

**CABINET**  
**8 FEBRUARY 2018****FUTURE PROVISION OF REPLACEMENT CARE SERVICES  
FOR ADULTS WITH A LEARNING DISABILITY****Relevant Cabinet Member**

Mr A I Hardman

**Relevant Officer**

Director of Adult Services

**Local Members**

Mr B Clayton, Mrs R L Dent, Mr P B Harrison, Mr R C Lunn, Mr C Rogers, Mrs E B Tucker, Mr P A Tuthill

**Recommendation**

**1. The Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet:**

- (a) notes the information relating to replacement care provision for adults with a Learning Disability contained in this report;**
- (b) approves the proposed pre-consultation engagement with individuals using replacement care services, family carers, professionals and wider stakeholders, on how learning disability replacement care services should be delivered in the future as outlined in paragraph 14 below;**
- (c) requests that a further report be brought to Cabinet in June 2018, with proposals to start formal consultation on future service delivery of replacement care across the county.**

**Background**

2. Replacement care is the support provided to an individual due to a carer having a break from their usual caring role. It was previously known as "respite" from caring or "short breaks" for carers. The change in terminology is in line with the Care Act 2014. It is the support offered to people needing help in fulfilling their caring commitments without putting themselves under unnecessary pressure or stress, and usually involves overnight care for one or more nights. These can be planned breaks or short notice in emergency situations.



3. Worcestershire's Adult Learning Disability Strategy 2016-2018 "Better outcomes for people with a Learning Disability and their families" sets out the commitment to improve outcomes for people with a Learning Disability, enabling people to have choice and control over their care, support and health needs, and working together as partners to improve lives and make sure services are accessible. Specifically in relation to replacement care services, "Big Aim 6: The Right Support for Carers" commits to improve how replacement care works in the county, aiming for an equitable and integrated replacement care commissioned service across Worcestershire.

4. Planned replacement care is identified in an individual's needs assessment and support plan for people who are eligible for Council-funded services under the Care Act. The support plan sets out the number of nights of replacement care required for that individual per year. To meet these needs, the majority of replacement care provision is commissioned by the Council on a block purchase basis (from both internal and external providers), and therefore at a fixed cost. This means that if the number of nights included in the contract are not all actually used, the cost is still incurred.

5. The Council currently commissions fixed cost replacement care for people with a Learning Disability in the following settings:

- In-house provision at Worth Crescent in Stourport and Pershore Short Breaks unit, provided by the Council's Adult Social Care Provider Services
- Osborne Court in Malvern and Church View in Bromsgrove via a contract with Worcestershire Health and Care NHS Trust
- Lock Close in Redditch via a contract with the external provider HF Trust Ltd.

Currently, around 175 individuals receive a regular replacement care service funded by the Council within the services listed above. Recent analysis has shown that there are currently over 1,800 nights purchased but not used per annum across the county (equivalent to 5 beds). This represents an approximate spend on empty beds of £450,000, based on the average unit cost per night.

6. The total 2017/18 budget for all Learning Disability Replacement Care provision is £2.6 million. This includes all of the block-contracted provision and Council-provided services as well as a small amount of provision in external care homes and specialist units via individual spot purchases (for example, where individuals choose to access provision in other settings). Some replacement care is also provided by Shared Lives carers through the Shared Lives scheme.



7. In relation to the in-house replacement care provision, the Cabinet on 17 July 2014 received the report "The Future of In-house Adult Social Care Provider Services". Replacement care was included with long-term residential care in this report, and the following recommendation was approved by Cabinet: "Retain learning disability residential care services in-house whilst the Council consults with each current service user and family carer about the most appropriate package of care and support, and undertake further market engagement to understand the viability of alternative providers and the quality and value for money of in-house vs external provision".

8. The "Update on Commissioning of Adult Social Care Services" report presented to Cabinet on 18 June 2015 identified issues around the complexity of replacement care need, including the need to analyse future demand and supply requirements, and identified the fact that the cost of replacement care varies significantly across different parts of the market, again requiring further analysis.

9. Work has therefore been progressed over the last two years to engage with the market and analyse replacement care needs across the county, to inform the future design of the service. Details of this work are set out in paragraph 10 below and a summary of information for each internal or block contracted replacement care setting is also included in the attached Appendix. Formal consultations with individual service users using replacement care and their family carers have not taken place to date, due to the fact that specific proposals were not being advanced.

## **Context for Change and Future Proposals**

10. The review and analysis of replacement care provision and usage to date has taken account of:

- a) current capacity (based on the number of beds and nights available)
- b) current allocation of provision to individuals who have an identified need for a replacement care service
- c) the matching of specialised replacement care provisions to individuals with specific identified needs e.g. requirement for nursing or health-based replacement care
- d) the suitability of accommodation and facilities available
- e) the cost per night at each provision
- f) the potential to deliver additional and/or more cost effective capacity, for example at existing units or through the purchase of provision from external providers or Shared Lives carers



g) geographical spread of provision and people using the services.

11. The attached Appendix provides a summary of the background information collected to date for each internal or block contracted learning disability replacement care setting.

12. The work to date has identified that there is currently more replacement care provision available than is required, based on the current needs of individuals in Worcestershire for a replacement care service.

13. Long-term forecasts of future demand also show that the need for replacement care is likely to decrease gradually over time. This is partly due to the impact of Council strategies to increase independence, such as the Supported Living Strategy which encourages individuals and families to consider Supported Living as an option. With Supported Living, an adult with learning disabilities is supported to live independently in their own property and therefore there is no ongoing need for replacement care. Where individuals are cared for by their family, expectations are also changing, with younger people and their families wanting to explore alternative options for replacement care, such as Shared Lives replacement care, care in the family home or other alternative provision.

14. In order to continue to deliver the Learning Disability Strategy commitment for "an equitable and integrated replacement care commissioned service across Worcestershire" and to address some of the issues identified above in relation to capacity and demand, the Council wants to carry out pre-consultation engagement with individuals using services, family carers, professionals and wider stakeholders to explore the following areas:

- a) Review the needs of all individuals currently accessing planned replacement care services to ensure that people's assessed needs are being met in the most appropriate way. This will include reviewing the health-based replacement care provisions at Osborne Court, Malvern and Church View, Bromsgrove to ensure that current capacity is used effectively and that the provision of health-based services is aligned with the needs of individuals for specialist services.
- b) Explore options for how Council in-house and externally contracted learning disability replacement care services (as listed in paragraph 5 above) can be delivered differently in the future, looking at potential options to maximise usage and potentially reduce or increase capacity where appropriate to meet the needs of people using services and their family carers. This will include



reviewing external contracts for learning disability replacement care using the commissioning cycle to ensure that value for money is being maximised.

## **Recommendations and Next Steps**

15. Based on the above background and context for change, Cabinet is asked to authorise a period of pre-consultation engagement with individuals using services, family carers, professionals and wider stakeholders, on potential options for future delivery. The pre-consultation engagement exercise will be launched in the second half of February 2018 and will last for approximately 12 weeks.

16. A report on the findings of the pre-consultation engagement, including equality impact assessments as required and recommended next steps, will be presented to Cabinet in June 2018.

## **Legal and HR Implications**

17. The Council has a duty to promote the well-being of individuals in its area under the Care Act 2014 and to provide a range of social care services for meeting care and support needs of adults, including care and support needs resulting from disabilities.

18. The Council values the feedback and input of its residents and users of services to inform service development. In order to inform its proposals, as well as meeting required legal duties, the Council will carry out consultation, in the first instance with individuals using services and family carers, and will give proper consideration to the outcomes of consultation before any substantive decision to implement any proposal is made.

19. Appropriate statutory consultations with staff will also be carried out in the future based on the nature of future proposals and the impact on specific staff groups. At this stage, a period of engagement with staff is proposed, to gather information and ideas which will influence future proposals.

20. Where there is a future proposal for services to transfer out of the Council or be delivered by external providers rather than in-house providers, TUPE regulations may apply. It is intended that this will be dealt with on a case-by-case basis, depending on future proposals.

21. Any changes to staffing arising out of future proposals would be subject to the Council's Human Resources Policies and Procedures.



## **Equality and Diversity Implications**

22. The Council must, during planning, decision-making and implementation, exercise a proportionate level of due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not.

23. A full equality impact analysis will be carried out for each element of the service where any changes are proposed, and these analyses will form part of future Cabinet reports to inform future decision-making.

## **Privacy and Public Health Impact Assessments**

24. These proposals have no direct impact on information risk or privacy impact at this stage.

25. A Public Health Impact Assessment will be carried out for each element of the service where any changes are proposed, and these analyses will form part of future Cabinet reports to inform future decision-making.

## **Financial Implications**

26. The Medium Term Financial Plan approved by Full Council in February 2017 anticipated a need for around £60 million of new expenditure reductions or increases in income over the 3 year period 2018/19 to 2020/21.

27. There is a risk to the Council's overall sustainability and delivering Social Care to those that need it most if expenditure reductions or increases in income are not delivered as required.

28. The total proposed savings that are identified specifically for learning disability replacement care in the "2018/19 Draft Budget and Council Tax" report to Cabinet in December 2017 are £350,000 over two years.



## **Supporting Information**

- Appendix – Adult Learning Disability Replacement Care Background Information

## **Contact Points**

### County Council Contact Points

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### Specific Contact Points for this report

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## **Background Papers**

In the opinion of the proper officer (in this case the Director of Adult Services) the following are the background papers relating to the subject matter of this report:

Worcestershire's Adult Learning Disability Strategy 2016-2018 2<sup>nd</sup> Edition updated September 2018 – "Better outcomes for people with a Learning Disability and their families"

Agenda and background papers for the meetings of the Cabinet held on 17 July 2014, 18 June 2015 and 14 December 2017

Agenda and background papers for the meeting of Council held on 9 February 2017