

REPORT TO COUNCILLOR BRAD SMITH, CABINET MEMBER FOR ADULTS' SERVICES – 18 OCTOBER 2019

PERSONALISATION TRANSFORMATION

Decision Ref: **AS 03-19/20**

ISSUES

The adopted Learning Disability Strategy 2017 to 2021 set out a vision for the way adults with learning disabilities are supported. The Strategy primarily looks to greater community and social inclusion for people with learning disabilities including looking to secure greater community access to universal services and provide more choice and control for individuals in their support arrangements through personal budgets and direct payments. This is consistent with the national policy as set out in Care Act 2014 guidance and applies to all forms of service provision.

The current block contracts for three day centres for adults with learning disabilities terminates at the end of May 2020. This is a decision point in terms of whether to re-procure all, some or none of the current centres.

Current demand for day centre places against other day activities options is substantially below the number of block contracted places. This has led to 14.7% voids in the current day centre provision at a cost of £272,500pa. Future demand is unlikely to take up the slack as in recent years very few of the young people leaving education choose a day centre option. Against this background, day centres as currently configured are not the most economical way to meet need. If Ken Boyce Centre was not re-procured, there are sufficient vacancies in the two remaining centres (Carlton and Smerdon) to accommodate everyone who chooses to have a day centre place.

It is therefore proposed to consult to: -

- Not re-procure Ken Boyce Centre
- Re-procure Smerdon Centre on a one year contract with a further one year extension option
- Re-procure the Carlton Centre

OPTIONS

(1) That the Cabinet Member for Adults' Services agrees to undertake a formal six week consultation commencing on 19 October 2019 on the proposal to: -

- Not re-procure Ken Boyce Centre
- Re-procure Smerdon Centre on a one year contract with a further one year extension option
- Re-procure the Carlton Centre

(2) That the Cabinet Member for Adults' Services does not agree to consultation.

DECISION

That the Cabinet Member for Adults' Services agrees to undertake a formal consultation on Option 1.

REASONS

The consultation on the model of day opportunities offered to people with learning disabilities would enable the council to fulfil the ambition as set by the Learning Disability Strategy 2017- 2021 for people to have a full and active community life. This would also fully embed the principles of the Care Act to offer people choice and control on how their needs for day opportunities are met as the proposal around the non-procurement of day services would enable the release of funds currently tied up in block provision. The result of the consultation will inform decisions about the proposed procurement options regarding day services which follows up on the feedback from recent engagement that has already taken place on the preferred model of day opportunities.

Signed: Councillor Brad Smith
Cabinet Member for Adults' Services

Date: 18 October 2019

LAST DATE FOR CALL IN: 25 OCTOBER 2019

REPORT TO COUNCILLOR BRAD SMITH, CABINET MEMBER FOR ADULTS' SERVICES – 18 OCTOBER 2019

PERSONALISATION TRANSFORMATION

1 Background and Purpose of Report

- 1.1 Bexley Council's 'big' vision is to see people across Bexley living well within strong and resilient communities and families. Bexley have committed to shaping the way council services are delivered to embed these priorities to enable "our residents get the best out of life and take responsibility for living healthier and more active lives. (ensuring they are able to) access good quality services quickly and appropriately, preventing their needs from escalating and requiring more expensive support over the longer term". Bexley Council has committed to "working with our health partners and the voluntary sector to enable our residents to achieve this by providing access to the right opportunities, choices and high-quality services when they need them." Brilliant Bexley Shaping our future together 2017
- 1.2 As highlighted in the adopted Learning Disability Strategy, people want more choice and flexibility and this needs to be reflected in the service models we commission now and in the future. Therefore, we would like to consult with people who currently access care and support services, and more widely with other stakeholders across Bexley with regard to the impending contract end date for the three learning disability day centres in the borough.
- 1.3 **We wish to consult on a proposal to: -**
- **Not re-procure Ken Boyce Centre**
 - **Re-procure Smerdon Centre on a one year contract with a further one year extension option**
 - **Re-procure the Carlton Centre**
- 1.4 With increased demographic pressures and reducing resources there is a rising shift towards a different approach to care and support based not on traditional pre-determined services but towards individual choice, control and personalisation. In a presentation to LBB Tony Hunter (Chief Executive Social Care Institute for Excellence - SCIE) identified the following shifts being explored nationally:
- People's health, care and support shaped through strength-based conversations that address a whole person's life
 - Support co-produced with the people whose lives they touch.
 - A flourishing range of community assets and peer networks
 - place-based multidisciplinary and integrated teams
 - Community buildings are multi-use community resources
 - Services are funded and measured on making positive changes in people's lives
 - A thriving and sustainable voluntary, community and social enterprise sector

2 Reasons for proposal

2.1 As highlighted in the adopted Learning Disability Strategy, people want more choice and flexibility and this needs to be reflected in the service models we commission now and in the future. Therefore, we would like to consult with people who currently access care and support services, and more widely with other stakeholders across Bexley.

2.2 We want to encourage:

- Imaginative use of personal budgets either individually or collectively to create bespoke activities
- Individuals to get involved, take ownership and set up groups or activities that best meet their aspirations and interests and that may also benefit the community and encourage social interaction
- Groups to become established and promote activities and access community venues to participate in community life
- Participate in activities already available through the universal ad prevention offer such as art and dance classes
- Networking locally and linking up activities or groups with common aims

2.3 Whilst the Council remains responsible for ensuring there are services available to meet eligible need, the Care Act 2014 makes clear that personal budgets and specifically Direct Payments (a form of personal budget in which the individual or his/her representative takes a cash sum relative to his/her need to meet those needs in ways appropriate to him/her) is the preferred policy: -

'Direct payments have been in use in adult care and support since the mid-1990s and they remain the Government's preferred mechanism for personalised care and support.

They provide independence, choice and control by enabling people to commission their own care and support in order to meet their eligible needs.' (Department of Health, Care and Support Statutory Guidance issued under the Care Act 2014, June 2014)

2.4 To give effect to the promotion of direct payments, funding cannot be tied up in block contracts for service types, including day centres. The degree to which the Council underwrites service provision to secure supply will need constant review to ensure both market supply and the ability to give Direct Payments.

2.5 The Learning Disability Strategy is an integral aspect of the broader policy to become more 'place-based', aligned to the organisation of health and social care services in three Local Care Network localities:

- Frogнал – covering the South of the Borough
- Clocktower – covering central Bexley
- North Bexley

- 2.6 Recognising that it is imperative that there is dedicated space and personal care facilities for some people who have more complex needs, it is intended to secure three hubs or bases, one in each locality. Ideally the hubs will be located in existing community assets, notwithstanding that adaptations and/or extensions may be necessary to make the space suitable. Existing community assets will in turn benefit from secure revenue income from the Learning Disability budget, which could provide a win-win in terms of securing the future of those assets and supporting a better offer to the community.

3 Adult Social Care Pathways

- 3.1 The personalisation agenda is interdependent with other transformation work that is underway to re-design adult social care services such as the Pathways programme. The aim of this re-design is to improve outcomes for service users and carers, offer more choice and control through person-centred services, provide support earlier to prevent needs from escalating and work with third sector organisations to offer creative solutions in the community. The pathway re-design also seeks to streamline processes to create a lean system, avoid duplication and hand-offs.

4 Day Centre Contracts

- 4.1 The existing contracts for three-day centres at the Ken Boyce Centre, Smerdon Centre and the Carlton Centre terminate on the 31st May 2020. Whilst we accept this is a challenging timeline, we do believe it presents an opportunity to consult the views of people regarding the best use of available funding and to further explore the use of personal budgets.
- 4.2 Recognising that the transition to a community based, socially integrated day service offer may take time to develop, it is proposed to commission the Smerdon Centre for one year, with an option to extend by a further year pending identification of community hubs and development of a community programme. It is also proposed to retain the Carlton Centre as a community hub for the South of the Borough, extending its remit to become a multi-purpose centre, building on the current offer to the community in the evenings and at weekends.
- 4.3 The key aims of the consultation are to:

Undertake a comprehensive review of how people can better use personal budgets to source community assets and alternative support building on the engagement already undertaken.

Specifically consult on the termination of the current day centre contracts and proposal to: -

- Not re-procure Ken Boyce Centre
- Re-procure Smerdon Centre on a one year contract with a further one year extension option
- Re-procure the Carlton Centre

5 Non- procurement of the Ken Boyce Centre & Smerdon contracts

5.1 The non-renewal of the Ken Boyce Centre contract and re-procurement of Smerdon Centre on a one year contract is based on the following rationale: -

- The contract that was for three years plus one year will complete its term (terminate) on 31st May 2020.
- The aspirations of people with learning disabilities through the implementation of the Learning Disability Strategy, means we are clearer what people want in terms of more community-based support and day opportunities.
- Allowing rationalisation regarding the reduced demand, as Direct Payments and community support is the preferred option of younger/ preparing for adulthood people.
- The Ken Boyce building requires significant capital investment to improve the kitchen and bathroom/toilets and changing facilities and is not fit for the future. This expenditure would need to be met by Adult Social Care.
- The services have over the last year reduced in demand and the vacancy (void and non-attendance) factor is approximately **£275,000 per annum** across the three centres, therefore is not affordable or sustainability moving forward.

6 Summary of Financial Implications

6.1 People are preferring to use their money in a more personalised way and this is supported through the Learning Disability Strategy. There are a significant number of void spaces in the current Day Centres which reflect that people want to spend the time and lives differently. Because the contracts are due to expire in May 2020 this is an ideal time to review how people want to spend their time. The following shows the financial cost to the council of not utilising the spaces we pay for:

KBC cost: £219,000. Due to client attendance and freedom of choice, £78,000 of this figure is paid for voids (non-attendance and vacancies) per annum which equates to 35.5%

Carlton cost: £672,345. Due to client attendance and choice £149,500 of this figure is paid for voids(non attendance and vacancies) per annum which equates to 22.2%

Smerdon cost: £961,272. Due to client attendance and choice £45,000 of this figure is paid for voids (non attendance and vacancies) per annum which equates to 4.6%

Total cost of Day service is £1,852,617

Total Percentage of voids are 14.7%

Total cost of voids £272,500

7 Reduction in demand

- 7.1 The trend in demand for those using day services is also in decline and we expect this to increase further as those Preparing for Adulthood move into the service and prefer the choice and flexibility that personal budgets afford them. Since 2014 we numbers of under 26 year olds using a day centre to meet their needs has decreased from 39 to 23.

8 Impacts

- 8.1 The current contractors or other contractors may wish to continue to provide services from the existing Ken Boyce Centre by attracting people to use the service and funding it through a personal budget. The same would be true of the Smerdon centre at the expiration of the one year contract. In both cases, current analysis indicates that there would be insufficient demand to make the service viable. If contractors were to offer this service, they will need to take a commercial lease of the centres from the Council

9 Action Plan: Proposed timescales

The proposed timescales for the consultation and its subsequent adoption are set out in the table below:

Milestone	Date
Cabinet Member decision to consult - formal sign off	Friday 18 th October
Decision published	Friday 18 th October
Authority to consult call in expires	N/A
Consultation starts (6 weeks consultation)	Saturday 19 th October
Consultation ends	Saturday 30 th November

10 Consultation proposed

- 10.1 Subject to approval from the Cabinet Member for Adults' Services, consultation will take place between October 18th, 2019 for 6 weeks until November 30th, 2019. Consultation will be targeted at people using Adult Social Care services, their families and carers, and agencies and organisations with responsibilities for and/or an interest in adult social care and associated stakeholders.
- 10.2 Responses to the consultation will be considered in the production of the final document. A final report will then be prepared for Public Cabinet to seek a decision with regard to procurement options for the current day centres.

11 Consultation approach

The following sets out how we intend to consult:

We want to find out people's views on the proposal to: -

- Not re-procure Ken Boyce Centre
- Re-procure Smerdon Centre on a one year contract with a further one year extension option

- Re-procure the Carlton Centre

12 Consultation already undertaken

- 12.1 We have undertaken a significant amount of consultation and engagement over the last few years with people with learning disabilities, their carers and providers. This included work that commenced in 2016 to co-produce our Learning Disability Strategy and we have continued to work via the Bexley Learning Disability Partnership Board and various sub-groups to deliver on the ambitions of the strategy.
- 12.2 A formal consultation on the Learning Disability strategy was undertaken between 11 October 2016 - 17 March 2017. The results of the consultation were published online and are still available. In summary, the Council held a total of 12 meetings for people with a learning disability and three meetings for carers. 212 people with a learning disability and 111 carers took part in our survey. 278 people with a learning disability and 99 carers attended a meeting. Responses to our survey showed that 98 per cent of people with a learning disability and 90 per cent of carers agreed with the aims of the strategy. The results and feedback from the consultation were published.
- 12.3 Co-production has been at the heart of our approach, as demonstrated by the successful development of an improved local community-based offer for people with a learning disability which has resulted in the development of a menu of day opportunities. This is giving our service users much greater choice, more confidence to try out new things and develop their interests, form or maintain friendships, and make connections with the wider community. We are now looking to build on this so that people with a learning disability can access a broader range of opportunities and by offering choice and control through Personal Budgets / Direct Payments. Our proposals also reflect the need to undertake further work to open-up and improve accessibility of universal services. This makes sense from a prevention perspective and will enable people to live with as much independence as possible.
- 12.4 Our approach is in line with the Learning Disability Strategy and reflects national good practice. It has also been referenced in Government reports as an illustration of the types of projects being undertaken with funding from the improved Better Care Fund.
- 12.5 Since the consultation on the Learning Disability strategy, we have continued engagement with the learning disability population via our Learning Disability Partnership board. More recently we have specifically engaged with users and carers of our learning disability day centres to understand better what they want from a day opportunities service. Seven events have already been held in August and September 2019 to inform the re-procurement of the Day Centres. The below set out who we have engaged with and the key engagement themes that people have wanted to talk about.

Who we have engaged with so far:

- People/ families / carers accessing Ken Boyce Centre
- People at Advocacy For All
- Carers United (LD Carers Forum)

- People / families/ carers at Carlton Centre
- Carers/family members/staff Smerdon Centre
- People/ families/ carers at Smerdon Centre
- LSEC tutors (students not available until mid October)

Themes of engagement

- Theme 1-Range of activities and opportunities
- Theme 2-Community connection
- Theme 3-Building Base importance and where this should be located
- Theme 4-Independance skills and training
- Theme 5- Evening and weekend opportunities
- Theme 6- Direct Payments

13 Target Groups

13.1 The target groups for our consultation include: people with learning disabilities and their carers (including people who use the current day services); Community groups and organisations; Voluntary and 3rd Sector organisations; Service providers; Partners; Staff.

13.2 Our proposal to ensure our target groups have a chance to participate in the consultation process include:

- Writing to all current people using day services and those likely to in the future;
- Inviting carers of those people to participate;
- Promoting the consultation in the Bexley Magazine and on the Council's website, as well as via partners, providers and other groups;
- Undertaking an online survey and having this available in an easy read format;
- Up to two or three facilitated meetings during the consultation period. Where possible, the meetings will be Peer-Supported and facilitated by relevant partners including Carers' Support (Bexley) and Bexley Mencap;
- Additional support will be available for those most vulnerable who may not have a carer or family member supporting them and this will be flexible and responsive to people's needs;
- Upload all consultation documents, questions, Vision statements and related materials (including easy read version) on the Council's consultation webpage;
- Promote the consultation internally via Council's Communications Team and at Workforce engagement events
- We are identifying other potential routes of consultation, including via other groups that meet. We are open to other suggestions from partners and providers;

14 Summary of Legal Implications

14.1 This report seeks Member agreement for the Council to undertake consultation on the proposed procurement options at the expiry of the current contract for day centres.

- 14.2 This report proposes a consultation period of six weeks. In doing so, the report sets out the engagement that has been undertaken which has culminated in the procurement proposals outlined above
- 14.3 In R v Brent London Borough Council, ex parte Gunning [1985], the following principles on consultation were set out:
- Consultation must take place when the proposal is still at a formative stage;
 - Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response;
 - Adequate time must be given for consideration and response; and
 - The product of consultation must be conscientiously considered.
- 14.4 Factors informing the duration of a consultation period include the complexity of the proposals; the number of persons who are affected (or potentially affected) by the proposals; the ability to effectively engage in the consultation process.
- 14.5 The report sets out the “target audience” and details the various approaches to enhance participation in the consultation process. These include convening meetings facilitated by “partner” organisations.

Summary of Other Implications

15 Equal Opportunities

- 15.1 A full EIA has been undertaken as part of the Learning and Disability Strategy, however the consultation will be used to better understand any current or emerging equalities impacts for people with different protected characteristics
- 15.2 The proposal is informed by the principles of the Care Act 2014:
- Wellbeing and outcome focused
 - A personalised response built around the outcome residents want to achieve
 - Build on the strengths of the individual, their support network and the wider community
- 15.3 There should be a positive impact for local people, as they will be more involved in the designing of their own support, with greater access to community assets and alternative models of support (Personal Assistant Register, Direct Payments etc.) as well as building on existing relationships within their own social, cultural and community networks.

16 Community Safety

There are no community safety impact implications arising from this report.

17 Environmental Impact

There are no environmental impact implications arising from this report.

18 Human Rights

- 18.1 The Care Act 2014 Statutory Guidance states that Local Authorities, NHS bodies and NHS Foundation Trusts must consider how to promote the article 8 right to family life (Human Rights Act 1998), including opportunities for friendships and family contact, to a life in the community where possible, and the opportunity to develop and maintain relationships. The draft strategy is based on the principle that adults with care and support needs have the same rights as everyone else and that they should be able to access services and participate in society on an equal basis.

19 Health and Well-Being of the Borough

- 19.1 This is very much connected and based on the Learning Disability Strategy 17- 21. All driven by the personalisation agenda this links to the vision set out in the following:
- ✓ Bexley Prevention Strategy (Start Well, Live Well and Age Well 2019)
 - ✓ Bexley Adults Learning Disability Strategy 2017 – 2021
 - ✓ Bexley Adults Pathways (Trusted Partnership Placed Based Target Operating Model)
 - ✓ A Health and Wellbeing Strategy for Bexley
 - ✓ Local BCF planning approach to community placed based prevention and drive for self-care.
 - ✓ Preparing for Adulthood Strategy 2019-23
 - ✓ Preparing for Adulthood multi-agency protocols
- 19.2 ASC and Communities intend to work with a wide range of partners such as housing, health, community, care partners, and local people to shape and co-design the personalisation approach.

20 Asset Management Implications

- 20.1 The Asset Management Modernisation programme is commercially sensitive, and we will engage on the work already undertaken regarding service transformation.
- 20.2 Dependent on the outcome of the consultation, there may be asset management implications with regard to the Ken Boyce Centre and the Smerdon Centre

Local Government Act 1972 Section 100d

List of background documents

None.

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