

BRIEFING PAPER

SUBJECT: LEARNING DISABILITY RESIDENTIAL HOMES FUTURE OPTIONS
DATE: 14 JULY 2016
RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER

SUMMARY:

This paper provides context and explanation of the future options for two learning disability residential care homes. The options are:

1. For the homes to deregister and become supported living
2. For the homes to remain as residential care homes and go through a tender process to be re-procured.

Option 1 to deregister the homes is the recommended option.

The homes are Seagarth Lane and Orchard Mews and both are currently registered with the Care Quality Commission (CQC) as residential homes. There are eleven service users in total within the two homes, all of whom have learning disabilities. There is one void which we are seeking to fill. The service is provided by Dimensions through a block contract with the City Council. The total annual spend on the two homes is approximately £920,000 per year.

A consultation with service users and their families took place between 5th January 2016 and 22nd April 2016. The decision is due to be made by the Director of Quality and Integration on 18th July 2016.

BACKGROUND and BRIEFING DETAILS:

1. Seagarth Lane and Orchard Mews are residential homes providing accommodation for adults with complex learning disabilities.
2. Six people live at Seagarth Lane with around 530 hours of support being provided per week. Five people live at Orchard Mews and there is currently one additional void; around 520 hours of support are provided per week. Dimensions provide the support and are the registered provider with the Care Quality Commission.
3. The homes were established as part of a resettlement programme from Tatchbury Mount Hospital (institutional setting) in the late 1990's. Radian are the owners of the properties, when purchased they were purpose-built and funding was provided by the (previous) South West Hampshire Health Authority. The NHS hold a legal charge under a Capital Grant Agreement (CGA) and agreement to the deregistration has been given in principle from NHS England (pending the decision of the proposal and outcome of the consultation) regarding the potential change in designation from residential care to supported living services. There is a service level agreement between Radian and Dimensions the care provider in respect to the various responsibilities for repairs and maintenance.
4. The national Transforming Care Plan – *Building the Right Support* requires the development of an increased housing stock of community based accommodation for adults with learning disabilities. One element local commissioners of services are exploring in order to meet this requirement is the deregistration of residential homes

BRIEFING PAPER

to become supported living schemes where appropriate. Southampton is a key stakeholder within the SHIP (Southampton, Hampshire, Isle of Wight & Portsmouth) Transforming Care Plan.

5. The Integrated Commissioning Unit (ICU) lead the Complex Housing Project which aims to increase the quality, capacity and number of supported living environments in the city. This project forms part of that work and is supported by dedicated social work capacity. There is collaboration with neighbouring authorities as deregistration is being considered by a number of other authorities and providers locally.

Residential Care & Supported Living – The key differences

6. Within a residential care home a provider is registered with the Care Quality Commission to provide both the care and the accommodation. In Supported Living the care and accommodation functions are separate so that the care provider is registered with the Care Quality Commission as a domiciliary care agency to provide the care. The housing provider is the landlord with each service user having a tenancy agreement. Service users are able to claim more welfare benefits to support their living expenses.

Consultation with service users and families

7. The consultation on the proposal was developed following discussions with SCC legal services. Advice was given that the common law duty of fairness applied, due to SCC considering a withdrawal, reduction or change to its services. This brings a duty to consult. A full public consultation was not deemed proportionate, but a 'full and meaningful' consultation was necessary with those potentially affected by the proposal. The consultation proposal was tabled at SCC's Research and Consultation Group.
8. The consultation period ran from 5th January 2016 to 22nd April 2016 with the eleven service users and their families, where relevant. The consultation pack consisted of:
 - A consultation timetable
 - An information document entitled 'My Home, My Support, My Money'
 - An easy read version of the information for service users
 - A Frequently Asked Questions document which was updated through the consultation period
 - A consultation feedback sheet for families and an easy read version for clients.
9. The feedback sheet asked service users and family's eighteen questions about elements such as, what support they had received during the consultation, whether they understood the information, what their preferred option was and additional feedback to SCC regarding the process.
10. Advocacy support was, and remains available, from Choices Advocacy for service users or family members to talk independently about the proposals. Families have also been signposted to the Southampton Carers Service. A dedicated social worker has been, and continues to be available, to commence the reassessment process and offer additional support in meetings with each service user and their families and to discuss the impacts on individuals.
11. During the consultation a number of questions were received from families asking for more specific information about the financial impact and how the additional

BRIEFING PAPER

responsibilities of paying bills and applying for benefits would be managed. In response to these questions a supplementary consultation document was put together with more detailed information. In addition to this one family requested a 'families meeting' which was arranged. On Tuesday 19th April a session was held where all families were invited to meet together with the senior commissioner, social worker, advocacy agency, SCC benefits advisors and Dimensions. The purpose of this was to answer any additional questions from service users and families. Four families attended.

12. The consultation period was extended to allow time for service users and families to read the additional information and ask further questions at the meeting.

Consultation Responses

13. A completed feedback form was received from 8 of the 11 families. In addition, one service user completed the easy read form. On the question about people's preferred option the responses were:
 - The home remaining as a residential care home was preferred by 2 service users and their families
 - The home transferring to a supported living arrangement was preferred by 3 service users and their families.
 - No preference – 2 people
 - Question not answered – 1 person.
14. A number of individual comments were received by the families who were in favour of the home remaining as a residential care home. We have meet with these families to continue to address their individual concerns and to seek solutions, this dialogue will continue within the support planning process.
15. The various consultation documents referred to above are available as Members' Room documents.

Equality Duties

16. An Equality Impact Assessment has been completed for both homes. This has been updated throughout the process and is populated by seven key information sources. A completed copy of the Equality Impact Assessment is available as a Members' Room Document. A summary of key impacts and actions is attached as Appendix 1.

Arrangements if decision is made to deregister

17. If the decision is made to deregister, then Dimensions will continue to provide the care with the existing staff team however this will be commissioned through the domiciliary care framework rather than a residential block contract. Dimensions are ranked number one on the domiciliary care framework for Supported Living so a direct award can be made to them for the support element should the homes deregister. Radian, the housing association, will retain the landlord function.
18. For service users that lack capacity regarding the decision to have their own tenancy, a best interest decision will be made following the Mental Capacity Act Code of Practice. As part of this process service users will have access to an advocate and families will be asked for their views. We will always act in a manner that is compliant with the legislative framework and we will actively support sourcing alternative options should that be necessary for service users. It may therefore be deemed in a service users best interests to move to an alternative residential accommodation.

BRIEFING PAPER

19. A provisional date of 1st November 2016 has been identified for the deregistration to become effective. This would be subject to all necessary support and financial arrangements being in place for clients.

Arrangements if decision is made to remain as residential care

20. If the decision is made for the homes to remain as residential care homes then a procurement process will begin as the current contract for the homes is due to expire in March 2017.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

21. The commissioning resource to coordinate the deregistration process or procurement process (depending on decision) will come from the ICU. The dedicated social work capacity, which will remain in place throughout the process, and Advocacy resource is funded. When the deregistration or re-procurement is completed, responsibility for reviews and day to day care management will return to the Learning Disabilities team. On-going contract monitoring will be undertaken by the ICU.
22. The Transforming Care Plan leads the national vision regarding increased housing stock for people with learning disabilities. The proposal to deregister is in line with the Council's stated commissioning intentions within the 'Market Position Statement 2015-18: Housing Solutions for people with care and support needs', namely that:
- *Demand for traditional residential care for adults with social care needs is falling and this trend is expected to continue as people increasingly prefer to maintain their independence by receiving care in their own home or within schemes modelled on tenancy-based provision of care and support;*
23. If the decision is made to deregister the two homes, savings to the local authority have been estimated to be £135,000 per year as a result of these costs transferring to housing/welfare benefit for those clients who are eligible. There is no reduction in hours.
24. This figure assumes that the support hours in supported living will remain the same as in residential care. The actual support hours will only be known once social work assessments have been completed so the hours and resultant saving may go up or down. We are using the 'Just Checking' telecare kit (this is an activity monitoring tool) to support the assessment process, which identifies opportunities for independence and we are able to use this intelligence with assessment information to ensure we maximise support hours, which are targeted to provide service users outcomes at appropriate times in the week rather than being based on a residential timetable.
25. Other one-off costs which will be incurred are:
- Deprivation of Liberty Safeguards (DoLS) applications to the Court of Protection for each client who lack capacity. This will be a one-off cost of £4,800.
 - A bulk application to the Court of Protection for the clients who lack the capacity to sign their new tenancies, this will be a one-off cost of £800.
 - There will also be a one-off capital expenditure of around £20,000 to pay for a new door entry system for both properties, this includes new doors at Seagarth Lane; allowing clients to speak to/let in the person at the front door enhancing their independence.

BRIEFING PAPER

26. If the homes remain as residential care, a re-procurement will need to be undertaken as the contracts expire in March 2017. This will need to be undertaken within current financial envelope as far as possible but will inevitably be subject to market forces. Dimensions have already been through a tender for the domiciliary care framework and were ranked number one for supported living so a direct award can be made to them for the support element should the homes deregister.

OPTIONS and TIMESCALES:

27. The table below identifies the key milestones and expected completion dates should the decision to deregister be made.

Key milestone	Completion by
CPB Approval to proceed with plan to deregister	11 May 2016
Overview and Scrutiny Management Committee	14 July 2016
Key Officer Decision	18 July 2016
Re-assessment of client needs and best interest decisions where appropriate	29 August 2016
Court of Protection documents submitted for bulk application tenancy	31 August 2016
Court of Protection return documents supporting tenancy bulk application	12 October 2016
Confirm support hours for each client with Dimensions Clients and families supported to apply for all eligible benefits	12 October 2016
Dimensions submit deregistration form to CQC	12 October 2016
Direct award of contract to Dimensions to provide the care and support within the schemes	1 November 2016
Service users and families supported to maximise benefits	1 November 2016
Homes deregister and become supported living schemes	1 November 2016

28. If the decision is made for the homes to remain as residential care a procurement process will need to begin which will take 9-12 months, the current contract is in place until March 2017.

Appendices/Supporting Information:

- Appendix 1 - Key issues from the Equality and Impact Assessment

Members' Room Documents

- Consultation Information Pack
- Supplementary consultation document with more detailed information
- Summary of responses to consultation
- Equality and Impact Assessment

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