

Summary Sheet

Cabinet and Commissioners' Decision Making Meeting – 14 November 2016

Title:-

Consultation on the modernisation of the Learning Disability Offer and the Future of In-House Services for Adults with a Learning Disability and/or Autism

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 of Adult Care and Housing

Report Author(s)

Janine Moorcroft Head of Service, Independent Living and Support

Ward(s) Affected

All

Summary:

The Council wishes to consult with a range of stakeholders regarding the future Learning Disability offer to develop an approach that allows people to exercise choice and maintain control of their lives. The national context in relation to Adult Care and the future of service provision for adults with a Learning Disability is reflected in three key initiatives:-

- Care Act, 2014
- Shaping the Future of Care Together, 2015
- Transforming Care for people with Learning Disabilities, 2015

Such initiatives confirm the commitment to personalisation and shaping responses to individual circumstances, enabling people to exercise choice and maintain control over their own lives whilst promoting efficiency and value for money in the use of shrinking resources. The challenge at both national and local level is to develop robust, sustainable support which promotes prevention and early intervention.

Further to the approval of the report 'Implementing a strategic approach to the commissioning and delivery of Learning Disability Services' in May 2016 and Learning Disabilities - Shaping the Future Cabinet Report on 10th October 2016, this report further builds on the outlined direction of travel and sets out the subsequent next steps and recommendations for consideration. The report recognises that this has to be a 3 year improvement and transformation journey to ensure that the approach is planned and implemented in a safe and equitable way across the whole of the borough.

The proposal is to offer people accommodation and support which will promote independence and choice and enable them to live the life that they choose with the support when they actually need it. The approach will be based on the fundamental principle of a 'life journey' from transition through to adulthood, supporting people with a Learning Disability to access services which are personalised and which capture the needs and wishes based on person centred planning by social care practitioners.

In real terms this will mean that people will have access to enablement services to ensure that independence is the primary driver and outcome, which will include employment opportunities, leisure and a real choice as to where and how they live. There will be a focus on excellent advice and information and the delivery of improved outcomes for people in more cost effective ways with an emphasis on what people can do rather than what they are unable to do. This is described as a strength based approach. This will mean having a modern offer that meets people's needs and does not just rely on traditional building based care.

This new 'offer' means that the current traditional in-house services need to be incrementally modernised and transformed. The current building based offer of day care, respite and residential care restricts the independence, choice and control of current customers and it is costly, although it is still recognised that such care remains appropriate in the short to medium term for a small cohort of people with extremely complex needs. This is not sustainable, is not cost effective and does not offer a safe solution for adults with a Learning Disability and their carers.

The proposed new service 'offer' has to be supported by proactive and innovative commissioning and this is outlined in the Cabinet Report of the 10th October 2016, which will shape the future service to ensure that there is a choice for people to access their support for community support in a different way. The proposed commissioning approach will ensure that the market responds to the needs of individuals now and in the future. This will be co-produced with people with a Learning Disability to facilitate the shaping of the market and in so doing inform the quality of support and the management of risk.

Recommendations:

1. That approval be given to commence consultation on the reconfiguration of the Learning Disability services including options for the future of in-house services.
2. That a further report be submitted on the outcome of the consultation with recommendations of the new Learning Disability offer.

List of Appendices

Appendix A - Equality Analysis Form

Background Papers:

Learning Disabilities - Shaping the Future of Care Together, 2015

Transforming Care for people with Learning Disabilities, 2015

The Care Act, 2014

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

Yes

Council Approval Required:

Yes

Exempt from the Press and Public:

No.

Title:- The modernisation of the Learning Disability Offer and the Future of In-House Services for Adults with a Learning Disability and/or Autism

1. Recommendations

- 1.1 That approval be given to commence consultation on the reconfiguration of the Learning Disability services including options for the future of in-house services.
- 1.2 That a further report be submitted on the outcome of the consultation with recommendations of the new Learning Disability offer.

2. Background

- 2.1 A key driver of the localised strategic approach to the provision of support for adults with a Learning Disability is the national context which has a focus on transforming care and support based on personalised support, early intervention and enabling people to access support at the point in which they need to do so. The key principles of this national context are reflected in the Care Act 2014, Shaping the Future and Transforming Care. In addition to the driver for transformational change there is the financial context of shrinking resources and increasing demand which is both a national and local challenge.
- 2.2 The Care Act 2014 requires people to be assessed as individuals and for their needs to be determined in terms of their personal 'wellbeing'. The Act focuses on looking at people's strengths, what they can do and what outcomes they want to achieve, which is described as a strength based approach. It anticipates that most individuals can lead full lives focussing on prevention and timely advice and information. This will require a huge practice and cultural shift locally to which the Council has to respond.
- 2.3 In Rotherham we have a higher rate of people with a Learning Disability per 100 population at 382.3 compared to a regional rate of 327.8 and our neighbouring authorities of Barnsley with 294.8 and Doncaster at 200.8. Rotherham also has significant cohorts for example, 220 people aged 18 – 30 years and 180 people aged 51-64 years. This therefore requires consideration of how to transform our services to meet the aspirations of individuals and their families, but also acknowledges that need for time to build confidence, trust and the wider market of services within local communities over the next three year period for a wide ranging need and expectation.
- 2.4 The journey to look at alternative options from traditional based services began in April 2015, and more significant work undertaken following the report to Cabinet in May 2016, which included alternatives to traditional care and developing community assets. The work to date has achieved the following:-
 - Development of Community Link Workers to assist with market shaping.
 - Co-production of the new social care offer with service users and carers.
 - Care Act compliant assessments.

- A variety of commissioned resources to support the development of community assets, such as, community connectors and Disabled Go.
- Transformation of Copeland Day Care Centre from a traditional building based service to one focussed on a personalised approach.

2.5 In spite of such progress the current offer in Rotherham still does not fully promote independence and is reliant on traditional services rather than personalised community services. There will be a need to shift current practice to one that is enabling and empowering with a particular focus on strengthening transition planning by working closely with individuals and their families to support them to be resilient, independent and fully integrated citizens of their communities.

2.6 It is proposed to adopt an approach that enables people to transform their lives from one where they either live in and use specialist services or live in the community, but are not part of it, into living as part of the community, mainly using services open to everyone, with access to specialist targeted services when needed. The individual needs of people will be met in the least restrictive settings as possible, formulated on robust positive risk assessments based on the recognition that people live in their communities safely and often have better outcomes for their health and wellbeing.

2.7 The learning from the work to date will inform the approach for good practice and the type of services individuals want in Rotherham. The use of funding for independent organisations such as ‘Speak Up’ will support and constructively challenge the Council approach and will have a significant impact upon shaping new ways of delivering care and support when necessary. The Council has already commissioned an organisation called Community Catalysts for a three year period to assist in the development of micro enterprises which provide individuals with a wider choice of support.

2.8 In the future we want people to have access to enablement services to ensure that independence is our first focus to provide good outcomes, which will include employment opportunities, leisure and a real choice as to where and how they live. This will mean having a modern offer that meets people’s needs and does not just rely on traditional building based care.

2.9 Learning Disability Day Services

There are currently three building based day services – Oaks Day Centre, Addison Day Centre and Reach Day Centre - with two additional outreach buildings. The review will also consider the usage of Charnwood Day Centre, as currently it supports both people with learning disabilities and older people.

The service offer at Charnwood Day Centre in Swinton has already been remodelled. It currently provides a service Monday to Friday for 80 customers (older people and older people with learning disabilities). Assessments have commenced and customers have chosen alternative ways to meet their needs. This process will continue and the Community Link Workers are working together with customers and social workers to identify gaps and create new community opportunities.

2.10 Oaks Learning Disability Centre

Oaks Day Centre is a large Learning Disability day service based within Wath which operates Monday to Friday between the hours of 8.30 am – 4.30 pm. On average there are approximately 80 customers in attendance per day from a total of 120. The majority of these customers access adult services in-house transport as they do not live locally. 50% of customers also reside in a residential or supported living setting. The service provides primarily building based activities with some outreach work into the community. Customers who have been receiving this service for a long time and have not been accessing independent opportunities will need support to identify what type of activities they would like to undertake in the future.

2.11 Addison Day Centre

Addison is a large Learning Disability day service based within Maltby which operates Monday to Friday between the hours of 8.30 am – 4.30 am. On average there are approximately 90 customers attending per day from a total of 130. The service primarily provides building based activities. The site also includes ADPRO which is the Learning Disability supported employment base. Most customers use in-house transport to access their day provision.

2.12 Reach Day Centre

Reach Day Centre situated in Herringthorpe provides support for 23 customers per day. Maple Avenue is in Maltby and this is an extension to Reach in an additional building that supports a further 23 customers. There are currently 53 people receiving a service across the week. They are open Monday – Friday 8.00 am – 4.00 pm. 90% of the customers live with their parents and 80% use social care transport. The customers attending Reach Day Centre have complex needs and in the majority of cases need a higher level of support.

2.13 All of the services above would impact directly on adult services transport arrangements. Approximately £270,000 per year is spent on taxi fares for people with learning disabilities, as well as the use of Community Transport and In-house transport services which would need to be addressed as part of the changes. It is important that any new offer embeds as much independence as possible, such as the inclusion of travel training where possible.

2.14 Learning Disability Respite

The Council has two in-house traditional respite services. Treefields in Wingfield and Quarry Hill in the Wath area.

Both services offer respite care to people with a Learning Disability. Treefields has a 91% occupancy rate. Quarry Hill has an 88% occupancy rate. There are six bedrooms in each establishment. It should be noted that neither service can accommodate people who use a wheelchair as the buildings are not accessible. This support is provided by external providers.

2.15 Learning Disability Residential

Parkhill Lodge in Maltby is a 22 bed Learning Disability residential unit. The rationale to include this building in the review is because it will support the programme to deliver personalised outcomes for customers. A detailed analysis would need to be undertaken once all the strength based reassessments have taken place to look at the overall financial impact of individual assessments. This would also be predicated on market availability at reasonable cost. This area is interdependent with the commissioning strategy for people with a Learning Disability.

3. Key Issues

3.1 In order to deliver the vision outlined above, immediate action needs to be considered in a number of areas:

- The overuse of traditional models of care with a large number of people living in care homes, and sometimes having to live away from Rotherham to receive services; currently 24 people in receipt of 24 hour care live out of the borough. All customers will need to have an assessment to determine if their current placement is best meeting their needs at a reasonable cost. Support plans will need to be clear on the expected outcomes for individuals and a step down approach to alternative accommodation, where appropriate, put in place.
- The high use of traditional day centres and poor access to mainstream social activities with few work opportunities. It should be noted that it is unusual for a local authority to provide more than three days a week day care for people with high complex needs.
- The use of one type of respite care model that does not give choice. Giving customers more flexibility with how to spend their personal budgets gives them greater choice and control. This type of service will be known as short breaks in the future and linked to a carer's assessment.
- The use of inflexible modes of transport that create over-dependence and do not take advantage of an individual's skills. Assessments to identify travel needs will be important to support customers to enhance skills and travel safely, where it is appropriate to do so.
- The current Shared Lives Scheme has shown good outcomes and a piece of work has recently been commissioned to analyse quality and customer outcomes. This will enable the development of an expansion plan which will allow the scheme to offer day support and short breaks on a larger scale to a wider group of people based on the Carers' needs.
- The connection between services for children and adults with learning disabilities needs to be strengthened to ensure continuity in meeting needs. A transitions team has now been established and joint work is taking place with CYPS / Education and Health to implement a new approach.
- Ensuring a joint approach to commissioning services across health and social care has been introduced to reduce duplication, confusion and cross-agency issues.
- Strengthening the connection between services for children and adults.

4 Options considered and recommended proposal

- 4.1 Agree to commence consultation on the reconfiguration of the Learning Disability services including options for the future of in-house services.
- 4.2 To receive a further report on the outcome of the consultation on the options for the future of the service.
- 4.3 The current service model is not affordable and does not deliver the best possible outcomes for customers. Resources do not allow for the Council to adopt a 'do nothing' approach to the Learning Disability offer. Through consultation we want to seek solutions from customers and carers about alternative ways to meet eligible need which will increase people's control, choice and independence.

5 Consultation

- 5.1 Consultation must be undertaken because the Council wants to continue to hear people's views, as well as complying with its duty to act fairly. There are a number of principles to be followed to ensure that consultation is lawful. 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
- provide advocacy as required

- 5.2 The Council has been engaging with customers, carers, voluntary sector and local communities for sixteen months. Speak Up have been asked to work closely on transition mapping and change programme pathway for customers. The Community Opportunities Programme has begun as an initial phase.

The Council will be consulting with a range of stakeholders, including young people, people with learning disabilities and those in transition, family carers and providers.

- 5.3 Consultation will take place with trade union representatives and staff about this transformation programme.

6 Timetable and Accountability for Implementing this Decision

6.1 A period of 60 days consultation is proposed as reasonable in this matter due to the communications requirements. The standard 42 days consultation period would not be sufficient as the Christmas holiday period will fall during this time.

- Consultation will commence from the 14th November 2016. For information: there have been engagements already started including the Together for Change events.
- A range of methods will be used for the consultation, including using Speak Up to assist.
- The consultation will end on the 16th January 2017.

7. Financial and Procurement Implications

7.1 The Learning Disability Service spends £21.5 million on the provision of services to meet the care needs for 780 people. This is not sustainable, is not cost effective and does not offer a safe solution for adults with a Learning Disability and their carers.

7.2 These proposals in respect of the re-provision of residential, day care and respite care are included in the Adult Services Development Programme. The proposals also form part of the Medium Term Financial Strategy which includes savings of £1.720 million over three years based on the reconfiguration of Learning Disability services, moving away from traditional building based in-house provision to more personalised and independent services. In order to meet these approved budget savings approval is required to enable extensive consultation to commence as soon as possible.

8. Legal Implications

8.1 Adequate consultation must be conducted and the outcomes properly considered before any substantive decision to implement any proposal is made to mitigate the risk of legal challenge.

8.2 Full assessments of customer and carer needs should be undertaken to avoid inappropriate care and support packages being offered.

9. Human Resources Implications

9.1 Developing a new offer may result in a reduction in staffing and we would ensure that we use the Council policies and procedures to support Council staff wherever possible to find suitable alternative employment. However, the range of proposals above, if all were to proceed are likely to result in some compulsory redundancies as it is unlikely that redeployment opportunities would be able to accommodate all of the staff.

Some Council staff have taken the opportunity to start their own businesses and Social enterprise and we will continue to support and guide staff.

Each proposal will need more detailed work undertaken. The assessment of the potential costs of redundancy and pension contributions will need to be considered.

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 The development of a range of high quality sustainable opportunities for future customers who may transition from children's services will help these young people to maintain their skills and have choice and control over where they live and how they spend their time. There will be far more choice that will meet a variety of needs which can be bought by the customer directly. Young people will choose to have a personal budget in the form of a direct payment and be able to decide how to spend this flexibly. Services will be local to where people live and customers will become fully integrated within their local communities.

11 Equalities and Human Rights Implications

- 11.1 The Equality Analysis form is attached (Appendix A). Following the decision and within the consultation period there will be a need to work on more detailed individual forms that relate directly to each specific area. There will be work with customers to co-produce an Equality Analysis for each decision made.

12. Implications for Partners and Other Directorates

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

13. Risks and Mitigation

- 13.1 Risk of not agreeing to the recommendations will mean the aspirations and outcomes for customers will not be achieved.
- 13.2 Risk of not agreeing to the recommendations will mean saving targets will not be met.
- 13.3 Young people coming through transition will have limited choice.
- 13.4 Despite the amount of ongoing engagement with parents and carers, it is acknowledged that the decisions to be taken will not be favourable. Some customers could be affected by one or more of the recommendations.
- 13.5 There is a possibility of legal challenge and negative media attention. Therefore consultation and following due processes in a transparent manner, engaging with customers will be fundamental and underpin all activity. All individuals will have an individual reassessment of need in a strength based way as outlined in the Care Act 2014. The Council will also engage with staff on their views on a new way of working as their experiences will be important to the overall options. This is not a statutory consultation with staff as no decision has been made regarding the future of services.
- 13.6 There is an increased risk of formal complaints.

13.7 Market development as part of Shaping the Future Strategy will be required to deliver the alternative solutions with the proposed decommissioning as outlined within the report.

14. Accountable Officer(s)

Anne Marie Lubanski, Strategic Director of Adult Care and Housing
Janine Moorcroft, Head of Service, Adult Care Services (Provider)

Approvals Obtained from:-

Strategic Director of Finance and Customer Services:- Judith Badger

Director of Legal Services:- Dermot Pearson

Head of Procurement (if appropriate):-

Name and Job Title.

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