and Wellbeing, in consultation with the Director for Health and Care.
- f. Approves an extension to the contracts for two block-booked residential replacement care services at Woodland View and Silverbirch with the current provider until July 2020.
- g. Requests that proposals for the remaining directly provided learning disability services and the long-term future of block-booked residential replacement care services be presented to Cabinet in October 2019.

Local Members Interest
N/A

Cabinet – Wednesday 18 September 2019

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

I recommend that Cabinet:

- a. Approves commissioning of a Supported Living service (care and accommodation), from the independent market, to replace the residential service currently provided by the Council at Greenfields House in Staffordshire Moorlands.
- b. Approves the commissioning of a Supported Living service (care only), from the independent market, to replace the care currently directly provided by the Council at Horninglow Bungalows in East Staffordshire.
- c. Approves consultation with staff (and recognised Trade Unions) on the proposed changes for Greenfields House and Horninglow Bungalow.
- d. Approves the revised Service Charter for the Complex Needs Day Services, including rebranding to “Staffordshire County Council Specialist Day Opportunities.
- e. Delegates the authority to implement any future changes to staffing and accommodation for the Staffordshire County Council Specialist Day Opportunities to the Cabinet Member for Health, Care and Wellbeing, in consultation with the Director for Health and Care.
- f. Approves an extension to the contracts for two block-booked residential replacement care services at Woodland View and Silverbirch with the current provider until July 2020.
- g. Requests that proposals for the remaining directly provided learning disability services and the long-term future of block-booked residential replacement care services be presented to Cabinet in October 2019.

Report of the Director of Health and Care

Reasons for Recommendations:

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; aligning with Staffordshire's Whole Life Disability Strategy and vision for Health and Care.
2. The scope, approach and outcomes to be achieved by the Programme are outlined in the June 2019 Cabinet report. Cabinet requested that proposals for the future of services directly provided by the Council for adults with a learning disability and/or autism be developed and evaluated, that the Council engage with users, carers and staff on these proposals, and that these proposals and the outcome of evaluation and engagement be brought back to Cabinet.

Scope

3. The learning disability services in scope of the Programme are outlined in Table 1 and Table 2.

Table 1: Directly provided service

Service	Service Type	Provider	Location	No. of users	Budget 2019/20
Greenfields House	Residential care	County Council	Staffordshire Moorlands	9	£1.028m
Horninglow Bungalows	Supported Living	County Council	East Staffordshire	15	£1.016m
Douglas Road	Residential replacement care	County Council	Newcastle under Lyme	13 beds	£1.109m
Hawthorn House	Residential care	County Council	Lichfield	18	£1.818m
Complex Needs Day Services	Building based day opportunities	County Council	6 locations	58	£2.545m
TOTAL COST					£7.516m

Table 2: Externally commissioned 'respite' services

Service	Service Type	Provider	Location	No of Users	Max. contract value	Actual spend 18/19
Woodland View	Residential replacement care	Lifeways	Cannock	10 beds	£1.015m	£0.534m
Silverbirch	Residential	Lifeways	East	5 beds		£0.232m

	replacement care		Staffordshire			
TOTAL COST						£0.766m

4. The services included in the scope of this report are:
 - a. Greenfields House;
 - b. Horninglow Bungalows; and
 - c. Complex Needs Day Services.
5. Proposals for the remaining directly provided learning disability services and the long-term future of block-booked residential replacement care services will be presented to Cabinet in October 2019.

Medium Term Financial Strategy (MTFS) requirements

6. The original MTFS savings target for the Adult Learning Disability Community Offer 2022 programme was £3.7m by 2021/22.
7. Savings of £0.9m have been achieved in previous years, with a further £1.0m expected to be achieved during 2019/20, leaving a balance of £1.8m to be achieved by 31 March 2022, as shown in Table 3:

Table 3: MTFS savings

	19/20 £m	20/21 £m	21/22 £m
Savings target	1.9	3.2	3.7
Ongoing savings achieved in 18/19	0.9	0.9	0.9
Expected savings in 19/20 onwards	1.0	1.0	1.0
Balance to be achieved		1.3	1.8

Evaluation

8. Options for each service have been evaluated following engagement with users, carers and staff; taking into account:
 - a. Current and anticipated future demand;
 - b. The state of the market; and
 - c. The quality and availability of current services (care and accommodation).
9. Recommendations are based upon the following principles:
 - a. The Council will commission services where we are confident the market can provide quality support;
 - b. The Council will directly provide services where necessary, with modernisation of directly provided services to improve quality and reduce operating costs.
10. The recommendations aim to ensure that all services, whether commissioned from the market or directly provided by the Council are:

- a. Statutorily compliant – meeting assessed eligible care and support needs, both current and future;
 - b. Acceptable to users and carers; and
 - c. Are sustainable and represent value for money.
11. Engagement with users, carers and staff is summarised in Table 4, with details of feedback included in Appendix 1.

Table 4: Engagement with users, carers and staff

Cohort / Mechanism	Total
People who use services and their carers – meetings / 1:1	77
Staffordshire County Council Provider Staff – briefing sessions	77
Adult Learning Disability Team's (ALDT) – briefing sessions	44
Citizen Space Survey's & written submissions	41
TOTAL	239
In addition, Lifeways carried out staff engagement at Woodland View and Silverbirch	

Adults with learning disabilities in Staffordshire

12. The number of adults with a moderate or severe learning disability is predicted to remain relatively stable over the next 10-20 years, as shown in Table 5.

Table 5: number of adults with a moderate or severe learning disability in Staffordshire (source: PANSI Population Statistics)

Age Range	2019	2020	2025	2030	2035
18-24	410	401	392	427	430
25 – 34	553	553	537	499	508
35 – 44	616	519	660	685	671
45 - 54	667	652	574	562	601
55 – 64	577	591	630	595	525
TOTAL	2824	2817	2795	2769	2735

13. The number of adults with a learning disability in receipt of a long-term service funded by the Council has remained relatively stable over the last few years, as shown in Table 6.

Table 6: number of adults with a learning disability in receipt of a long-term service

Report Month	Staffordshire North	Staffordshire South	Total
July 2017	868	999	1867
July 2018	840	994	1834
July 2019	843	990	1833

14. The number of young people supported to prepare for adulthood has also remained relatively stable, as shown in Table 7.

Table 7: number of young people preparing for adulthood

Report Month	Age (years)	Staffordshire North	Staffordshire South	Total
July 2018	14 – 17	30	37	67
	18	22	23	45
July 2019	14 – 17	26	35	61
	18	24	26	50

15. All of this suggests that the number of adults in receipt of long-term services funded by the Council will remain relatively constant over the next 10-20 years, although there may be an increase in the complexity of needs.

Supported Living

16. The proposal is for the Council to cease direct provision of Supported Living based on the ability of the independent market to offer a quality service, at a sustainable cost.
17. Countywide around 390 Council funded adults with learning disabilities are in Supported Living with around 15 new placements annually.
18. The Council has tried and tested arrangements for commissioning Supported Living and the independent market has experience in providing Supported Living for this group of clients and can offer a quality and cost-effective service.
19. Over 80% providers in the independent market are rated outstanding or good by the CQC. There have been no provider failures recorded in the last 24 months.
20. The Council contracts with 31 Supported Living providers. In addition, people are entitled to have a Direct Payment to purchase the care element from a provider of their choice.
21. The Council will shortly launch a new Dynamic Purchasing System for the purchase of Supported Living, expressions of interest in this process from the independent market have been positively received.
22. This proposal will affect the following services:
- Greenfields;
 - Horninglow Bungalows.

Greenfields

Service overview

23. Greenfields is a residential care home with 8 residents, located in Staffordshire Moorlands; the service is provided by the Council and rated 'good' by the CQC.
24. In 2007 Cabinet decided to reprovide this service by transferring residents to alternative care and accommodation arrangements and closing Greenfields. To date this decision has not been implemented. This is due to a change in

administration and personnel until 2017 and subsequently the decision to include Greenfields in the scope of the Adult Learning Disability Community Offer 2022.

Current and anticipated needs

25. Care Act Assessments have indicated that the needs of the current residents could best be met in Supported Living.
26. Carers of residents have also expressed a preference for Supported Living and the Registered Manager of Greenfields agrees that it would be the most appropriate care and accommodation arrangement:
 - a. Individuals would have their independence maximised (as per their individual needs and outcomes);
 - b. Individuals would have their personal income maximised, as typically their Welfare Benefit entitlement will increase due to a change in their accommodation status;
 - c. Individuals would benefit from being able to move freely around their adapted accommodation (unlike current restricted access to specific areas of the home).
27. In Staffordshire Moorlands 38 Council funded adults with learning disabilities are in Supported Living.
28. In addition to meeting the needs of the current residents of Greenfields, a Supported Living service would help to meet the needs of future residents in Staffordshire Moorlands as there is limited alternative provision in the area.

Recommendation

29. The recommendation is for the Council to commission a Supported Living service (care and accommodation), from the independent market, to replace the residential service currently provided by the Council at Greenfields House.
30. A competitive process to secure a Supported Living care provider for existing clients could commence in October 2019 using the Council's Dynamic Purchasing System. The start date would depend on how quickly the successful provider could secure appropriate accommodation (with no capital investment from the Council required).

Financial implications

31. The current residents are assessed as requiring 24-hour care and support. The Council's reference rate for Supported Living is £13.60 - £14.75 per hour. The future anticipated cost of care, subject to the layout of accommodation, is approximately £0.552m annually. This would allow a saving of approximately £0.476m annually compared to current costs.

Staff implications

32. Because the current service is residential care it is possible that Transfer of Undertakings (Protection of Employment) may not apply in which case there might be redundancies. Staff (and recognised Trade Unions) would be consulted on potential proposals and implications on their employment. The application of TUPE would be confirmed as part of the competitive process.
33. The anticipated cost of change, if applicable, is approximately £0.780m; the cost of which would be met from the existing Health and Social Care Budget.

Alternative options considered

34. The alternative option is for the Council to directly provide Supported Living. However, this option has not been pursued:
 - a. The Council has considerably less experience than the independent market in providing Supported Living;
 - b. It is not clear that the Council could provide this service for a similar quality or cost;
 - c. A separate accommodation provider would be required to satisfy the CQC preference for a clear distinction between the care and accommodation provider; and
 - d. The Council does not act in the capacity of landlord for any other Supported Living schemes.

Horninglow Bungalows

Service overview

35. Horninglow Bungalows is a Supported Living scheme accommodating 15 tenants, located in East Staffordshire; the service is provided by the Council and rated 'good' by the CQC – although it is registered as a Homecare, as opposed to Supported Living provision.
36. The accommodation is owned and operated by a Registered Social Landlord.

Current and anticipated needs

37. Care Act Assessments by the Adult Learning Disability Team have indicated that the needs of the current residents can continue to be met in Supported Living:
 - a. The service is well established and has well-established links with the local community;
 - b. Individuals have experienced improved outcomes, including maximisation of their independence; and
 - c. Individuals have a tenancy agreement with the landlord, thus protecting their accommodation rights.
38. Carers of residents have expressed strong support for the current service and its continuation, noting the quality of care and support provides "peace of mind".

39. In addition to meeting the needs of the current residents, the service will help to meet the needs of future residents in East Staffordshire, as it is anticipated, there will be an ongoing demand for Supported Living in the area.
40. In East Staffordshire 69 Council funded adults with learning disabilities are in Supported Living, including 15 additional contracted placements in the last 12 months.

Recommendation

41. The recommendation is for the Council to commission a Supported Living service (care only), from the independent market, to replace the care currently directly provided by the Council at Horninglow Bungalows.
42. A competitive process to secure a Supported Living care provider for existing clients could commence in October 2019 using the Council's existing dynamic purchasing system.

Financial implications

43. The current residents will require access to varying degrees to 24 hour care and support. The Council's reference rate for Supported Living is £13.60 - £14.75. The future anticipated cost of care is approximately £0.590m annually. This would allow a saving of approximately £0.426m annually compared to current costs.

Staff implications

44. It is likely that Council staff would transfer to a new Supported Living care provider under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). Staff (and recognised Trade Unions) would be consulted on potential proposals and implications on their employment. The application of TUPE would be confirmed as part of the competitive process.
45. If TUPE was not applicable, the anticipated cost of change would be approximately £0.536m.

Alternative options considered

46. One alternative option is for the Council to directly provide Supported Living. However, this option has not been pursued because:
 - a. The Council has considerably less experience than the independent market in providing Supported Living for this group of clients – this is the only example of the Council providing a service of this type at a considerably higher cost; and
 - b. The independent market is able to offer a quality service, at a sustainable cost.
47. Another alternative option is for the Council to use Horninglow Bungalows as 'transitional' Supported Living with residents accommodated for the short / medium term with the aim of achieving full independence. However, this option has not been pursued because:

- a. Current and anticipated need is relatively unknown and at present insufficient;
- b. The current size and location of this specific service is not considered suitable to meet County Wide needs; and
- c. Consideration of the rights of the current tenants.

Complex needs day services

Service Overview

48. The Council currently directly provides services to 59 people across 6 locations countywide, predominantly supporting people with profound and multiple learning disabilities. The service includes provision of transport.
49. There are up to 31 more people with profound and multiple learning disabilities, currently supported by the independent market, who could benefit from the service. There are 3 vacancies in the service at the moment.
50. In June 2019, Cabinet approved the continued direct provision of complex needs day services, subject to a redesign to:
 - a. Ensure the service is consistent with assessed eligible care and support needs;
 - b. Ensure a revised Service Charter is reflective of the offer, to both current and perspective users; and
 - c. Increase capacity to accommodate a greater number of people, at a reduced average cost.
51. A revised Service Charter has been developed and is included at Appendix 2. Key highlights are:
 - a. The service will be known as Staffordshire County Council Specialist Day Opportunities;
 - b. The service will offer long-term support as well as short-term assessment; and
 - c. The provision of support will be subject to an annual review – taking into consideration needs and outcomes of the individual alongside the capability, cost and capacity of the independent market.
52. Appropriate staffing structures are being considered for the service. Staff (and recognised Trade Unions) would be consulted on potential proposals and implications on their employment; this information will likely be included in the subsequent October 2019 approach.
53. To date, the Council has explored a number of accommodation options; thus far these have been discounted as they are not financially viable. The Programme will continue to explore alternatives.
54. The recommendation is that authority to implement any future changes to accommodation, operating hours (including service closures), changes to the Service Charter and subsequent staffing for the Staffordshire County Council

Specialist Day Opportunities are delegated to the Cabinet Member for Health, Care and Wellbeing, in consultation with the Director for Health and Care.

Residential replacement care (Respite)

55. Residential replacement care is commonly referred to as 'Respite' by people who use these services and their carers.

Service overview

56. The Council currently commissions Lifeways to provide two residential replacement care services:

- a. Woodland View, Cannock – ten beds. The Council leases the accommodation from a Registered Social Landlord, following significant financial investment from the Council, as part of a wider development;
- b. Silverbirch, East Staffordshire – five beds. The Council owns the accommodation and funded the development;

57. The Council block books ten beds in total across the two services with the ability to spot purchase the remaining five beds and the maximum contractual value is £1.015m annually. Both services are rated 'good' by the CQC.

58. The current contract for the provision of care expires in March 2020. However, the lease arrangements for the accommodation with the current provider (included in the care contract) do not expire until July 2020.

Recommendation

59. The recommendation is to extend the contract for the provision of care with Lifeways at Woodland View and Silverbirch until July 2020 to coincide with the end of the lease arrangements for the accommodation. The extension would allow the Council to implement a revised Residential Replacement Care offer countywide, in a consistent and staged manner.

Anticipated financial savings

60. Table 8 combines the impact of the anticipated financial savings detailed in this report alongside the progress previously outlined in Table 3; thus reducing the gap to £0.822m.

Table 8: Revised MTFs Summary

	19/20 £m	20/21 £m	21/22 £m
Savings target	1.9	3.2	3.7
Ongoing savings achieved in 18/19	0.9	0.9	0.9
Expected savings in 19/20 onwards	1.0	1.0	1.0
Greenfields House saving		0.476	0.476
Horninglow Bungalows saving		0.426	0.426
Balance to be achieved		0.398	0.898

Risks and Mitigation

61. The anticipated risks and mitigating Actions are summarised in Table 9.

Table 9: Risks and mitigating actions summary

Service	Risk	Mitigating Action
All	Challenge and complaint (inc. judicial review) from impacted key stakeholders.	<ul style="list-style-type: none"> - The programme has sought to engage with all key stakeholders – inc. consideration of the range of options. - The programme (and proposals) continue to meet assessed eligible care and support needs; noting they are statutorily compliant. - In respect of impacted staff, the Programme will ensure on-going consultation with the staff cohort, their representative Trade Unions and ensure adherence to all appropriate processes in a timely manner.
All	Needs of the current cohort change	<ul style="list-style-type: none"> - The Programme has endeavoured to consider both current and future anticipated need – using a range of evidence sources which indicates continued levels of need county wide.
Supported Living - All	A failed competitive process to identify alternative care and support.	<ul style="list-style-type: none"> - Initial soft market testing has indicated interest from the independent market. - The Council has a mechanism and proven track record in purchasing care and support from the independent market.
Supported Living – Greenfields	Providers may not be able to source the desired accommodation model and/or location	<ul style="list-style-type: none"> - A second soft market testing exercise has indicated that accommodation can be sourced. - A further dialogue will be hosted with providers as part of the competitive process and all accommodation options considered, in partnership with key stakeholders, ensuring they meet the needs of both current and future tenants.
Day Opportunities	Providers from the Independent Market may challenge the Council's position in the market	<ul style="list-style-type: none"> - As per the Care Act, the Local Authority is fulfilling its statutory duty to ensure there is a vibrant and sustainable market. - The proposals predominantly seek to slightly reduce the overall presence in the market.

		- The Council is not seeking to remove competition or choice through maintaining a position in the market.
Replacement Care delivered by the independent market	The current provider may not wish to extend their current arrangements	- Officers will engage the current provider at the earliest opportunity to determine viability and seek an arrangement agreeable to both parties.
	The Council may be challenged by other providers in the independent market for the extension of the current arrangements	- The Council is seeking to implement a viable interim arrangement only. - Subject to the future recommended option, the Council may undertake a competitive process to deliver services at a future date.

Community Impact Assessment (CIA)

63. Please refer to Appendix 3 – for the Executive Summary, with the full CIA accessible as a Background Reference Document.

64. Table 10 summaries the key domains of the CIA:

Table 10 CIA Key Summary Points

Domain Impacted Parties	& Benefits	Risks
P.S.E.D - Disability - SCC Staff	People will receive appropriate support to meet their eligible care and support needs – in the most appropriate setting. A no. of people will retain paid employment with the Council	People may experience varying degrees of change in their care and support – <i>this will be minimised where possible, with transitional support and review to monitor.</i>
Health & Care - Healthy Lifestyles - Accidents & Falls Prevention - Access to Social Care - Independent Living		A no. of people may be at risk of redeployment and/or redundancy – <i>staff (and their representative Trade Unions) will be consulted, with appropriate process followed.</i>
Economy - Economic	The Council has clarified its position in respect of services they will directly provide, thus	There is a risk of failed competitive processes (as per Table 9) – <i>Soft market</i>

Growth - Poverty and income - Access to good quality jobs	helping the market to shape their business intentions and participate in subsequent competitive processes (as appropriate).	<i>testing and current state of the market indicates the risk is minimal.</i>
Environment - Built Environment / Land Use	The programme will seek to ensure it maximises the potential of the property portfolio / land for services provided	
Localities / Communities - Community Capacity / Development	As in accordance with SCC policy and vision, all services will be expected to support with the development, and contribute to, community development / capacity.	There is a high level of demand / expectation of the Community Capacity Agenda – with limited financial resource and officer capacity – <i>the programme will continue to engage and work in partnership with a range of key stakeholders</i>

Staffordshire Healthy Select Committee

65. The report was presented to the Staffordshire Healthy Select Committee on 16th September 2019. Feedback arising from this presentation, and subsequent changes, will be shared as a further Appendices in advance of presentation to Cabinet, due to the dates of publication.

List of Background Documents/Appendices:

Appendix 1: Summary of Engagement Feedback - Greenfields and Horninglow Bungalows

Appendix 2: Service Charter

Appendix 3: Community Impact Assessment

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