

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

10 JANUARY 2013

**REPORT OF ADULT
SERVICES AND HEALTH
SELECT COMMITTEE**

CABINET DECISION

Adult Services and Health – Lead Cabinet Member – Councillor Jim Beall
Housing and Community Safety – Lead Cabinet Member – Councillor Steve Nelson

EFFICIENCY, IMPROVEMENT AND TRANSFORMATION (EIT) REVIEW OF LEARNING DISABILITY SERVICES

1. Summary

The attached report of the Adult Services and Health Select Committee outlines the results of an in-depth review of learning disability services provided by Stockton Council. This has included an in-depth examination of the commissioning, care planning, and provision of adult social care services for people with learning disabilities.

The Council has a statutory obligation to meet identified need for those clients assessed as being eligible for services in line with the Council's eligibility criteria for adult social care. Services provided must meet identified need, however the Council must also ensure that they are providing value for money. The Committee has found that there is scope to both improve the services that the Council provides or commissions, at the same time as achieving better value for money.

The Committee's proposals were approved in principle by Cabinet on 17 May 2012 and have been subject to 12-weeks of public consultation. The results of the consultation are summarised in the Committee's report and the feedback was broadly supportive of the proposals. The Committee has finalised its proposals and made recommendations for change. There would be no changes to individual client circumstances without appropriate re-assessment and care planning.

2. Recommendations

The Committee recommend that:

1. a new Learning Disability Commissioning Strategy be developed, and this should include the proposals outlined in recommendations 2-18;
2. there should be only one building based day service in the Borough, that this should focus on providing services for people with complex needs, and should be based at the Allensway building. Service users with complex needs currently receiving services at

other locations in and out of the Borough (including Rievaulx Resource Centre) should be supported to move to Allensway;

3. service users who do not have complex needs should be supported to access services in community settings for example the existing models of Central Stockton Day Services, and Brighter Futures, and new provision in Billingham. This will include those currently accessing services in Allensway and Rievaulx;
4. the subsidy for meals in day services, where currently provided, should be discontinued, and that alternative cafe style/packed lunch options be further developed;
5. Brighter Futures be reviewed in order to ensure that service users move on from the service into other services where appropriate, and the aim of this service is to enable young adults (up to 25 years old) to access community based services;
6. out of Borough day care provision should not be commissioned unless the Council is satisfied that assessed needs cannot be met in the Borough;
7. service users who live in Borough but currently attend out of Borough day services, should be encouraged and supported to receive services in-Borough, subject to assessed needs being met, and commissioners should determine any requirement for additional provision in-Borough;
8. the Council should encourage the development of community business opportunities for service users;
9. subject to a successful outcome of the pilot, the Community Bridge Building scheme be rolled out on a permanent basis, in order to support individuals to achieve greater independence and integration into local communities, and that consideration be given to funding a transitions Bridge Building worker;
10. as a general principle the Council should enable more people with learning disabilities to have access to more independent living opportunities, and reduce the use of residential care. Residential care should be recommended when independent living would not meet assessed need or does not provide value for money;
11. for those whose assessed needs would still be best met through residential care, the Council should aim to increase the range of in-Borough placements to reduce the use of out of Borough placements;
12. where appropriate and following review, service users in out of Borough residential care should be encouraged and supported to use in-Borough residential care;
13. the Council should seek to increase the choice and range of affordable homes for independent living with appropriate care and support;
14. the Council should encourage and support those in residential care who are ready to move into independent living;
15. capacity in respite care at Lanark Close be increased whilst still making efficiency savings, increasing the number of beds from 6 to 9;
16. a menu of options for short break services be developed. These should be either commissioned by the Council or be accessible via personal budgets;
17. the Council works closely with the NHS including the Clinical Commissioning Group, to explore the provision of a joint respite facility for service users with more complex needs;

18. the Council should explore the commissioning of new autism provision in the Borough;
19. the improvements to care management and commissioning as outlined in the report, and included in the Working Practices Handbook, be implemented to ensure a successful implementation of the Committee's recommendations and the proposed commissioning strategy.

3. Reasons for the Recommendations/Decision(s)

As part of the Council's programme of EIT reviews, and as part of the agreed scrutiny work programme for 2011-12 and 2012-13, the Select Committee has undertaken a review of Learning Disability services and the attached report outlines the findings of the review. This follows an interim report to Cabinet on 17 May 2012 and the subsequent period of public consultation.

4. Members' Interests

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

Disclosable Pecuniary Interests

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code).

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SUMMARY

The attached report of the Adult Services and Health Select Committee outlines the results of an in-depth review of the learning disability services provided by Stockton Council. This has included an in-depth examination of the commissioning, care planning, and provision of adult social care services for people with learning disabilities.

RECOMMENDATIONS

The Committee recommend that:

1. a new Learning Disability Commissioning Strategy be developed, and this should include the proposals outlined in recommendations 2-18;
2. there should be only one building based day service in the Borough, that this should focus on providing services for people with complex needs, and should be based at the Allensway building. Service users with complex needs currently receiving services at other locations in and out of the Borough (including Rievaulx Resource Centre) should be supported to move to Allensway;
3. service users who do not have complex needs should be supported to access services in community settings for example the existing models of Central Stockton Day Services, and Brighter Futures, and new provision in Billingham. This will include those currently accessing services in Allensway and Rievaulx;
4. the subsidy for meals in day services, where currently provided, should be discontinued, and that alternative cafe style/packed lunch options be further developed;
5. Brighter Futures be reviewed in order to ensure that service users move on from the service into other services where appropriate, and the aim of this service is to enable young adults (up to 25 years old) to access community based services;
6. out of Borough day care provision should not be commissioned unless the Council is satisfied that assessed needs cannot be met in the Borough;
7. service users who live in-Borough but currently attend out of Borough day services, should be encouraged and supported to receive services in-Borough, subject to assessed needs

being met, and commissioners should determine any requirement for additional provision in-Borough;

8. the Council should encourage the development of community business opportunities for service users;
9. subject to a successful outcome of the pilot, the Community Bridge Building scheme be rolled out on a permanent basis, in order to support individuals to achieve greater independence and integration into local communities, and that consideration be given to funding a transitions Bridge Building worker;
10. as a general principle the Council should enable more people with learning disabilities to have access to more independent living opportunities, and reduce the use of residential care. Residential care should be recommended when independent living would not meet assessed need or does not provide value for money;
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12. where appropriate and following review, service users in out of Borough residential care should be encouraged and supported to use in-Borough residential care;
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14. the Council should encourage and support those in residential care who are ready to move into independent living;
15. capacity in respite care at Lanark Close be increased whilst still making efficiency savings, increasing the number of beds from 6 to 9;
16. a menu of options for short break services be developed. These should be either commissioned by the Council or be accessible via personal budgets;
17. the Council works closely with the NHS including the Clinical Commissioning Group, to explore the provision of a joint respite facility for service users with more complex needs;
18. the Council should explore the commissioning of new autism provision in the Borough;
19. the improvements to care management and commissioning as outlined in the report, and included in the Working Practices Handbook, be implemented to ensure a successful implementation of the Committee's recommendations and the proposed commissioning strategy.

DETAIL

1. The attached report presents Cabinet with the outcomes of the Efficiency, Improvement and Transformation (EIT) Review of Learning Disability Services.
2. The review formed part of a programme of EIT reviews covering all services provided by the Council. The programme aims to ensure that all services are reviewed in a systematic way to ensure that they are provided in the most efficient manner, provide value for money and identify opportunities for service improvements and transformation.

3. Following consideration by Cabinet an action plan will be submitted to the Select Committee setting out how approved recommendations will be implemented detailing officers responsible for action and timescales.

FINANCIAL IMPLICATIONS

4. This review has identified a number of areas that have the opportunity for greater efficiencies and financial savings of at least 15%.
5. By progressing ordinary residence cases, re-negotiating some high cost residential placements and re-commissioning homecare fees savings have already been achieved, which equate to an annual saving of £300k. Further savings of approximately £500,000 would be achieved through:
 - ending meal subsidies in day services and changing how meals are provided in respite provision;
 - day service and respite service re-configuration, including changes to management and staffing structures;
6. Work is also ongoing in a number of areas which will deliver further savings which have yet to be quantified:
 - re-negotiation of high cost residential placement fees with providers;
 - the provision of local autism services;
 - successful outcomes being achieved through Community Bridge Building;
 - successful outcomes on a number of ordinary residence cases that are currently being progressed;
 - the provision of more cost effective independent living options as an alternative to residential placements, and;
 - re-commissioning of supported tenancies.
7. It should be noted that it is difficult to quantify the savings achievable as they are subject to a number of varying factors. For example, a successful outcome in ordinary residence disputes is dependent on agreement with a local authority and / or successful legal challenge. Reducing the cost of high cost residential placements is dependent on successful negotiation with providers. Savings arising from independent living are dependent on the willingness of existing service users in residential placements to move.
8. Some of the recommendations and actions may require an invest to save approach, e.g. additional staffing, local autism services, Community Bridge Building, and housing. Further details of the individual projects, resource requirements and potential savings will be presented to Cabinet in due course.

LEGAL IMPLICATIONS

9. The NHS and Community Care Act 1990 sets out the need to ensure that people live safely in the community. It identifies that Councils with social care responsibilities should assess the needs of people and arrange provision of community care services to meet these needs. Guidance on eligibility criteria was renewed in 2010 and is now called 'Prioritising Need in the context of Putting People First' (previously called 'Fair Access to Care Services' - FACS).
10. The local authority must have due regard to the general equality duty under s.149 Equality Act 2010. The Act extends protected equality characteristics to include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation, marriage and civil partnership status. People with those characteristics have

protection under equality legislation. There is a legal duty on the local authority when carrying out its functions to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and those who do not;
- foster good relations between people who share a protected characteristic and those who do not.

11. Having 'due regard' means consciously thinking about the 3 aims of the Equality Duty as part of the process of decision making. This means that consideration of equality issues must influence the decisions reached by public bodies including the development and review of policy, service delivery, and commissioning and procurement.

12. Having "due regard" to the need to advance equality of opportunity involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these are different from the needs of other people;
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

13. The duty is a continuing one and "due regard" must be given before and at the time a particular decision is being considered which may affect people with protected characteristics.

14. In addition to any or all, of the other protected characteristics, people eligible for learning disability services are covered by the Act as a protected group due to their disability.

15. Also relevant is the Autism Act 2009. This required the Government to produce an autism strategy and also statutory guidance for local authorities. The guidance was published in December 2010, and is called 'Implementing Fulfilling and Rewarding Lives: Statutory guidance for local authorities and NHS organisations to support implementation of the autism strategy' and must be taken into account by both local authorities and the NHS.

16. The Autism Act required that the guidance cover the following:

- the provision of relevant services for the purpose of diagnosing autistic spectrum;
- conditions in adults;
- the identification of adults with autism;
- the assessment of the needs of adults with autism for relevant services;
- planning in relation to the provision of relevant services to people with autism as they move from being children to adults;
- other planning in relation to the provision of relevant services to adults with autism;
- the training of staff who provide relevant services to adults with autism;
- local arrangements for leadership in relation to the provision of relevant services to adults with autism.

17. Article 8 of The European Convention on Human Rights (respect for private and family life, home and correspondence) is likely to be engaged where changes to individual care

packages occur particularly those involving a change of living arrangements. If it appears that an individual's Article 8 rights are interfered with then consideration will need to be given to whether that interference can be justified (such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others).

RISK ASSESSMENT

18. This EIT review of Learning Disability Services is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

19. This review is particularly relevant to the following ambitions within the Healthier Communities and Adults theme: 'Increase the independence of vulnerable people', and 'Increased choice and voice of service users'.

EQUALITIES IMPACT ASSESSMENT

20. An interim Equality Impact Assessment (EIA) was developed in order to inform the development of the proposals and was considered when the proposals were agreed in principle in May 2012; the proposals at the time were scored as having a positive impact. The EIA has been updated with the results of the phase 2 consultation and this has been given a score of 76 (positive impact).

CONSULTATION INCLUDING WARD/COUNCILLORS

21. The initial phase 1 consultation was held with service users and carers in order to gather views on current services. This took place during summer 2011 and the results were used to inform the development of proposals for changes to services. Stockton Helps All, an independent advocacy service, spoke to 125 individuals with learning disabilities in day services, residential settings and at Abbey Hill School to gather their opinion. Six sessions were held with carers, and this was backed up by a questionnaire (63 returned). Parents of those individuals in Brighter Futures requested a separate meeting to discuss that service.
22. The phase 2 12-week consultation took place between 11 June and 31 August 2012. The following groups were consulted: services users, families and carers including young carers, young people in transition, service providers including SBC staff, interest groups, and the wider public.
23. The approach included:
 - a consultation document including a survey was mailed to all carers and made available to stakeholders including staff, an accessible version was provided to all service users, and the document was also made available online;
 - a dedicated webpage was created on the SBC website, including a link to the survey;
 - awareness raising via Stockton News and press releases;
 - facilitated consultation sessions for service users at Allensway, Brighter Futures, Ragworth Neighbourhood Centre, Rievaulx, and Abbey Hill School. These were

facilitated by Stockton Helps All and included discussions with those in transition from children's to adult services;

- 9 public, facilitated consultation events were organised; these were aimed primarily at carers;
- briefings for SBC staff, provider organisations, trades union, and local MPs;
- presentations at the following groups: users of Brighter Futures, Eastern Ravens (young carers), a dedicated session for the BME community, SBC Members Policy Seminar, Renaissance (Stockton's LSP), Stockton Locality NHS Clinical Commissioning Group, and the Learning Disability Partnership Board;
- a specific session – the 'All Welcome Event' - was held with representatives of the following groups invited to attend: Area Partnerships, Stockton LINK, BME Network, Faith Network, Parish and Town Councils, Stockton United for Change, Catalyist, Health and Wellbeing Partnership, and Over 50s Assembly.

24. Stockton Local involvement Network (LINK) have been involved in discussions on the planning of the consultation and organised the BME consultation session on behalf of SBC.
25. In addition during the consultation period parents and carers of service users at Rievaulx requested additional consultation sessions. These were organised by the providers of Rievaulx (CIC), and attended by members of the Adult Commissioning Team. The report of those sessions is included at Appendix 2 of the main Committee report.
26. The proposals in this report have been developed in consultation with the Cabinet Members for Adult Services and Health, and Housing, and the Corporate Director of Children, Education and Social Care, in addition to support provided by a wider project team consisting of relevant Council officers and led by the Head of Housing, and partners including Tees, Esk and Wear Valleys NHS Foundation Trust, and NHS Tees.

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Education related? No

Background Papers

None

Ward(s) and Ward Councillors

The proposals as a whole are not ward specific. The report outlines proposals to change the services currently based at Rievaulx Resource Centre which is in Billingham Central Ward (Cllrs McCoy and Woodhouse).

Property

The review impacts upon a number of Council properties, particularly the proposals in relation to Rievaulx Resource Centre as it is proposed to move away from a building based service in the Billingham and north Stockton area. The review is being conducted with reference to the separate review of Assets.