

MEETING:	CABINET
MEETING DATE:	19 December 2013
TITLE OF REPORT:	ADULT SOCIAL CARE NEXT STAGE INTEGRATION – COMMISSIONING OF DAY OPPORTUNITIES
REPORT BY:	ADULT WELLBEING DIRECTOR - HELEN COOMBES

Classification

Open

Key Decision

This is a Key Decision because it is likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates.

And

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the County.

NOTICE has been served in accordance with Part 3, Section 10 (General exception) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

It was impracticable for this item to be deferred due to the timeframe within which the decision needs to be made.

Wards Affected

County-wide

Purpose

To gain agreement to the underpinning principles, the specification, process and transition plans to support the procurement and implementation plan for the day opportunities that are part of the Next Stage Integration (NSI) programme.

Recommendation(s)

THAT:

- (a) The Cabinet agrees to implement the approach as set out in this paper to deliver the Day Opportunities Services currently provided by the Council within the budget for 2014/15 and;**
- (b) The Director for Adult Wellbeing be authorised to proceed to invitation to tender for Day Opportunities based on the following principles**
 - 1 Existing and potential service users will be assessed for eligible needs based on the Herefordshire Fair Access to Care policy**
 - 2 As a result of the assessed eligibility an indicative budget is identified for each service user and plans to meet their needs using this budget are put in place as set out in paragraph 9 of this report**
 - 3 Council funded day opportunities are part of meeting individuals eligible need and eligibility is the key criteria for access**
 - 4 Access to Day Opportunities services contracted by the council will be available to service users who do not meet the eligibility criteria or are having their needs met via another service, but the service user will have to pay for this service;**
- (c) Note the specification will for day opportunities will enable delivery of**
 - 1 Building/hub based activity particularly for those with complex care requirements, for whom there will need to be access to building based activities and support. The numbers of and location of these buildings will be determined after the new provider has been identified**
 - 2 Community based opportunities for people that are likely to have lower level care/support requirements. This group of people are likely, if they have eligible needs, to have some or all of their needs met in ways other than in their current Day Opportunities provision;**
- (d) Note the commitment to continue to consult with Service Users, Staff and Suppliers to ensure a good level of understanding of the reasons for the council's approach, addressing concerns where possible and to fulfil the Council's duty to undertake meaningful consultation;**
- (e) Development of a Day Opportunities implementation plan (as part of the NSI Project activities) to include**
 - 1 Effective and efficient management of the assessments of the current 255 service users**
 - 2 Development of the appropriate Social Care Practice Guidance and support to deliver this strategy**
 - 3 Maintaining assurance around safe transition and any requirement for interim approaches to manage this.**

Alternative Options

- 1 The Council continues to provide the service as it is, and run contrary to the decision made by Cabinet of July 25th 2013 that agreed to the commissioning of the Day Opportunities Service as part of the new Adult Social Care Model.
- 2 The Council extends the timetable for implementing the recommissioned Day Opportunities until after the changes to service have been implemented and the numbers needing to use the new services are known.

Reasons for Recommendations

- 3 At its meeting of July 25th 2013, Cabinet agreed to the new organisational structure, the procurement process, the development of plans to implement the new service structure and further engagement relating to the transition and commissioning tasks, via service user reference groups and supplier events, to ensure that decisions are informed by service users, carers, staff and providers. This report is the next step in that process.
- 4 The implementation plan will enable the council to produce a balanced budget for 2013, ensure that all eligible users can take their funding as a direct payment and increase the range of choice within the market as set out in the Cabinet report of 25th July 2013
- 5 Continuing with the procurement offers significant value to the credibility of the council with the supplier market, and will increase the flexibility of services to be provided for people to purchase using their own personal budgets.
- 6 This change in service provision is significant and requires a sound consultation process with service users and carers. Thus far, the consultation and engagement process has led to the development of the key service principles in the procurement specification, and the development of the approach to a membership type process for Canal Road; most significantly, the consultation process has resulted in the council resourcing an implementation process that allows service users a full assessment of their needs before any changes are implemented.
- 7 No changes will take place until the service user has had an appropriate assessment of their needs and a support plan is in place that will meet their eligible needs.

Key Considerations

8. Meeting the eligible needs of service users.
9. The council is committed to supporting people to live full and independent lives within their local communities. Where people are eligible for social care support the aim is to support them in a way that reflects their preferences and the outcomes they wish to achieve. However, this needs to be balanced against the council responsibilities to make best use of available resources. The council must ensure it focuses on providing service for its most vulnerable residents.
10. The council has developed this policy in line with national policy and relevant legal frameworks to apply to all adult social care support users including those receiving direct payments so that decision-making in individual cases is fair, equitable and

transparent and so that resources are fairly distributed across all who are eligible for support.

11. At present, it is apparent that the council is duplicating the provision of services to meet some service users needs. For example, there are existing contracts in place for blocks of service that are under occupied. These contracts could be utilised for people who are currently using the council run Day Opportunities. There is little value in procuring a service for this group of people if the council has already made arrangements that will meet their needs and, the council would not be meeting its fiduciary duty.
12. The council has to have a clear plan on how to put into operation its policy on balancing its duties. Changes to service users' provision can only take place after an appropriate assessment of their needs. This becomes even more important as the council continues to accelerate personalisation and increase the number so people taking a personal budget as a direct payment or an Individual Service Fund as opposed to a council managed budget. Only people with a critical or substantial need under the councils, Fair Access to Care Policy will have eligible need. Personal Budgets are calculated using the Resource Allocation System (RAS) which translates the eligible needs of a service user into an indicative amount of money that the service user can deploy to meet their needs. 255 people attend the Day opportunities services for adults run by Herefordshire council. Although the assessments of need have not started, from current knowledge of these service users, they can be broken down into the following groups:
 - i. 52 service users with complex care requirements, for whom there will be a need for access to building based activities and support. The numbers of and location of these buildings will be determined after the new provider has been identified;
 - ii. 130 service users (not in residential Care) that are likely to have lower level care/support requirements. This group of people are likely to have some or all of their eligible needs met in ways other than in their current Day Opportunities provision;
 - iii. 73 service users in residential Care (this does not include people in the Shared Lives scheme) whose support needs should be fully met by their residential care package. These service users will still be able to access day opportunities if but they will not receive financial support from Herefordshire Council to do so.
13. The vision for Day Opportunities procurement is "To achieve a managed transition for existing day opportunities eligible adult social care service users onto individual budgets, retaining building based hubs for people with complex disabilities that are enablement focused". This remains the ambition of the procurement and it is entirely feasible to set out a prospectus for the procurement within the parameters identified above.

Implementation

14. To deliver this transition, it is proposed that a specific project team of social workers are set up to undertake the assessments, work with families and service users to agree support plans and for those whose needs will be met by their residential care home and therefore will not have funded day opportunities to have access to community resources. This will also ensure that the project of delivering day

opportunities within the budget available can be delivered by March 2014. It is proposed that the key principle to be adhered to is: "The council will continue to meet people's eligible needs in the most cost effective way possible and transition service users into their new support plans safely."

15 This specifically means that:

- Community based services used by all members of the community are the first services to consider in order to meet needs but social work practitioners, service users, families and carers will need to learn how to access them through enablement. There must be a component of this in every care and support plan
- Residential care should meet all people's eligible needs through using community based resources and their own activity programmes
- If we have a way of meeting needs within an existing block contract it should be offered
- The process of identifying individual budgets for meeting eligible needs will be central to this implementation.
- No changes will take place unless the service user has had an appropriate assessment of their needs and a support plan is in place that will meet their eligible needs.

16 For people currently receiving services, any change of service, unless the service user consents, will not be implemented by the council until ratified by the director of Adult Wellbeing Services to ensure all proposed changes are lawful, safe and proportionate.

17 If individuals disagree with the proposed services they are offered, they have access to the usual complaints process of the council.

Community Impact

18 The recommendations support the corporate plan and health & wellbeing strategy.

19 The recommendations are consistent with national policy on Adult Social Care Services in that they seek to increase the choice and control of support available to people with eligible needs within the resources available to Herefordshire council. The use of the overall framework of supporting people to do things for themselves that is the essential component of a "Reablement" approach to service is seen as the most effective way for all council's to deliver Adult Social Care services.

20 From 2011/12 information from the Learning Disabilities Observatory (IHAL) Herefordshire people with a learning disability are much more likely (18%) to be attending day services than people with a learning disability in the rest of the country.

21 Population predictions for people with learning disability in Herefordshire are based on prevalence rates in a report by Eric Emerson and Chris Hatton of the Institute for Health Research, Lancaster University show a very small increase of people with some form of learning disability from 2012 to 2016 (from 2613 to 2640 total) and a

Further information on the subject of this report is available from
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similar small increase in people with profound or moderate levels of disability (586 to 599). There are fewer young people (18 -24) over this period. Not all young people with learning disability will be eligible for service nor will those that are eligible want to use services in Herefordshire.

- 22 The number of people aged 18-64 with a serious physical disability is expected to grow from 2774 in 2012 to 2852 in 2018. Only a very small minority of this group of people seek to have their needs met using day opportunities. If the current numbers of people attending one of the council's Day Opportunities centres as a proportion of people with a physical disability was constant over this period it would result in an increased net demand of less than one person.

Equality and Human Rights

- 23 The Equalities Impact Assessment for this stage of the procurement and implementation of the plan is at Appendix 1.
- 24 There will be a continuing process to give due consideration to the General Duties under Section 149 of the Equalities Act as there are several "protected characteristics" which may be impacted upon by this decision.
- 25 Cabinet or the Cabinet Member for Health and Well Being will receive a report in March 2014 on these impacts as the policy evolves before making a final decision on implementation of the changes to individual's services.

Financial Implications

- 26 The estimates of the financial impact of this process are:
- Transition to community services for people in residential care – £393k cost reduction.
 - Transition to alternative, cheaper Services for People eligible for these services and not in Residential Care - £450k estimated cost reduction
 - Residual cost reduction of £160k reflects cost reduction of efficiencies within the new services
- 27 It is important to note that the savings identified in paragraph 26 above are estimates and confirmation of the actual savings will only be obtained once the procurement process is complete and clients have received assessments and are in receipt of alternate lower cost services. Once implemented, these cost reductions will result in this element of spend being within the parameters of the current draft Revenue Budget for 2014/15.
- 28 When the procurement process is concluded, capital and buildings matters will be clarified and any financial impact relating to the Edgar Street grid which will affect Canal Road will need to be reassessed and any impacts as a result of provider solutions. This will require a specific solution for that service. Officers are discussing options with service users and consulting with potential providers on this.

Legal Implications

- 29 The council is under a duty to identify those needs which could be satisfied by the provision of a community care service (NHS and Community Care Act 1990).
- 30 Once identified the council is required to make a decision to decide which of a person's needs call for community care services. This service provision decision determines which community care service an individual is legally entitled to receive. It is at this point that an individual's need is reconciled with the local resources available.
- 31 The council must continue to consult on the Day Opportunities implementation plan (as part of the NSI Project activities) but at the same time must commence the procurement of alternative services.
- 32 The decision whether to enter into a contract for Day Opportunities with a new provider will be subject to a further cabinet decision in 2014.

Risk Management

- 33 Risks to Herefordshire council of agreeing to these recommendations are:
- Continuing risk of challenge by service user or carer groups to the decision of council. This is mitigated by ensuring clear and appropriate decision making with a clear and transparent consultation process to support this.
 - No supplier comes forward to supply the service. This is mitigated by continuing positive dialogues with providers and ensuring they have confidence in the determination of the council to deliver better choice and control for service users.
- 34 Risks to Herefordshire council of not agreeing the recommendations are:
- It will not deliver services within the agreed budget for Adult Well Being in 2014/15. In this event, there have to be savings made from within other essential council services to deliver a balanced budget

Consultees

- 35 Potential Service Suppliers have attended formal workshops with the Council to determine the shape of service, whether the service should be separated in geographical or service type "lots" or if a whole County approach would be more appropriate.
- 36 The feedback from these meetings was that a proposal for a single consortium approach would be favoured due to the complexity of implementation, but individual "lots" may still be of interest to suppliers as part of the Tender invitation.
- 37 There have been 25 meetings of reference groups for service users and carers since June 2013. The meetings in July and August gave opportunities for the groups to say what they wanted to see in the Specifications for services, the meetings in September were for a Question and Answer session on the process so far and into the future. The meetings in November 2013 were an opportunity to hear how the views from the groups had been included in the Specification for service as well as ask questions about how the tendering process was likely to progress.

- 38 During December 2013 prior to cabinet all affected service users, their carers, family members and staff have been invited to attend meetings, where the Cabinet Lead for Adult Well Being and the interim Director Adult Well Being presented the outline of what was to be presented to cabinet for decision
- 39 The Health and Social Care Overview and Scrutiny group has been briefed on the proposed approach by the Interim Director of Adult Well Being on the proposals to be presented to Cabinet and the communication plans and invited to make comment in advance of the decision been made.
- 40 These meetings and meetings with staff are programmed in each month until the end of March 2014.
- 41 Throughout the consultation process for all the NSI services, common themes emerged:
- Staffing levels need to be maintained. All the services were keen to point out that they can only continue with an appropriate number of fully qualified and trained staff. Staff build and maintain relationships with service users and if this familiarity and routine were to be lost or changed this could prove disruptive and unsettling for them
 - There should not be a reduction in monies available to purchase services with the introduction and move to Personal Budgets. Any reduction would mean that service users could potentially have to spend more time at home without stimulation which could lead to associated behavioural difficulties associated to this. The impact would be also felt in the family environment and this additional pressure could result in service users, parents, family or carers health potentially deteriorating leading to additional services being needed.
 - All services reported that it is the social, friendly, family aspect that they wish to retain. For many the services allow them to socialise and interact with their peers and many of the projects around the county actively promote active engagement with the wider community aiding with behavioural difficulties and social isolation
 - Whilst providing an activity for the service user it is important to note the service provision also provides valuable respite for the parents and carers
 - Grow and promote the services utilise the vacant areas/ workshops to provide more services for both those currently attending and wider community
 - Quality over cost. All services were concerned that this was merely a cost saving exercise and new providers would be scored on how much they cost over the quality of the service they would provide and worry that care would come second to profit.
 - All the working groups showed an interest in (via a representative from each of the groups) taking part in the tendering process.

- 42 The specific Day Opportunities consultation meetings also raised the following:
- There are a number of specialist staff who, as part of the next stage integration project, may be lost. This shortfall could impact on the amount of care given now and the future and limit any new referrals being made to the services
 - All expressed that the day opportunities acted as a wider social circle and provided interaction and friendship for the service user. The projects provided also provide valuable life skills and confidence.
 - Reallocation of space within some centres was seen as an area for development. Activities could be provided for both those attending and the wider community from existing facilities. Some Day Opportunities are provided outside the centres and whilst in some cases buildings to provide care may not be needed all agreed there needs to be a 'Hub' to meet and act a central point for information.
 - Concern was expressed that Personal Budget allocation in the future may not be able to provide the same amount of level that service users currently receive. This could impact on their choice and control over life and add pressure to the wider caring circle.
 - All agreed that any new provider should be flexible and create services around the service user, looking at risks and how the service user can be facilitated to do activities and not limited in choice. Any new providers should also meet regularly with the representative groups to discuss projects, performance and any issues that might arise.
- 43 These issues have all been considered carefully. Where possible they have been included in the specification for service.
- 44 Staff have had a series of consultation meetings about their specific issues, largely related to redundancy and transfers to new suppliers. These have continued through September, October and November 2013 and are programmed for monthly updates.

Appendices

- Equality Impact Assessment Appendix 1

Background Papers

- None identified.