

**Wards Affected:**

*All Wards*

**ITEM 10****CABINET****11 JANUARY 2016****LEARNING DISABILITY SERVICES – PLANNING AHEAD**

Responsible Cabinet Member: Councillor Long (Cabinet Member for Health and Wellbeing)

Report Sponsor: Michael Bracey (Corporate Director –People)

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**Executive Summary:**

Milton Keynes Council seeks to empower Learning Disability service users. It seeks to maximise choice for people whilst ensuring that individuals with Profound and Multiple Learning Disabilities (PMLD) are supported through the continuation of access to day care services.

Milton Keynes Council aims to promote choice by establishing a list of providers who meet a required quality and price threshold and comply with the Ethical Care Charter adopted by Cabinet. Service users will be able to choose from this list which provider to use. They will be able to use their Direct Payment to fund their choice.

Milton Keynes Council also proposes to retain direct provision of day services for those with PMLD needs.

Milton Keynes Council will decommission the Community Support Team but commission external providers utilising the Preferred Provider List it established recently.

Cllr Nigel Long

Cabinet Member for Health and Wellbeing

**1. Recommendations**

1.1 That approval be given to the Joint Commissioning Team and the Learning Disability Service, in consultation with the Cabinet member for Health and Wellbeing, to implement the following service developments:

- (a) Work to ensure that all service users have Direct Payments available through their personal budgets.
- (b) Establish a Shared Lives service in Milton Keynes as an alternative to Short Breaks and/or Residential care provision.
- (c) Decommission the Community Support Team and commission external supported living providers to deliver the required support hours.

- (d) To close two day centres at Beanhill and Surrey Road and provide Council run services at Tower Drive and Whaddon Way for service users with Profound and Multiple Learning Disability needs.
- (e) Fully review the Short Breaks service, with a view to providing a range of Family and community based services to meet the needs of people who require a short break.

## 2. **Issues**

- 2.1 A strategic review of Learning Disability services took place in 2012. The conclusion from this review was that services in Milton Keynes operated on a traditional service model, with limited service choices for clients and their families. The recommendations from this review were not taken forward at the time.
- 2.2 The Care Act 2014 strengthens the duties of local authorities to promote health and wellbeing, and to act to prevent or delay the onset of the need for support. People requiring support must be able to access a range of information and advice to enable them to remain independent and members of their local communities wherever possible.
- 2.3 The provisions in this paper outline the services that the Council will provide to support people with learning disabilities, and how the Council will work in partnership with other agencies as required to offer more choice and control in the type of service available.
- 2.4 The Care Act 2014 places duties on local authorities to assess people's needs for social care support, and if they are eligible, to develop a support plan with individuals that promotes the use of personal budgets, direct payments and maintaining options and choices for individuals through effective commissioning and the provision of information and advice on possible services.
- 2.5 Milton Keynes Council wishes to empower people with learning disabilities and their families to make effective choices and to be in control of their lives and their future through the provision of support planning, brokerage and direct payments to ensure that choice is available in service provision. Not all this provision will be provided by the Council.
- 2.6 In the light of the Care Act 2014 and the earlier review, in July 2015, Cabinet accepted the recommendation that Learning Disability services should be further reviewed to determine the appropriateness of both the service model in operation and the cost of this provision. Support was provided by the Institute of Public Care, and permission was given for the Joint Commissioning Team to carry out a formal consultation on the case for change and the identification of possible service models.
- 2.7 The initial focus for the review was on the provision of short breaks services; day services and supported living services. A formal period of consultation on these services began in July and closed on the 25 October 2015.

## Consultation

2.8 The consultation was held through a series of public meetings and workshops. Talkback, a local advocacy group specialising in working with people with a learning disability, were commissioned to facilitate the process and document themes from the meetings. The consultation took place over:

- Four Public meetings held across Milton Keynes. A presentation was delivered at each event with a question and answer session.
- A presentation to the Health and Social care Select Committee on 6<sup>th</sup> October 2015
- A presentation was delivered and question and answer session held at two Learning Disability Partnership Board meetings.
- Talkback facilitated five additional supported sessions in day centres at Tower Drive, Surrey Road and Whaddon Way to discuss the issues in the consultation.
- The consultation was also hosted on the Council's website and people were encouraged to contact the council via email or letter.
- Informal coffee mornings
- Staff consultation sessions on the proposals for service change and development.

2.9 An analysis of the consultation responses is attached at the Annex to this report. In summary 294 people attended consultation meetings, of which 100 were people with a learning disability and 194 were parents, carers or staff. Additionally 12 written responses were received.

## Governing principles

2.10 A set of principles to govern the provision of Learning Disability services was presented during the consultation process, and subject to Cabinet approval of the proposals in this paper, these will influence how the services will develop over the next 2 years. These are:

- The focus will be on helping to support clients to become as independent as possible, and the use of Direct Payments will be promoted.
- People with learning disabilities and their families will have true choice and control over their lives, including how they spend their time, where they live and with whom, and how they can be supported to work.
- Carers are recognised and valued as fundamental to the maintenance of strong families and stable communities and they require support to enable them to maintain their caring role.
- Clients with profound and multiple learning disabilities (PMLD) will continue to receive a direct service from Milton Keynes Council
- Clients with behaviour that challenges may continue to receive a direct service from Milton Keynes Council

- It is likely that these services will be delivered from a building based setting. This is not to say that people with PMLD cannot participate in community based services, but they will need a base in order to enable their physical health needs to be met.
- All clients currently receiving services will have a re-assessment to determine their current needs. This is already being progressed.

### 3. Options

#### Day Services

3.1 Day Services at Tower Drive and Whaddon Way will continue to be provided by Milton Keynes Council.

3.2 Table 1 below shows the current number of users and relative cost of providing services at each day centre:

Table 1

Day Centre	No of Service Users by Need						Annual Cost £000	No of Staff
	Low	Medium	High	1-to-1	PMLD	Total		
Beanhill	10	6	2	0	0	18	199	6
Whaddon Way	0	0	7	0	13	20	763	22
Tower Drive	23	10	8	6	13	60	1,236	38
Surrey Road	22	14	11	2	0	49	577	14
	<b>55</b>	<b>30</b>	<b>28</b>	<b>8</b>	<b>26</b>	<b>147</b>	<b>2,774</b>	<b>80</b>

3.3 Action required:

- A review of all service users currently receiving a day service/day opportunity to be carried out to ascertain which type of day service would best meet their needs.
- The external provider market for day opportunities is developed to offer a range of innovative and responsive day services for those clients who wish to choose these options.
- MKC buildings based service is developed for people with PMLD and complex behavioural needs and that Milton Keynes Council carries on providing this service.
- Embed person centred approach throughout day services
- Increase the use of direct payments, and opportunities to source, recruit and share Personal Assistants.

3.4 The implications for current services of these proposals are likely to be:

- Less reliance on building based services provided by Milton Keynes Council, potentially resulting in the closure of 2 day centre premises. The closure Surrey Road and Beanhill centres is likely to result in an estimated saving of £580k. However, this will be offset by the cost of different provision for these clients, including further use of direct payments.

- MKC provided services will continue for people with Profound and Multiple Learning Disabilities
- That a list of external providers will be offered alongside an in-house offer for service users to choose from.
- Moving day services/opportunities away from buildings based services and towards community based opportunities.
- The job roles of staff currently working in MKC day services will change as a result of developing a more diverse service model for day opportunities. The number of MKC staff working in day services will reduce which will incur some redundancy costs for staff working in day services.

### **Supported Living**

- 3.5 Milton Keynes Council provides a Community Support Team, who offer support to people in their own homes to assist them to maintain their independence. The total annual budget for the CST is £1,015,032. Currently, 36,361 support hours per year are delivered by 33.39 FTE staff.
- 3.6 In addition, MKC has recently commissioned a Preferred Provider List for Supported Living services from the external market, and there are currently 13 organisations offering support to people to help them remain independent. The hourly cost of this provision is £15.25 per hour, almost half the unit cost of internally provided service which is £31.12 per hour.
- 3.7 It is recommended that:
- A review of service users is undertaken to understand the level of support required for each individual
  - The support hours currently provided internally are transferred to externally commissioned services. This will result in the Community Support Team being decommissioned delivering an estimated annual saving of £300,000 to Milton Keynes Council.
  - Explore the use of assistive technology and IT to help support people at home where it is appropriate to do so.
- 3.8 The implications of these proposals on the current services are:
- There will be redundancy and pension strain costs for staff working in the Community Support Team, which will be met from a corporate budget. Work is underway to determine these costs.
  - More usage of external support services delivered by independent sector organisations.
  - Expansion of assistive technology and IT solutions for some people who would benefit from less intensive support.

## Short Breaks

- 3.9 Short breaks can support individuals and families by providing opportunities for people to try new things and gain new skills to help support independent living. The average cost per night is £263 per person. Carers also benefit as the short breaks provide respite from the caring role for a short period. Most short breaks are provided by MKC at Polmartin Court and 4-6 Mathieson Road. Direct Payments are also provided for people to arrange their own short break, although this is currently a less attractive option.

Table 2 below shows the cost of providing services at the 2 centres:

Table 2:

<b>Short Breaks (based on 2014/15 full year)</b>			
	<b>No of Service Users</b>	<b>Annual Unit cost per service user £</b>	<b>Annual cost of service £</b>
Mathieson Road	62	21,935	1,359,960
Polmartin Court	3	38,435	115,305
<b>Total</b>	<b>65</b>	<b>60,370</b>	<b>1,475,265</b>

- 3.10 It is recommended that:

- There is a review of service user's needs to ensure that we have a full understanding of the required level of support.
- Increase the use of direct payments for short breaks and develop the market to ensure a full range of options are available for people
- Maintain some in-house short break provision for people with complex needs and PMLD.
- Develop a Shared Lives scheme – begin planning as soon as the proposals in this paper have been agreed by Cabinet. Shared Lives can be used as a short break option and also as an alternative to residential care. Shared Lives is a form of support and accommodation for adults, where approved individuals or families open their homes to provide support to older or disabled persons. Shared Lives has previously been known as the Adult Placement Scheme.

- 3.11 The implications of these proposals on the current services are:

- Less reliance on Polmartin, resulting in closure of this building.
- More usage of short break services delivered by external agencies.
- Increased direct payments to enable people to access community based services for their short break
- New Service provision – Shared Lives

## 4. Implications

### 4.1 Policy

The provisions in this paper will progress the following outcomes and priorities within the Corporate Plan 2012/16:

#### (a) Outcomes

Everyone in Milton Keynes will:

- Enjoy happy and fulfilled lives within their local communities
- Be safe from harm and neglect
- Stay independent for as long as possible
- Achieve their full potential
- Empower people through choice and control
- Enjoy personal dignity and respect

#### (b) Priorities:

Develop cost effective models of support and care for vulnerable people that:

- ensure they regain and maintain independence
- Deliver choice and control for individuals requiring support by providing preventative, community based approaches and outcome focused personalised care and support

It will also deliver the notions of Living Well and Ageing Well under the Joint Health and Wellbeing Strategy 2015-18.

Milton Keynes Council is committed to empowering people through extending choice and by facilitating the use of direct payments.

Milton Keynes Council has a clear intention to continue to support people with PMLD, including in its day care service and short breaks service.

### 4.2 Resources and Risk

The service developments proposed will be carried out within existing budget but is expected to deliver savings. The budget for 2016-17 has estimated savings of £834k from the review of services. Savings are expected to be achieved through:

- the externalisation of support hours for supported living clients
- review and re-negotiation of care packages for continuing healthcare funding has already achieved ongoing savings of £265k
- non-placement costs related to supported living due to a reduction in the number of void weeks.

A Shared Lives service may deliver further savings in future years once the service has been developed. This will be offset by some initial set up and ongoing running costs but further work is required to quantify this.

It is expected that there will be redundancy and pension strain costs which will be met from a corporate budget. Work is underway to determine these costs. Most of the services included in this review are part of a pooled budget and S75 agreement with the Clinical Commissioning Group (CCG). Changes to Pooled contributions will need to be agreed with the CCG, which currently contributes £1.4m of the total Learning Disability budget. Any savings made as a result of the proposals in this paper will not be shared.

	Capital	Y	Revenue	Y	Accommodation
	IT	Y	Medium Term Plan		Asset Management

#### 4.3 Carbon and Energy Management

The proposals on Day Services, Supported Living and Short Breaks provision in this paper have implications for Council owned premises. The opportunities to provide more support services in the community and reducing the reliance on services delivered from buildings will reduce the carbon footprint of Milton Keynes Council, and reduce utility costs and property maintenance costs. It offers the opportunity to dovetail with the Community Asset Transfer programme, potentially releasing more buildings for community use.

#### 4.4 Legal

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

This report relates to service provision for adults with learning disabilities. The Council is currently discharging its duties towards adults with learning disabilities through a combination of services provided in house and externally. Various proposals are contained within the report which if approved and implemented would mean a service re-modelling leading to a substantial change in how the services are delivered. The services having been delivered as they are over a long time, it is likely that service users would have a legitimate expectation that they would be consulted in relation to re-modelling the services as they currently know it. As such, the proposals are likely to trigger a common law duty to consult interested persons. As stated at paragraph 2.7 of the report, consultation has taken place, relating to the proposed changes. These have been done over a period of time and in various locations. The views of those who participated in the consultation have to be taken into consideration in reaching decisions on the recommendations which are subject of this report.

The report also proposes the increased use of external providers to provide the services. Section 8 of the Care Act 2014 allows the Council to arrange for a person other than itself to provide the services for meeting its obligations for care and support. The Council would have to take measures to ensure that the quality of care provided by such external providers is high and meets its statutory duty to promote diversity and quality in provision of the services. Measures must also be in place to ensure that service users have sufficient information about service providers to make an informed decision about how to meet needs.



Increased use of direct payments has been proposed as part of the report. Whilst the Care Act 2014 permits the authority to meet needs through direct payments, any decision to make direct payments to individuals or authorised persons must meet all conditions stated under the Care Act 2014 and regulations made pursuant to Section 33 of the Care Act 2014 i.e. The Care and Support (Direct Payments) Regulations 2014. Additionally, no direct payment can be made where it is prohibited by the said Regulations.

Any proposed reduction in the number of in – house staff currently providing the services also mean that the appropriate statutory consultations have to be conducted.

#### 4.5 Other Implications

Y	Equalities/Diversity		Sustainability		Human Rights
	E-Government	Y	Stakeholders		Crime and Disorder

An Equality Impact Assessment has been carried out on the proposals.

#### Background Papers:

Review of Learning Disability Services Milton Keynes Joint Commissioning Team 2012

IPC Review of Learning Disability Services, July 2015

Learning Disability Services – Planning Ahead Cabinet Report (item 10) July 13<sup>th</sup> 2015

Learning Disability Services – Planning Ahead Appendix 13<sup>th</sup> July 2015