

item

**Cabinet – 2 July 2014****Consultation of the Future of In House Services: Fallings Heath House****Portfolio:** Councillor B. McCracken, Social Care and Health**Related portfolios:****Service:** Social Care and Inclusion**Wards:** All**Key decision:** No**Forward plan:** No**1 INTRODUCTION**

- 1.1 The report proposes a review of bed based respite services delivered from Fallings Heath House, Walsall Road, Darlaston, and consultation that will consider the cost effectiveness of these services in the light of the Councils medium term financial plan.
- 1.2 Fallings Heath House currently provides a respite service at a cost to the Council of £438 per night; although the user is charged £100 under the current charging policy. This is therefore a heavily subsidised service.
- 1.3 From consultation and market analysis a set of criteria will be established that will evaluate this service, against cost effectiveness and value for money, user choice and control and personalisation.
- 1.4 All options for the future development of Fallings Heath House will be considered and consulted upon.

**2 Recommendations**

- 2.1 To give approval to the Executive Director of Social Care and Inclusion to undertake a review of the Fallings Heath House respite service and to consult upon all options for the development of better outcomes for users and carers.
- 2.2 To give approval to the Executive Director of Social Care and Inclusion to undertake a consultation process with service users, carers, staff, and other stakeholders in relation to the options for future of services at Fallings Heath House.
- 2.3 To instruct the Executive Director of Social Care and Inclusion to report back to Cabinet on the outcome of this consultation and recommend an appropriate option to deliver the objectives by October 2014.

### **3 BACKGROUND**

#### **3.1 In House Services Review**

- 3.1.1 All adult social care services that are delivered directly by the Council (“in-house”) will be reviewed during 2014/15. This is to ensure they are operating efficiently and affordably and to ensure they are within the guidance and principles of the new Care Act.
- 3.1.2 Over the next 12 months further papers will come to Cabinet for decision or information about each of the in-house directly delivered services. This paper, regarding Fallings Heath House, is the first of those reports. The reason for this as a priority is the sustainability of the service.
- 3.1.3 A full options appraisal and business case will be developed to support any recommendations put to cabinet. The context of the review is one of considerable pressure on all council budgets.

#### **3.2 Fallings Heath House**

- 3.2.1 Fallings Heath House was built in the early 1980’s as a Childrens resource. It is located on the outskirts of Darlaston and set in extensive grounds. The surrounding area is a mixture of residential and small independent business outlets.
- 3.2.2 It has had various uses over the intervening years including being used as a 21 bed “home for life” and short stay resource.
- 3.2.3 The building was refurbished in 2008 at a cost of £254k and reduced its capacity from 21 beds to 13 beds. The unit is now registered with Care Quality Commission (CQC) and has the capacity to operate to 13 beds.
- 3.2.4 CQC registration requires compliance with the necessary quality and service standards. The unit was last subjected to an unannounced inspection by CQC on January 6<sup>th</sup> 2014. The subsequent report was published and placed in the public domain on February 1<sup>st</sup>. The provision met all appropriate standards in the areas inspected namely: *Consent to care and treatment, Care and welfare of people who use services, cooperating with other providers, Cleanliness and infection control, Staffing* and management of *Complaints*.
- 3.2.5 The current standards of the building are to a high specification and exceed minimum CQC standards. 8 bedrooms are en suite. There are 2 assisted bathing areas and 2 unitised kitchen units.
- 3.2.6 For the last 12 months it has operated as an 8 bed respite service for people with profound and multiple disabilities. Originally one of the councils “homes for life” provision, in 2011 the Directorate embarked on a re-provision of supported living schemes placements in the community for the long term residents, who have successfully been relocated.
- 3.2.7 In addition the home further developed its respite capacity and offer re-provision options to enable service users who were previously placed outside of the borough to return to Walsall and closer to their families.
- 3.2.8 Fallings Heath House currently has 52 registered, eligible social services users on

its books, of these 38 have personal budgets, for 2014/15 there is provision for further emergency respite.

- 3.2.9 For 2014/15 there are 1648 planned respite nights for this user group and their carers. There are 28 female service users and 24 male service users, from 18 years onwards. 21% are from a black ethnic minority background.
- 3.2.10 Current users have a range of complex needs including; co-morbidities (dual conditions), brain injury, complex behavioural needs, Aspergers syndrome and autism.
- 3.2.11 The unit cost based on the gross controllable budget of £869k divided by actual occupancy (68%) for 2013/14 would be £438 per night. Each service user is charged £100 per night under current charging regulations. Therefore potential income should be £164,800, based on the planned occupancy levels.
- 3.2.12 Planned respite in 2013/14 was 80% of capacity with a 12% cancellation rate (68% ie occupancy rate). Occupancy in the first quarter of 2014/15 was 52%, which includes a high degree of cancellation and non attendance.
- 3.2.13 The demand for this service in 2013/14 included every day of the week and weekends. Customers are choosing to book respite packages from Thursday to Sunday in 2014/15.

### 3.3 **The Legal context for this service**

- 3.3.1 A person's community care needs are assessed under the NHS Community Care Act 1990/The Disabled Persons Act 1986. Following an assessment of need under the Act(s), eligibility for services is then determined by employing the FACS. This framework applies to all potential and existing service users and hosts. It consists of four bands; critical, substantial, moderate and low. Adults Social Services currently provide services for those whose assessed needs fall into the critical or substantial bands.
- 3.3.2 The new Care Act 2014 and its attendant regulations reorganise and supersede the previously established legal framework. Put simply they will continue to ensure an adult's needs meet the eligibility criteria and the proposed consultation on this service would take this into account. The level of current users needs will certainly meet the new legislative requirements:
- 3.3.3 The council has an overarching obligation to ensure the services it provides or commissions have improving outcomes that meet customer choice and can demonstrate sustainable, cost effective use of resources.

### 3.4 **Options to be consulted upon include;**

- 3.4.1 **Option A - Continuing with the current facility and provision with improvements:** This option does not seek to re-configure the service but continue making improvements in light of future demand and future need. Currently the unit cost of an 8 bed service exceeds the costs of alternative available provision. Under this option the Council would continue to subsidise this service.
- 3.4.2 **Option B - Outsourcing the service to a third party to deliver better outcomes and efficiencies:** This option would need to be considered in the light of future

demand for the service, what the market currently offers and use of data from Public Health and the Joint Needs Strategic Assessment, JSNA. What does outsourcing do to make improvement in service and how does this route reflect more modern and personalised services?

- 3.4.3 **Option C - Establishing an Arm's Length Management Option (ALMO)** This would enable managers to develop future independent day to day management options for a radical re-structuring of costs and maximising of outcomes and benefits, with arms length governance from the Council.
- 3.4.4 **Option D - Establish the service as a social enterprise (such as a community interest company model):** This option would enable independent managers to review all of the financial and organisational overheads in order to develop a market competitive service, within CQC compliance and standards.
- 3.4.5 **Option E - Replace the service through personal budgets and personalised support:** All services users care packages would need to be reviewed by social workers with independent advocates. All service users to be offered opportunities via personalised budgets with an increased emphasis on non-bed based alternative and flexible provision. Any alternatives should be non-bed based as residential services are a traditional option and we are looking for alternatives to residential care, with personalisation and choice at the core of new services

#### **4 COUNCIL PRIORITIES**

- 4.1 Following consultation a full range of options will be developed for consideration by Cabinet in a future report. These options will comply with Council priorities.

#### **5 RISK MANAGEMENT**

- 5.1 A full risk assessment will be undertaken that considers all risks for individual users against any developed options.
- 5.2 All Mental Capacity Act and related requirements for this group of service users will also be considered throughout the consultation period and beyond, given the needs of these vulnerable adults receiving a respite service.
- 5.3 Service users who are currently in receipt of respite services at Fallings Heath House will be offered a review of their needs and their current packages of support. These reviews will consider individual service user requirements, capacity and understanding, assessment of current needs and liaison with carers and family members, and any friendships they may have amongst themselves. These views will be than added to the options appraisal.

#### **6 FINANCIAL IMPLICATIONS**

- 6.1 A full study to understand the cost of current provision, pattern of use, occupancy, number of carers supported gross costs for operating in 2014/15 and cost of staff employed will be undertaken.
- 6.2 A full consideration of the asset value of the premises and other related maintenance costs will be undertaken.
- 6.3 A viability study will take place which will inform the costs/savings of each possible option. These options will be fully explored and reported back for consideration,

with full financial, legal, workforce, equality impact and other relevant implications.

## **7 LEGAL IMPLICATIONS**

- 7.1 The Council has a duty to consult in relation to any proposed service changes pursuant to section 3A of the Local Government Act 1999, Disabled Persons (Services, Consultation and Representation) Act (1986), Care Act 2014 (when fully implemented) Community Care Act 1993; legal duty to assess need and eligibility for social services including respite care.
- 7.2 The Local Authority as a “public authority “ for the purpose of s.3(6)(b) Human Rights Act (1998) and must act in a manner compatible with the European Convention on Human Rights

## **8 PROPERTY IMPLICATIONS**

- 8.1 Each option will need further consideration in relation to property implications. For option A future revenue and capital maintenance costs must be considered. It is recommended that a condition survey be carried out to establish the investment required in maintaining the fabric of the building over the next 10 years.
- 8.2 For options B-D the options appraisal will determine:
- Whether Fallings Heath House is necessary for the delivery of future services or
  - Whether other premises/locations would better suit the service provision and
  - The terms on Fallings Heath House might be made available to a third party/ALMO/social enterprise. This would include consideration of whether a rent should be charged for the use of the building.
- 8.3 Any commissioning process should seek to minimise the requirement for Council owned premises and reduce base operational costs by exploring opportunities for joint use/colocation.
- 8.4 The terms of occupancy under options B, C and D would be set out in formal lease agreements, the duration of which would be aligned to the length of the service contract. Tenancies would be excluded from the security of tenure provisions of the Landlord and Tenant Act 1954. This would ensure that on cessation of the contract the premises reverted to the Council and remained available for future service provision/disposal.
- 8.5 Future maintenance responsibilities would be determined by reference to the condition survey and length of contract. As a minimum a third party/ALMO/social enterprise utilising the building would be responsible for day to day repairs and maintenance, statutory compliance, utilities costs and cleaning.

## **9 HEALTH AND WELLBEING IMPLICATIONS**

- 9.1 The health and well-being of both customers and their carers will be fully addressed in this consultation and options appraisal.

## **10 STAFFING IMPLICATIONS**

- 10.1 There will need to be a formal staffing consultation established as appropriate prior to the Cabinet decision on the future options for the service. However staff will be kept informed at all stages of this process.
- 10.2 Staffing implications for the delivery of the service by a third party will be fully

considered in consultation and options involving TUPE or other Human Resource Implications.

## **11 EQUALITY IMPLICATIONS**

11.1 An Equality Impact Assessment in relation to the consultation will be undertaken prior to the consultation exercise.

## **12 CONSULTATION**

12.1 The Executive Director will ensure a detailed programme of consultation with users, carers and key stakeholders and undertake to report back to Cabinet on the summary of findings in due course.

12.2 We will consult with individual users and their carers and where requested groups of service users, using a range of methods; one to one interviews, telephone interviews, survey, and face to face interviews. Where appropriate service user friendship groups will be consulted with collectively upon request.

12.3 A variety of methods will be used to consult as simply and effectively as possible. The objective of the consultation exercise and the options to be considered will be explained in a client sensitive manner. Feedback will be obtained using interviews, presentations, story board method, signage, and graphics ensuring a personalised approach to communication at all times.

12.4 Consultation will vary for individual service users, their carers, and where appropriate stakeholder groups and management. Independent advocacy services will be used to ensure users have as clear understanding of options and enable an inclusive approach to gathering feedback.

12.5 Existing forums, such as the Learning Disability Partnership Board, will also be used in order to maximise existing networks and resources. There will be opportunities to tap into planned events across the Borough in the coming weeks and months.

12.6 A summary of findings will be published and made available on the councils website. Direct feedback, using plain English and where requested easy read to service users and carers will be provided, as well feedback via press and carers forums.

## **13 BACKGROUND PAPERS**

13.1 The established legal and policy framework in which this provision operates includes the following relevant legislation:

- The National Assistance Act 1948
- Local Authority Social Services Act 1970.
- The Chronically Sick and Disabled Persons Act 1970
- The Disabled Persons Act 1986
- The NHS and Community Care Act 1990
- The Fair Access to Care (2001)
- The Mental Capacity Act (2005)
- The Health and Social care Act 2008
- Putting People First (2010)
- The Health and Social care Act (2012)

- The Equality Act (2010)

13.2 Relevant national policy:

- Improving Life Chances for Disabled People (2005)
- Health and Social care act (regulated activity) regulations (2008)
- The National Carers Strategy (2008)
- Valuing People now – (2009)
- Care quality commission (registration) regulations (2009)

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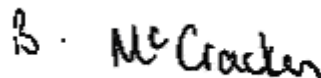
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