

Executive

31 August 2017

Report of the Corporate Director of Health, Housing and Adult Social Care
Portfolio of the Executive Member for Adult Social Care & Health

Re-Commissioning a Short Breaks Service for Adults with a Learning Disability based at Flaxman Avenue, York

Summary

1. The short breaks service for adults with a learning disability, based at Flaxman Avenue, was provided directly by City of York Council until 2015. The service was tendered and, after a successful procurement exercise, Lifeways became the new service provider. This contract is due to expire in 30th April 2018.
2. This report seeks consent to go out to the market in the form of a tender to procure a support provider to deliver a short breaks service for adults with a learning disability, who are eligible for care and support, to be based at Flaxman Avenue, York.
3. Members are asked to agree the procurement of a care and support provider to deliver a short breaks service based at Flaxman Avenue.
4. The recommendation is fully in line with the principles of the Care Act 2014, placing emphasis on prevention, early intervention and the maximisation of self care.

Recommendations

5. The Executive is asked to:
 - a) Agree option 1 of the report; to procure a provider to deliver the short breaks service for adults with a learning disability based at Flaxman Avenue, York.

- b) Agree to delegate the award of the tender process to the Corporate Director of Health, Housing & Adult Social Care in consultation with the Portfolio Holder.

Reason: the current contract expires on 30th April 2018, therefore agreement is sought to progress the tender process and subsequent appointment of the preferred provider.

Background

6. The current contract, held by Lifeways, is due to expire on 30th April 2018. The expiry of the current contract has provided the opportunity to consult on the current service and make amendments to the specification to bring it up to date to reflect changes in both national and local agendas, including the Council's commitment to a robust local offer.
7. Over the last five years there have been significant changes in legislation effecting the way children and adult services work. *The Care Act (2014)* replaced numerous previous laws for adult social care in England and set out new duties for local authorities and partners, and new rights for customers and carers. *The Children and Families Act (2014)* amended existing legislation and services for children and young people, and provided a new special educational needs and disability support system, covering education, health and social care. In January 2015, the Government published a new *Special Educational needs and disability code of practice* for children and young people between 0 – 25 which provides statutory guidance for organisations which work and support children and young people who have special educational needs or disabilities. These legislative changes effect the way we work now and how we work and plan for the future.
8. The changes in the national agenda highlighted above are reflected in the way adults and children's services work together within the Council, aiming to provide a seamless service for young people with learning disabilities entering adulthood.
9. Current Council policy is to provide services locally, where possible, for those individuals transitioning from children to adult services. Therefore, some individuals will need adult Social Care input sooner than they would have previously when a higher proportion went to residential college outside of York.

10. Local demographics and changes to those eligible for services have changed the nature and shape of those people who can access or may require a short breaks service and this needs to be reflected in the way we deliver these services in the future.

Consultation

11. Consultation took place during June and July 2017 by an email and telephone survey in relation to the current service provided with carers/families of individuals who use the service now and who may use the service in the future. Professionals were also asked to feedback their experiences and views of the current service.
12. There was a 30% response rate from carers/families of adults with a learning disability who use the service.
13. Overall there was a positive response to the service and it is a much needed element of the short breaks offer in York, both for older adults and younger adults coming through transitions.
14. There were a few suggestions of improvements to the current service and these will be incorporated into the new specification.

Options

15. Option 1:
 - a) Agree to procure a provider to deliver the short breaks service for adults with a learning disability based at Flaxman Avenue, York.
 - b) Agree to delegate the award of the tender process to the Corporate Director of Health, Housing & Adult Social Care.
16. Option 2: close the short breaks service.

Analysis

17. There are 515 (April 2017) adults with a leaning disability known to adult social care. Of these, 176 live in either single or shared accommodation, with support, and 26 live in an Extra Care setting with individual support; all with their own tenancies.

18. Of the 515 adults with a learning disability known to adult social care, there are 113 who are currently living at home with their families/carers. This is broken down by age below.

| Age | Number of ALD | Percentage (%) |
|-------|---------------|----------------|
| 18-24 | 57 | 50% |
| 25-29 | 17 | 15% |
| 30-39 | 21 | 19% |
| 40-49 | 8 | 7% |
| 50+ | 10 | 9% |

19. As the Local Offer for young people improves and more students wish to remain in York, this will impact on Adult Social Care (ASC) and the offer post 18 in York. As some of these students would have had their social care needs incorporated within their out of area package these costs will potentially impact on ASC from a younger age. There will also be an impact on the local accommodation offer as more families/carers need short breaks to enable people to remain at home with their families for longer.
20. Over the last year, 32 individuals have accessed the service. The current customer profile of those using Lifeways ranges from 18-72 with 47% aged 25 or under.
21. In the next five years there are 30 young people with a learning disability, currently known to services, who will become 18 and who are likely to need some degree of service from Adult Social Care. In addition, there are 17 young people with a learning disability and autism, currently known to services, who are likely to need some service Adult Social Care. Services are likely to include access to short breaks.

| | Primary Need | | Total |
|------|---------------------|--------------------------------|-------|
| | Learning Disability | Learning Disability and Autism | |
| 2017 | 7 | 7 | 14 |
| 2018 | 7 | 3 | 10 |
| 2019 | 7 | 6 | 13 |
| 2020 | 5 | 1 | 6 |
| 2021 | 4 | - | 4 |

22. We know that there will continue to be an increase in the complex nature of young adults with learning disabilities entering transition that will require adult services; coupled with our current policy to provide, where

possible, services locally for those individuals transitioning from children to adult services. Therefore, some individuals will need Adult Social Care input sooner than they would have previously when a higher proportion went to residential college.

23. Flaxman Avenue, as a building based short break service, remains popular and is a well used part of the local offer available for short breaks. The offer could be enhanced by enabling a more gradual transition from the Glen to Flaxman Avenue by opening up opportunities for its use for those aged 16+.
24. National legislation and the local direction means we have to ensure there is a robust local offer for our local population's assessed needs. As the majority of City of York Council's learning disability customers who are currently eligible for short breaks services will continue to access their allocation, there is an acknowledgement that the Authority will need to continue to provide this service in some format.
25. If option 1 is agreed, it is expected that there would be a three year contract with an option to extend for a further two years for the short breaks service at Flaxman Avenue.
26. Feedback from consultation with professionals and families of adults who use the short breaks facility was positive and it would certainly be seen as detrimental if it were to close.
27. Therefore, if the re-procurement of the short breaks service based at Flaxman Avenue were not agreed, this would have a negative impact on both individuals who use the facility and their families. Any alternative solutions would need to be sourced and further consulted on and an interim agreement would need to be sought with the current care and support provider.
28. There are clear advantages of agreeing to re- tender for a provider to deliver the care and support for the short breaks service at Flaxman Avenue. These include, but not limited to:
 - ✓ A safe, personalised, building based environment for those adults with a learning disability in York.
 - ✓ Maintains a diverse offer of short breaks opportunities in York.
 - ✓ The option to use the short breaks service from aged 16+ to enhance the local offer in York and to assist in Whole Life Planning.

Council Plan

29. **The Council Plan 2015-19**, sets out three key priorities with the second being ‘a focus on frontline services’ with two of the aims being that ‘All York’s residents live and thrive in a city which allows them to contribute fully to their communities and neighbourhoods’ and ‘Support services are available to those who need them’. If agreed, the continued short breaks service at Flaxman Avenue will enable adults with a learning disability to have a short break and give their families valuable time away from their caring role.
30. The Council Plan also states that “our purpose is to be a more responsive and flexible council that puts residents first and meets its statutory obligations.” Through consultation and asking both adults with learning disabilities and their carers what kind of support they want in terms of short breaks it is clear that a building based short breaks service is desired and continues to be well used.
31. **‘York’s Joint Health and Wellbeing Strategy, 2017-2022’** has four central themes (Mental Health & Wellbeing, Starting & Growing Well, Living and Working Well, and, Ageing Well) and learning disabilities cuts across all of them. The Strategy states it wants to, “improve the services we offer to those with learning disabilities” The re-tendering of the short breaks service allows us to amend the specification to update and incorporate views following on from consultation.

Implications

- **Financial**

32. The current contract value is £382,892.30 per annum. Tendering the service ensures the Department complies with contract procedure rules and avoids waiving regulations to extend the contract.
33. The tender exercise may return a bid which exceed the current budget. This risk could be mitigated by:
 - a. Asking the current provider to extend their length of contract whilst analysis of the increased costs is undertaken
 - b. Cap the cost of the contract when tendering the service.
 - c. Reduce the number of commissioned nights within the contract and ensure there is a robust process for spot purchasing additional provision where needed.

- **One Planet Council / Equalities**

34. It is envisaged that the continued use of Flaxman Avenue for a short breaks service for adults with a learning disability will continue to impact positively on the creation of a fair, healthy, sustainable and resilient city that was envisaged. Please see attached Better Decision Making Form as Annex A.

- **Human Resources (HR)**

35. If the re-procured short breaks service based at Flaxman Avenue were delivered by a provider other than Lifeways, it is likely that the staff supported through existing contractual arrangements would transfer to the new provider in accordance with the Transfer of Undertakings Protection of Employment Regulations (TUPE). However, this would be a process to be determined and taken forward by the incoming and outgoing service providers.

- **Legal**

36. Legal input will be required in terms of the contractual arrangements for the short breaks service based at Flaxman Avenue.

- **Crime and Disorder**

37. There are no Crime and Disorder implications.

- **Information Technology (IT)**

38. There are no Information Technology Implications.

- **Other**

39. There are implications in terms of the property and arranging a new lease to run in line with the contract and property services will need to input into this process.

Risk Management

40. There is a risk that there is no agreement to procure a provider for this service then alternative solutions would need to be investigated and wider consultation would need to be undertaken.

Contact Details

Author:

Katie Brown
Commissioning Manager
Directorate of Housing, Health
and Adult Social Care
Tel: 01904 554068

Chief Officer Responsible for the report:

Martin Farran
Corporate Director Health, Housing and
Adult Social Care

Report Date 09/08/17
Approved

Specialist Implications Officer(s) List information for all

Implication - Financial
Steve Tait
Principal Accountant
Corporate Finance Team
Tel No. 554065

Wards Affected: List wards or tick box to indicate all **All**

For further information please contact the author of the report

Annexes

Annex A – Better Decision Making Tool