

# North Tyneside Council Report to Cabinet Date: 12 August 2013

## ITEM 7(e)

Title: Changes to Learning  
Disability Supported Living  
Services - Update

Portfolio(s): Adult Social Care

Cabinet Member(s): Cllr Lesley Spillard

Report from Directorate: Community Services

Report Author: Jacqui Old, Head of Adult Social Care (Tel: 0191 643 7317)

Wards affected: All Wards

### PART 1

#### 1.1 Purpose:

The purpose of this report is to update Cabinet on changes to supported living services for people with a learning disability and the work that has been undertaken since the last report on this to Cabinet on 10 June 2013.

#### 1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) notes the content of the report in relation to progress on changes to learning disability supported living services in North Tyneside; and
- (2) agrees that the programme of work re-commences and that the reviews of individuals with a learning disability in independent supported living (ISL) services start from September 2013.

#### 1.3 Forward plan:

It has not been practicable to give 28 days notice of this report. However, it is required to be considered without the 28 days notice being given because of the urgency to progress the work with carers and service providers and to expedite the subsequent decision making process to implement the review programme.

#### 1.4 Council plan and policy framework

This report relates to the 2012 – 2015 Council Strategic Plan, Priority 1; Sustaining our front line Council services within the Council, but only spending what we can afford.

## 1.5 Information:

### 1.5.1 Background

1.5.2 A report was presented to Cabinet on 10 June 2013 updating on the current position with the implementation of the model to review those individuals in learning disability supported living services and the model of service delivery. This highlighted some serious concerns that had been raised by family carers and service providers on this topic. From this it was agreed to enter into further dialogue and consultation on the model as well as the potential for alternatives to be considered and developed to achieve the efficiency identified in the CEI Programme.

1.5.3 The main concerns from the Cornerstone Carers' Reference Group (representing carers, parents and relatives of individual service users) are set out in the document at Appendix 1 to this report. This report gives an executive summary of those concerns and it is these areas of concern that have been the subject of on-going debate and dialogue. A copy of the full report is available for Members from the Head of Adult Social Care.

1.5.4 The resolution from the Cabinet meeting on 10 June 2013 was:

- (1) *the content of the report in relation to the changes to learning disability supported living services in North Tyneside, be noted; and*
- (2) *a further report be submitted to Cabinet to consider the outcome of the further consultation prior to proceeding to implement any changes.*

*(Reason for decision – this will enable the opportunity for further consultation with carers prior to any decisions being taken.)*

### 1.5.5 Further Dialogue and Alternative Models for Consideration

1.5.6 Since the report to Cabinet on 10 June 2013, Officers from Adult Social Care have:

- Undertaken 10 information sessions where over 45 carers attended, these sessions were to update the wider carer network of the changes and the opportunity to have a dialogue about this.
- Worked with an ISL Carers Reference Group to look at the current agreed proposal and to consider alternatives as to how the level of efficiency could be achieved. There was also a commitment given to the Group to consult on these options and to feed the outcomes of this further consultation into Cabinet for a decision.

1.5.7 Officers have now met with the Cornerstone Carers' Reference Group on four occasions and have discussed and considered a number of different areas. One of the initial roles of the Group and the meetings was to work collaboratively to identify options and consider alternatives to the agreed proposal. What has become clear from the meetings is that the discussions and proposals from the Group to the Local Authority have been more around operational issues such as:

- How the reviews are completed;
- How the views of individuals, carers and providers' are sought as part of the process;
- How services can be delivered going forward and what options will be available to individuals; and
- How we can build "quality" into the commissioning process.

1.5.8 Feedback from care / support providers to look at how they can support the overall efficiency programme and delivery of affordable services has been provided via the Cornerstone Carers' Reference Group.

1.5.9 There were a number of key principles that have been agreed as part of this work, including:

- Continuity of care provision, support worker and organisation;
- Personalisation, choice and control over services;
- A model that recognises that one size cannot fit all;
- Continuity of lifestyle;
- Safety and a happy life;
- Where clustering of services is not the norm;
- Affordability of services;
- Carer and user input; and
- Services in place to meet assessed and eligible needs.

1.5.10 The focus of the work of the Group was on these areas and ensuring the model of service delivery met these principles. The proposals submitted by the Group included:

- Proposal 1 – Two stage process to reviews;
- Proposal 2 – Appoint a single social worker to each house;
- Proposal 3 – Standard format for recording of user and carer views;
- Proposal 4 – Appeals process in place;
- Proposal 5 – Option available to re-negotiate with provider on service level and cost;
- Proposal 6 – Ensure quality assessment is built into procurement process and evaluation of tenders; and
- Proposal 7 – Fixed price tendering to be considered if proposal 5 was not acceptable

1.5.11 All of these proposals are acceptable to Adult Social Care and work is currently being finalised with the Carers Reference Group on the detail of how each element would work in practice.

#### 1.5.12 Consultation

1.5.13 There was an expectation that a formal consultation process would need to be undertaken on whatever options were considered and agreed on. However, the options / proposals submitted by the Carers Reference Group, as detailed above, are operational / administrative in nature and are areas that can be agreed upon by the Head of Service without the need for further formal consultation.

1.5.14 Clearly it is important that there is good engagement, dialogue and involvement with individuals and carers as part of the review process and the decision making process – as is highlighted in proposal 3 from the Cornerstone Carers' Reference Group.

1.5.15 The above has been integral to the agreements reached on how the reviews will be completed and options arrived at for each individual and service / ISL house.

### 1.5.16 Next Steps

1.5.17 In order to progress this work, Adult Social Care will prepare information / documentation to be sent out to individuals / carers to update them on progress to date and how the review process will operate. It has been agreed also to put in place some information sessions with the wider group of carers to support them as part of the change process. The Cornerstone Carers' Reference group will support in the development of the information to be shared.

1.5.18 There is still some further work to finalise with the Carers Reference Group in relation to the documentation to record individuals and carer views, the process to be used and how quality will be integral to the review, decision making and on-going monitoring systems.

1.5.19 The project plan for reviews will be updated and the programme implemented from September 2013.

### 1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

#### Option 1

Cabinet may approve the recommendation as outlined in paragraph 1.2 of this report

#### Option 2

Cabinet may not approve this recommendation

Option 1 is the recommended option.

### 1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

If Cabinet approves the recommended option, Adult Social Care will be able to commence the implementation of the review programme.

If the preferred option is not approved, Adult Social Care will not be able to progress the implementation phase and this would have a negative impact on the CEI efficiency target and would place pressures elsewhere in the service.

### 1.8 **Appendices:**

Appendix 1 to this report sets out an executive summary of the concerns raised by the Carers Reference Group in relation to the initial business case proposal that was agreed by Council in March 2013 as part of its budget setting process.

### 1.9 **Contact officers:**

Scott Woodhouse, Strategic Commissioning Manager – Learning Disability and Mental Health – Tel 643 7082.

Alison Campbell, Finance Business Manager – Tel 643 7038

## 1.10 Background information:

The following background papers have been used in the compilation of this report and are available at the offices of the author:

- (a) Appendix 1 – Cabinet Report – 11 June 2012, Procurement Exercise for the establishment of Framework Agreements for Learning Disabilities and Mental Health Services  
[http://www.northtyneside.gov.uk/pls/portal/NTC\\_PSCM.PSCM\\_Web.download?p\\_ID=546481](http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=546481)
- (b) Appendix 2 – Business case A18 – Locality commissioning arrangements for independent supported living services  
[http://www.northtyneside.gov.uk/pls/portal/NTC\\_PSCM.PSCM\\_Web.download?p\\_ID=546487](http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=546487)
- (c) Appendix 3 – Cabinet report – 10 June 2013, Changes to Learning Disability Supported Living Services  
[http://www.northtyneside.gov.uk/pls/portal/NTC\\_PSCM.PSCM\\_Web.download?p\\_ID=546489](http://www.northtyneside.gov.uk/pls/portal/NTC_PSCM.PSCM_Web.download?p_ID=546489)

## PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

### 2.1 Finance and other resources

Within the Authority's CEI Programme there is an efficiency of £0.500m for 2013/14 and a further £0.500m for 2014/15 against the locality based commissioning model. The £0.500m efficiency for 2013/14 is based on a 6 months effect of the introduction of the proposal during the financial year.

If there are delays in the implementation of the programme this would have an impact of approximately £0.080m for each month's delay.

This is part of an overall strategy for efficiencies in Adult Social Care. If there are delays or this is not implemented this would place pressures elsewhere in the system or on other services.

### 2.2 Legal

There is a legal duty to ensure there is adequate consultation in place as part of any proposals to changes in services. There has been additional dialogue and discussion with the Cornerstone Carers' Reference Group and service providers on the proposal and how it is implemented across learning disability supported living services in North Tyneside. The Authority has taken account of the feedback from this and adjusted its plan for implementation of the proposal.

### 2.3 Consultation/community engagement

#### 2.3.1 Internal Consultation

Internal consultation has taken place with the Lead Member for Adult Social Care

### 2.3.2 External Consultation/Engagement

There has been consultation undertaken as part of the Authority's budget setting process. In addition to this there has been additional discussion and feedback from the Cornerstone Carers' Reference Group and from service providers.

More detail on this consultation is set out in section 1.5 and Appendix 1 of this report.

## 2.4 Human rights

The recommendations contained in this Cabinet Report support the following Human Rights principles:

- Right to respect for private and family life; and
- Protection from discrimination

## 2.5 Equalities and diversity

This report sets out the positive actions the Authority, Health Agencies and other Partner Agencies are taking to meet the needs of people with a learning disability and to ensure each individual's independence is maximised.

## 2.6 Risk management

A risk management approach will underpin the reviews undertaken by the Community Learning Disability Team with individuals receiving the service. This will identify risks to individuals and their independence and the support plan will identify services / support to mitigate / minimise those risks.

## 2.7 Crime and disorder

There are no crime and disorder issues arising from this report.

## 2.8 Environment and sustainability

There are no environmental and sustainability implications directly arising from this report.

**Report author:** Scott Woodhouse, Strategic Commissioning Manager – Learning Disability and Mental Health, tel (0191) 643 7082

### PART 3 - SIGN OFF

- Chief Executive

- Strategic Director(s)

- Mayor/Cabinet Member(s)

- Chief Finance Officer

- Monitoring Officer

- Strategic Manager, Policy Partnership, Performance and Communication

## Appendix 1

### Summary of Feedback from the Cornerstone Carers' Reference Group

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#### Feedback to the Council on Documentation Recently provided to the Group.

##### Overview

The purpose of this document is to provide feedback summarising the views of the Cornerstone Reference Group relating to a number of documents provided by the Council, as listed below.

- 1) Document: ISL EIA
- 2) Document: Savings A18 Locality Commissioning ISL
- 3) Document Feedback on Budget and Service Planning Feb. 13.
- 4) Document: Cabinet Minutes dated 10 June 2013
- 5) Document: Report for Cabinet dated 10 June 2013

The Group feel it important for the purposes of clarity and understanding, to honestly and frankly feed back both positive and negative comments on the above listed documents, so that the Council:

- May fully understand the concerns of the group,
- May fully understand why the original proposal is not appropriate and should be removed as an option,
- Can address the concerns in the eventual proposal for ISL Service Operator Contract Renewal

To aid clarity and provide structure to the feedback, where appropriate, relevant sections from the respective documents are identified and reproduced in *blue italics* adjacent to the Group's feedback, to save cross referencing between documents. The items of feedback are not an exhaustive list of comments, but are those key comments that we feel are relevant at this point in time. A summary view is recorded where appropriate. It must be understood that comments are necessarily based only on the information that was actually provided by the Council.

##### Executive Summary:

We are the reference group for parents and relatives of people with learning difficulties in North Tyneside in independent supported living. We formed as a result of major concerns about the Council's proposed changes to the commissioning of these services. We are delighted the Council has put a temporary halt on the changes and we have agreed to work jointly to try and find a mutually acceptable plan for the way ahead. We have had several meetings with the Council, more are planned and in addition we have had open meetings and tried to involve as many of the people affected as possible. We also now feel it is important that the elected mayor and cabinet are aware of the strong case we have and understand the risks of the currently proposed changes to service users, their families and the Council.



In summary our concerns are as follows:

- 1) Central government and the Council are committed to the personalisation agenda which aims to maximise choice and control over the services clients receive. This applies equally to those using Council commissioned services and those with direct budgets. The central proposal to cluster individual houses by locality and then re-tender these services is fundamentally incompatible with the personalisation agenda by removing the clients' choice and control over the service provider.
- 2) Central to smoothly running and high quality services is the culture and ethos built up over time by the relationships between the client, their family, the service provider and the carers. Even with an element of protection for carers by TUPE the change of provider will destabilise existing services to the detriment of service users and their families. When continuity of service provider is preferred by the client and family it is essential this is possible provided it can be achieved within an appropriate budget.
- 3) The business case we have seen is unsatisfactory. It has no details of how any savings will result from the proposed changes. There are no details of the locality based commissioning model and how it will generate the savings proposed.
- 4) There has been inadequate risk assessment regarding an enforced change of service provider to the health and well-being of vulnerable clients and also to the costs to the Council and CLDT when services unravel. Performance management of providers in practice is only called upon when things have gone wrong and is costly in terms of the time of Council and CLDT staff to rectify problems.
- 5) Despite what has been documented as a consultation process we believe it to have been invalid and it fails to meet the Council's statutory obligation to consult with all relevant stakeholders. As soon as it became clear that locality clustering and re-tendering was likely to lead to a change of service provider against the wishes of the client there has been unanimous rejection of these proposals by parents and carers.
- 6) Part of the problem has arisen due to the re-organisation of the CLDT which led to a shortage of social workers and the need to commission an outside organisation to conduct reviews. This has led to a lack of local knowledge of where efficiencies can be found.
- 7) We have identified a number of proposals that would allow the identification of inefficiencies in current services whilst retaining the choice and control that is essential to the personalisation agenda and are happy to work further on these.

We have produced a detailed response to the Council's plans. Thank you for reading this summary and we look forward to any comments or queries you have on this worrying plan.