

## Summary Sheet

### Council Meeting:

Cabinet and Commissioners' Decision Making Meeting – 10 October 2016

### Title

Learning Disability Commissioning – Shaping the future

### Is this a Key Decision and has it been included on the Forward Plan?

Yes

### Strategic Director Approving Submission of the Report

Anne Marie Lubanski – Strategic Director Adult Care & Housing

### Report Author(s)

Samantha Leonard – Strategic Commissioning Officer  
Nathan Atkinson – Assistant Director, Strategic Commissioning Adult Care & Housing

### Ward(s) Affected All

### Summary

This paper seeks approval to implement a strategic approach to the commissioning and delivery of services for people with Learning Disabilities within Rotherham through a market position statement. The approach seeks to adopt a set of strategic commissioning intentions that strengthen independence, choice and control and supports the Directorate's development programme.

The proposed programme of work outlined in the approach is based on:

- Valuing People 2001 and Valuing People now 2009
- Legislative requirements set out within the Care Act
- National plan-building the right support, Oct 2015
- Good practice in other parts of the country
- Consultation that is planned
- A need to modernise and deploy resources as effectively as possible.

The strategic approach outlines a number of actions that will support people to be more independent, provides a wider choice of services to support citizens to fulfil their potential.

## **Recommendations**

1. That the strategic direction outlined for people with Learning Disabilities through the Market Position statement (Appendix A) be approved.
2. That approval be given to the provision of a grant of £50,000 to Speak Up self-advocacy group to support co-production with people with Learning Disabilities
3. That approval be given to partnership working with Sheffield City Council to develop and procure a supported living framework and to implement this across Rotherham.
4. That approval be given to the Commissioning of a new provider for the services currently provided by RDaSH at John Street and Oak Close.
5. That approval be given to the continuation of work on reviewing high cost placements in residential care.

## **List of Appendices Included**

Appendix A - LD Market position statement

## **Background Papers**

Implementing a strategic approach to the commissioning and delivery of learning disability services cabinet paper May 2016

Guide to the Care Act 2014 and the implications for providers

<http://www.local.gov.uk/documents/10180/6869714/L14-759+Guide+to+the+Care+Act.pdf/d6f0e84c-1a58-4eaf-ac34-a730f743818d>

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

**Title:** Learning Disability Commissioning – Shaping the future

**1. Recommendations**

- 1.1 That the strategic direction outlined for people with Learning Disabilities through the Market Position statement (Appendix A) be approved.
- 1.2 That approval be given to the provision of a grant of £50,000 to Speak Up self-advocacy group to support co-production with people with Learning Disabilities.
- 1.3 That approval be given to partnership working with Sheffield City Council to develop and procure a supported living framework and to implement this across Rotherham.
- 1.4 That approval be given to the Commissioning of a new provider for the services currently provided by RDaSH at John Street and Oak Close.
- 1.5 That approval be given to the continuation of work on reviewing high cost placements in residential care.

**2. Background**

- 2.1 The Implementing a strategic approach to the commissioning and delivery of Learning Disability services paper was approved by Cabinet in May 2016. This paper primarily focused on the adult care development programme for transforming in-house services and setting the overall strategic objectives for commissioning. This paper sets out more specific actions to further improve the commissioning of Learning Disability services and support in Rotherham, including a Market Position Statement.
- 2.2 During the last few years Learning Disability strategic commissioning activity has been limited across adult care services and as a consequence this has impacted on the range and type of services available to people with Learning Disabilities and their Carers. The current service offer is traditional, which has impeded the effective implementation of the personalisation agenda across the Borough. It is also an expensive model and therefore future investment in services must offer better outcomes as well as value for money.
- 2.3 The current offer does not promote independence and is reliant on a residential care rather than independent living approach. Further work will also need to be undertaken to support adults to make different choices and to optimise their independence in a safe way. There are a limited number of supported living providers and currently no framework for supported living. This has restricted genuine choice and has led to an inconsistency in pricing which needs to be addressed.
- 2.4 This strategic approach is based on a commitment to put people with a Learning Disability and their carers in control of important areas of their lives including service and support arrangements. It is designed to meet the needs

of the changing population of adults with a Learning Disability in Rotherham now and in the future. This approach seeks to ensure that services enable people with a Learning Disability to take up the opportunities on offer to any other person living in Rotherham. This is about people using their rights, making choices, leading independent lives and being included in society. Our commitment to put people with Learning Disabilities and their carers at the centre of policy and strategy development will be delivered through co-production working with Speak Up self-advocacy group.

"Co-production means delivering public services in an equal and reciprocal relationship between professionals, people using services, their families and their neighbours" (New Economics Foundation).

2.5 Commissioning for Better October 2015, outcomes states:

"Commissioning is the local authority's cyclical activity to assess the needs of its local population for care and support services that will be arranged by the authority, then designing, delivering, monitoring and evaluating those services to ensure appropriate outcomes. Effective commissioning cannot be achieved in isolation" and that it needs to be co-produced with all stakeholders particularly people using services and supports.

### **3. Statutory Requirements & Policy**

3.1 The Care Act 2014 reinforces national policy for adults with a Learning Disability, including the core principles in Valuing People (2001), and Valuing People Now (2009). The Act consolidates existing law, and introduces a number of new duties on local authorities.

3.2 The Care Act emphasises the requirement for services to actively promote improvements in people's wellbeing. This is through the care and support they provide at all stages, from the provision of information and advice to reviewing care and support plans. It brings new entitlements for carers. It reaffirms the principles of personalisation, legislating for Personal Budgets and requiring local authorities to promote Direct Payments. Assessments should build on individual, family and community strengths, support access to universal services and aim to prevent, delay or reduce people's dependency on services.

3.3 The Care Act brings a duty to stimulate a diverse market of continuously improving, high-quality services, including a range of different service provider organisations to ensure genuine choice. Councils must commission a diverse range of services that provide best value for local people. Transitions for young people with a Learning Disability into adulthood must be effective.

3.4 The Care Act, along with the Children and Families Act 2014 has specific implications for effective progression to adulthood and reinforce the Council's commitment to a 'life-course' approach to supporting people with a Learning Disability and their families. The new Children's Act also replaces Special Educational Needs statements with a new 'birth to 25' Education, Health and Care Plan, improving cooperation between Councils and the NHS and requiring Councils to publish a 'local offer' of support. It is essential the local

'birth to 25 offer' is aligned with the service offer for all adults with a learning disability.

3.5 Rotherham is part of South Yorkshire and North Lincolnshire Transforming Care Partnership which has been established in response to the National Plan – *Building the Right Support*, October 2015. The partnership has a creative and ambitious plan that aims to support the changing needs of local people with learning disabilities and/or autism.

3.6 *Building the Right Support* describes what good services and support look like for people with a Learning Disability and/or autism who display behaviour that challenges, including behaviours which may result in contact with the criminal justice system. It is structured around nine core principles that are stated from the perspective of the reasonable expectations of someone who might use such services;

- Quality of life – people should be treated with dignity and respect. Care and support should be personalised, enabling the person to achieve their hopes, goals and aspirations; it should be about maximising the person's quality of life regardless of the nature of their behaviours that challenge. There should be a focus on supporting people to live in their own homes within the community, supported by local services.
- Keeping people safe – people should be supported to take positive risks whilst ensuring that they are protected from potential harm, remembering that abuse and neglect can take place in a range of different environments and settings. There should be a culture of transparent and open reporting, ensuring lessons are learned and acted upon.
- Choice and control – people should have choice and control over their own health and care services; it is they who should make decisions about every aspect of their life. There is a need to 'shift the balance of power' away from more paternalistic services which are 'doing to' rather than 'working with' people, to a recognition that individuals, their families and carers are experts in their own lives and are able to make informed decisions about the support they receive. Any decisions about care and support should be in line with the Mental Capacity Act. People should be supported to make their own decisions and, for those who lack capacity, any decision must be made in their best interests involving them as much as possible and those who know them well.
- Support and interventions should always be provided in the least restrictive manner. Where an individual needs to be restrained in any way – either for their own protection or the protection of others, restrictive interventions should be for the shortest time possible and

using the least restrictive means possible, in line with Positive and Proactive Care.

- Equitable outcomes, comparable with the general population, by addressing the determinants of health inequalities outlined in the Health Equalities Framework.
- The starting point should be for mainstream services, which are expected to be available to all individuals to support people with a Learning Disability and/or Autism, making reasonable adjustments where necessary, in line with Equality Act legislation, with access to specialist multi-disciplinary community based health and social care expertise as appropriate.

#### **4. Key Activity**

In order to deliver the vision outlined above, urgent action needs to be taken in a number of areas.

##### **4.1 Rotherham Learning Disability market position statement.**

- 4.1.1 An important part of what a Council must do to help to make sure that there are lots of different types of service and support available through market shaping. The first step is to develop a credible and clearly articulated Market Position Statement.
- 4.1.2 The main aim of a Market Position Statement is to encourage commissioners, people who use services, carers and provider organisations to work together to explain what care services and support is needed in the area and why.
- 4.1.3 The Care Act 2014 states 'Local authorities are expected to shape the market primarily through commissioning quality, outcomes-based services that focus on wellbeing and also through other interventions, for example, incentivising innovation by user led or third sector providers, possibly through grant funding. A Market Position Statement should encourage dialogue and understanding between local authorities, stakeholders and providers; it should signal the local authority's direction of travel and policy intent, and contain information on needs, demand and trends.'

##### **4.2 Co-production**

- 4.2.1 There has been limited consultation with adults with Learning Disability in Rotherham regarding their hopes and aspirations for the future of accommodation and support. Speak Up self-advocacy group has been established for more than 10 years and seeks to ensure people with learning disabilities are involved in decisions about their future. A grant of £50,000 would support the group to develop and provide expertise for consultation on strategy which includes providing employment opportunities for local people with learning disabilities. A breakdown of the potential grant is detailed below:

<b>Details of project</b>	<b>Specific Activity</b>	<b>Period of time</b>	<b>Amount of funding</b>
<b>Community Opportunities project-transformation of day services</b>	Sessions in day centres 3 per week in each of the centres	6 months	£200 per session =£600 per week 24 weeks =£14,400
	Co-production on emerging themes for sessions in centres	6 months	£1,000
	Develop community opportunities programme- looking at alternatives to In-house day services	Autumn 2016	£1,230
	Provide Travel training for people who are currently using in house day services	12 months 20 people	1 session per week for 20 people £100 per session x 48 weeks =£4,800
<b>Self-Advocacy</b>	Facilitate 6 x people's parliament	12 months	£3,000
<b>Supporting RMBC with Easy read documents</b>	Produce Easy read information x 4	12 months	£2,000
<b>Sessions for Speak up members</b>	Training & Independence sessions available to Rotherham residents with learning disabilities	12 months	3 x sessions per week @£100 (£300 x 48) =£14,400
<b>Employment for Speak up staff with learning disabilities</b>	Support for people with LD in employment	12 months	£9,170
		<b>Total</b>	<b>£50,000</b>

### 4.3 Transition

4.3.1. The connection between services for children and adults with Learning Disabilities needs to be strengthened to ensure continuity in meeting needs particularly in transition. The recent development health and social care of joint Transition meetings and Transition Board is welcome to accelerate this work across Adult and Children's services.

4.3.2 Effective One Council working will ensure that longer term planning is put in place for young people and therefore the transition into adulthood will be smoother. This will be underpinned by solutions that promote independence, offer choice and also value for money.

#### **4.4 Choice and Control**

4.4.1 Ensuring everyone with a Learning Disability has more control over all aspects of their life and everyone with a learning disability to reach their potential with the right support at the right time. The Speak Up grant activity referenced in 4.2.1 will strongly support this. An independent voice championing the agenda through peers will be effective and will enable the co-production of solutions that focus on independence such as travel training and employment support. This will also provide credibility to the strategic narrative, whilst at the same time providing constructive challenge.

#### **4.5 Joint Commissioning**

4.5.1 Ensuring a joint approach to commissioning services across health and social care will reduce duplication, confusion and cross-agency issues. The statutory and policy drivers for strategic commissioning of Learning Disability services will require a significant programme of work over next three years. This will necessitate internal and external stakeholders across Rotherham to work closely together to make the most of Rotherham's resources. It will require a programme management approach to ensure each key area is properly managed and that identified outcomes are delivered.

4.5.2 It is likely that a significant programme of decommissioning and re-commissioning will be required. All current and prospective providers of service in Rotherham will need to be engaged through an effective consultation and communication process.

4.5.3 The Learning Disability High Cost Project instigated in early 2016 has identified that a number of residential care providers operating in Rotherham are high cost and not always offering the expected quality and value for money. Work on this project will continue, working with the existing providers to look at costings in detail and identify possible areas of reduction. Where costs cannot be reduced, re-commissioning will take place.

4.5.4 The Supporting Living market is small in Rotherham with only 7 providers. We want to engage with more person centred, value for money and good quality providers. The Council is currently exploring the opportunity to work in partnership with Sheffield City Council to develop and ultimately procure a supported living framework covering both areas from April 2017. We have a very similar supply base and a shared border so there are potential efficiencies from this approach in terms of economies of scale and consistency.

## **4.6 Procurement Activity**

- 4.6.1 The Rotherham Doncaster and South Humber NHS Foundation Trust (RDaSH) have stated that they no longer wish to operate the supported living schemes at John Street and Oak Close. The Council will work to commission a new provider for the people being supported in these two services via a competitive tender process. Full analysis is required to understand how this should be commissioned. All relevant stakeholders will be involved in the process.
- 4.6.2 Oak Close is a Supported Living Scheme for people with learning disabilities situated in Wath on Dearne. The scheme comprises of 16 purpose built, self-contained apartments that were built in 2015 together with an additional four beds in a house also on the site. The property is owned by South Yorkshire Housing Association and the service is run by and CQC Registered with RDaSH.
- 4.6.3 John Street is a Supported Living Scheme for people with learning disabilities situated in Thurcroft. The scheme comprises of three five bedded bungalows totalling 15 beds. The property is owned by South Yorkshire Housing Association and the service is run by and CQC Registered with RDaSH.

## **5. Options considered and recommended proposal**

- 5.1 The market position statement outlines our strategic commissioning intentions which will support the Council to develop new models of care and realise budget savings.
- 5.2 It is necessary to ensure a clear communication strategy outlines how and when the Council intends to communicate its intentions, when co-production is relevant and where consultation is necessary.
- 5.3 Speak Up self-advocacy group will play a key role in supporting this activity as an independent user lead organisation who can provide good insight, constructive challenge as well as ensuring the Council considers customers views and input.

## **6. Consultation**

- 6.1 Consultation must be undertaken so that the Council complies with its duty to act fairly. The main principles to be followed are that the consultation must:
- be undertaken at a time when the proposals are still at a formative stage
  - include sufficient reasons for particular proposals to allow those consulted to give informed consideration and an intelligent response;
  - give adequate time for consultees to formulate a viewpoint; and be conscientiously taken into account when the ultimate decision is made.
- 6.2 The Council will work closely with Speak Up to conduct the consultation as their specialist input will ensure full engagement and participation from people with a Learning Disability, their families and advocates.

6.3 A Learning Disability provider forum has been established to ensure engagement with existing and new providers. This will meet regularly and be supported by Officers to discuss strategic objectives and key operational issues.

## **7. Timetable and Accountability for Implementing this Decision**

7.1 Subject to approval, work will commence immediately to disseminate the Learning Disability Market Position Statement including publication on the Council's website.

7.2 Officers will continue to convene the Learning Disability provider forum. There are a series of scheduled quarterly meetings, with the next one scheduled for Autumn 2016.

7.3 Subject to approval, the decommissioning of the RDaSH schemes John Street and Oak Close will take place in November 2016 with a view to a new provider being in place April 2017

7.4 Development of the Supported Living Framework with Sheffield City Council will commence in October 2016 with on-going activity to support a procurement process. Contract award is anticipated in early 2017 for a contract start date of 1 April 2017.

7.5 The Learning Disability High Cost Project will continue throughout the financial year with an objective of delivering significant efficiencies by year end. It is anticipated that learning from the project will be applied to inform the Medium Term Financial Strategy for ongoing Learning Disability savings.

7.6 A significant proportion of the Learning Disability work programme will be managed through the Adult Social Care Development Programme and through improved commissioning partnerships with Rotherham Clinical Commissioning Group. Ownership of the work programme will rest with the Strategic Director of Adults Care and Housing. A detailed project plan with specific timelines will be developed, along with a communications strategy as part of the first tranche of activity.

## **8. Financial and Procurement Implications**

8.1 There are significant financial implications linked to these proposals in terms of realising future efficiencies. Procurement of services will form a key part of activity specifically for the proposed joint procurement of the Supported Living framework with Sheffield City Council and for the two RDaSH schemes.

8.2 Funding for the provision of a grant of £50,000 to Speak Up self-advocacy group to support the Council develop its future service offer will be provided from the existing Learning Disabilities revenue budget from where it is anticipated that savings will be made from the proposed changes and improvements in commissioning services.

## **9. Legal Implications**

- 9.1 The Care Act 2014 requirements will need to be adhered to ensure that the Council's statutory duties are met in full. At this stage of transformation the general responsibilities contained in sections 1 to 7 of the 2014 Act are relevant: However to the extent that there is any consequent proposed change to any individual's care and support package there may need to be further consultation with the individual/s affected as well as assessments of needs for care and support of each individual affected; and in the case of individuals lacking the relevant capacities to make their own decisions the requirements of the Mental Capacity Act 2005 must also be observed including the obtaining or issuing of the requisite authorisation if changes involve a deprivation of liberty.

## **10. Human Resources Implications**

- 10.1 There are no direct human resources implications for the Council, but TUPE transfer regulation may apply for future commissioning activity, though this will be limited to external organisation – to external organisation on an individual basis.

## **11. Implications for Children and Young People and Vulnerable Adults**

- 11.1 These proposals have implications primarily for adults but also for young people in Transition to Adult Care services.

## **12. Equalities and Human Rights Implications**

- 12.1 The Council will need to work with customers to co-produce an Equality Impact Assessment.

## **13. Implications for Partners and Other Directorates**

- 13.1 Key partners and stakeholders will be engaged with as part of the consultation process.

## **14. Risks and Mitigation**

- 14.1 The Council will need to consider emerging risks, but these are likely to be specific to individuals or set organisations. However, the overriding risk in this area is not following statutory processes, with the obvious mitigation of ensuring legal compliance at all stages.

## **15. Accountable Officer(s)**

Approvals Obtained from:-

Strategic Director of Finance and Corporate Services:-

Named Officer: Mark Scarrott, Finance Manager

Director of Legal Services:- Dermot Pearson

Head of Procurement (if appropriate):-

This report is published on the Council's website or can be found at:-

<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>