

Decision Maker: Care Services Portfolio Holder

Date: For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on the 12th March 2013

Decision Type: Non-Urgent Executive Non-Key

Title: Change of registration of Care Homes to a Supported Living service

Contact Officer: Richard Haines, Head of Direct Care Services
Tel: 020 8461 7880 E-mail: Richard.haines@bromley.gov.uk

Chief Officer: Terry Parkin, Executive Director of Education and Care Services

Ward: Orpington, Plaistow & Sundridge & Bromley Town Wards

1. Reason for report

- 1.1. To report the outcome of the consultation process to change the registration with the Care Quality Commission of two Care Homes for Adults with a Learning Disability to Supported Living as approved by the Executive on 25th July 2012.
 - 1.2. The proposed change of registration will provide more independence for the people living in these two houses in accordance with the Portfolio Plan for Education and Care Services, the Council's policy on Building a Better Bromley and Government policy.
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2. **RECOMMENDATION(S)**

- 2.1 The PDS Committee are asked to comment on the proposals within this report
- 2.2 The Portfolio Holder is asked to agree that the Care Quality Commission registration of:
 - St Blaise Avenue be changed from a Care Home to a Supported Living Service;
 - Orchard Grove be changed from a Care Home to a Supported Living Service;

Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority: Excellent Council Supporting Independence.
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Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: This proposal will result in a modest saving to the Council, to be fully determined when the arrangements for the landlord function have been agreed, as outlined below in Financial Implications
 3. Budget head/performance centre: - 815 120
 4. Total current budget for this head: - £1.421,550
 5. Source of funding: - Base Budget
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Staff

1. Number of staff (current and additional): 50 (43.6 FTE's).
 2. If from existing staff resources, number of staff hours:1,570.5
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Legal

1. Legal Requirement: Registration with the Care Quality Commission is a requirement of the Health and Social Care Act 2008.
 2. Call-in: Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 9
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Ward Councillor Views

1. Ward members views were sought for the report to the Executive on 25th July 2012
2. There were no Ward Councillor views.

3. COMMENTARY

- 3.1. The two houses have been used for the care and support of adults with a learning disability for many years. They were previously registered as supported living but in 1994 it was decided by the National Care Standards Commission, the predecessor organisation to the Care Quality Commission, that they should be registered as care homes.
- 3.2. This change in registration did not change the nature of the care and support provided to the residents as this was based on an assessment of their needs and this had not changed. However it did mean that the residents could not be given tenancy rights and would not be able to claim some welfare benefits. In addition the charging regime would change to that provided by the Charging for Residential Accommodation Guide (CRAG) which was less advantageous to the individuals resident in the two houses. However it was decided to disregard this impact on the then existing residents as an unfair penalty.
- 3.3. In April 2008 the Adult and Community Services Portfolio Holder agreed a tendering process for the re-provision of the accommodation provided by the Bromley Primary Care Trust (BPCT) for adults with a learning disability. This led to the development of new accommodation and services for this group of individuals.
- 3.4. Most of the accommodation and services were registered as Supported Living and provided care and support to individuals with high levels of dependency, all of whom had previously been supported in accommodation registered as a care home. These services have worked well and this strategy has proved successful and has led to improvements in the health and well-being of the individuals concerned.
- 3.5. In view of the experience of the re-provision programme outlined above, it was decided to consider the appropriateness of the registration of the two care homes providing long term care as they were meeting the needs of adults with similar needs to those in the Supported Living houses established through the re-provision programme.
- 3.6. The Executive on 25th July 2012 approved a proposal to start the engagement process with the residents and families/advocates of the two registered care homes and the liaison with the Care Quality Commission with a view to de-registering these services (as care homes) by March 2013.
- 3.7. The report set out the reasons for changing the registration. Supported Living enables service users living in these locations to have rights of tenure, greater access to benefits and choice around who provides their care and whether they receive direct payments. People in registered care do not have these opportunities and, because they are not tenants, they do not have to pay rent.
- 3.8. In line with the personalisation agenda, the Council is proposing to de-register its two remaining registered care homes, St. Blaise Avenue and Orchard Grove and operate them as supported living services. This will enable the

residents to take advantage of the opportunities described above and would provide the Council with the following benefits:

- The 'hotel costs', i.e. food, council tax and utility bills, are payable by the service user, usually from benefits, rather than being funded by the Council.
- The tenants pay rent, again normally through housing benefit, which means the Council would be able to charge the occupants rent."

The Consultation

- 3.9 The results of the consultation are set out in Appendices 1 and 2. Broadly there is agreement that the proposals will improve the well-being of the individuals living in the houses, although this will be a minor change. Staff are positive about the proposed change as they are aware of the benefits of services provided through the Re-provision programme referred to above.
- 3.10 The residents and their relatives have been consulted about the proposal, the consultation finished on Monday 21st January 2013 for St Blaise and on Friday 1st March 2013 for Orchard Grove. The consultation consisted of separate meetings with tenants and their relatives. In addition individual meetings were offered to both groups, with one relative taking advantage of the offer.
- 3.11 Two specific Consultation Documents were distributed for each home, one standard document and one being specially commissioned in an "Easy Read" format specifically designed for people with Learning Disabilities.
- 3.12 In view of the consultation responses it is recommended that the change of registration proceeds, although it should be noted that this is subject to the agreement of the CQC. However, in view of the existing registration of the services provided through the re-provision programme it is not expected that there will be objections by the CQC.
- 3.13 The Council is currently providing the landlord service to the Service Users living in the property. However, a key requirement for operation of a Supported Living service is that the landlord and care provision functions are provided by separate organisations. This is currently being pursued by the Commissioning Team and the actual timing of the re-registration will be dependant on a suitable landlord arrangement being in place.

4. POLICY IMPLICATIONS

- 4.1. The proposed change of registration will provide more independence for the people living in these two houses in accordance with the Portfolio Plan for Education and Care Services, the Council's policy on Building a Better Bromley and Government policy.

5. FINANCIAL IMPLICATIONS

5.1. Under the existing arrangements the Council pays for all utility type expenditure plus council tax and food. Figures for 2011/12 for both homes were;

Item – 2011/12	£'s
Electricity	3,761
Gas	4,035
Council Tax	2,023
Cleaning Materials	1,852
Provisions	15,711
Recreation	2,216
Misc.	1,762
TOTAL 2011/12	31,360

5.2. Once the two homes are operating as Supported Living Services the residents will have access to welfare benefits and will be given advice and assistance as to how to access them and so will be able to meet these costs themselves.

5.3. In addition the Council will also be able to charge rent, potentially up to the current Housing Benefit allowance of £169.23 p.w.. However, although the Council will no longer pay property maintenance costs, there will be the need to pay for the landlord management service of the properties and this is estimated to be in the region of £50K p.a. The landlord service is being tendered by the Commissioning team.

Item	Income & Savings £000's	Expenditure £000's
Utilities & Food (Savings)	31.3	
Rent (Income)	79.4	
Landlord Arrangement (Est.)		50.0
Totals	142.1	50.0

5.4. Allowing for expenditure of £50K p.a. (estimated) on the landlord service, the income from the rent coupled with the projected savings indicates an overall reduction in the cost of the service of £92K. The final figure will be dependant on the cost of the landlord agreement. This projected saving will contribute to the council's overall need to generate savings.

6. PERSONNEL IMPLICATIONS

6.1 None arise from this particular recommendation. Any that arise from any future review would be dealt with using usual policies and procedures.

Non-Applicable Sections:	Legal Implications
Background Documents: (Access via Contact Officer)	Change of Management Arrangements for Council Owned LD Homes Executive 25 th July 2012

APPENDIX 1

Consultation Outcome Report

EDUCATION & CARE SERVICES DEPARTMENT

OUTCOME OF THE CONSULTATION

on

The Proposal to Re-register St Blaise as a Supported Living Home.

1. Period of Consultation

- 1.1. Monday 10th December 2012 to Monday 21st January 2013. The consultation period was extended beyond the usual 30 days to take account of the Christmas and New Year holidays.

2. Consultation Process

- 2.1. In line with the personalisation agenda, the Council proposed to change the registration of St Blaise Avenue, from a Care Home to a Supported Living service.
- 2.2. This would give greater rights to the service users in St Blaise Avenue whilst maintaining the service to them. It would also realise savings which would contribute to the overall savings that the Department is required to achieve.
- 2.3. Two versions of the consultation document were produced. One was a standard document for relatives and staff while the other was a specially commissioned "Easy Read" format document specifically for the Services Users at St Blaise Avenue.
- 2.4. An accompanying letter detailed the timescales for the consultation process and asked for comments. The letter also announced that in addition to an organised group meeting individual meetings with interested parties would be available if they so wished.
- 2.5. A meeting was held with the Service Users on Monday 10th December 2012 at which time the "Easy Read" consultation document and the letter was presented.
- 2.6. In addition copies of both documents were given to both the Service Users relatives and the Service Users key workers. Both the Service Users and their relatives were offered individual meetings, with one relative taking up the offer. Also a meeting was arranged on Thursday 17th January 2013 to which all the Service Users relatives were invited. There were four attendees out of a potential total of eight.
- 2.7. The key workers were charged with discussing the proposal with their nominated Service User.

3. Responses

- 3.1. No written responses were received during the consultation period. The issues and concerns detailed below were raised during the one-to-one meeting with one relative (who did not attend on the 17th January) and the relatives who attended the 17th January meeting.
- 3.2. Overall the relatives were positive about the proposal once issues around staffing had been discussed and their concerns addressed. One relative was supportive of the idea commenting that she thought it was good that the Service Users would be “paying their way”.

Concerns/Issues Raised	Management Response
Will there be any changes to the staffing as a result of this proposal?	There is no impact on either on the number of staff or the personnel currently working with the Service Users at St Blaise Avenue. Staffing will continue to be determined by the needs of the Service Users living at St Blaise Avenue. It is however likely that there will not be a single, dedicated “House Manager”. St Blaise would be managed as part of a group of homes as is the case with the other houses registered as Supported Living. As with any service there will be periodic changes to personnel but there is no impact on staffing arising from these proposals.
Who will do the inspections of the service?	The service will continue to be subject to both internal inspections, i.e. audits, peer group reviews, management scrutiny, and external inspection by the Care Quality Commission (CQC).
Who will look after Service Users money?	There are a number of options, either relatives can manage the Service Users finances, staff can be involved or some form of appointeeship can be arranged. These arrangements will be made in consultation with the service users and their families.
Will the staff ratio remain the same?	Staffing will continue to be determined by the needs of the service Users. As per Item 1 there is no impact on staffing arising out of this proposal.
Will X be out of pocket?	It is anticipated that once Service Users

	can access welfare benefits then their personal disposable income will increase.
Will access to day services, outings and trips be affected.	Access to activities will not be affected but the Service Users will have to pay for anything they choose to do from their own money. In addition they may need to pay the expenses, e.g. admission fees, for staff that may need to escort them. The LBB does not provide a “recreational fund” for Supported Living services.

4. Recommendation

- 4.1. Having carefully considered the proposal in the light of the comments received from all parties the recommendation is to proceed with the proposal as set out in the consultation document, subject to the final agreement of the Portfolio Holder.

APPENDIX 2

Consultation Outcome Report

EDUCATION & CARE SERVICES DEPARTMENT

OUTCOME OF THE CONSULTATION

on

The Proposal to Re-register Orchard Grove as a Supported Living Home.

1. Period of Consultation

1.1. Wednesday 30th January 2013 to Friday 1st March 2013.

2. Consultation Process

2.1. In line with the personalisation agenda, the Council proposed to change the registration of Orchard Grove from a Care Home to a Supported Living service.

2.2. This would give greater rights to the service users in Orchard Grove whilst maintaining the service to them. It would also realise savings which would contribute to the overall savings that the Department is required to achieve.

2.3. Two versions of the consultation document were produced. One was a standard document for relatives and staff while the other was a specially commissioned "Easy Read" format document specifically for the Services Users at Orchard Grove.

2.4. An accompanying letter detailed the timescales for the consultation process and asked for comments. The letter also announced that in addition to an organised group meeting individual meetings with interested parties would be available if they so wished.

2.5. A meeting was held with the Service Users on Wednesday 30th January 2013 at which time the "Easy Read" consultation document and the letter was presented.

2.6. In addition copies of both documents were given to both the Service Users relatives and the Service Users key workers. Both the Service Users and their relatives were offered individual meetings. Also a meeting was arranged on Wednesday 20th February 2013 to which all the Service Users relatives were invited. No relatives attended although three advised me of that they were unable to attend and tabled some written questions which are addressed below.

2.7. The key workers were charged with discussing the proposal with their nominated Service User.

3. Responses

3.1. A number of written responses were received and these are detailed below along with the Management response.

Concerns/Issues Raised	Management Response
Who will be responsible for the property and will the necessary remedial works be carried out in order that the house is up to standard before any Tenancy agreement is signed?	The LBB will retain ownership of the property, but day-to-day repairs and maintenance will be the responsibility of the managing agent. Any remedial works necessary would be carried out either before the transfer or within an agreed timescale after the transfer.
Please can I ask what term the assured tenancy would be for under the new service?	The tenancies would be open ended; however the Council cannot guarantee that this would be a “home for life” in view of the possibility of changes in the needs of the tenants. This is not a change from the current position.
We assume that X will remain in her room that she has lived in for over 20 years, where she is happy and comfortable and has recently decorated.	There is no reason for Ms. X to move to another room and no plan that she should.
Will the staff be TUPE'd over. We would like to request that X remains X's key worker.	There are no TUPE issues relating to the re-registration proposal, all staff will remain employees of the Council. There are no changes to the staff arrangements that will occur in the event of the re-registration proposal being agreed. However key worker arrangements will continue to be regularly reviewed to ensure their effectiveness in line with current practice.
I have no objection to Orchard Grove becoming a Supported Living Home but I do have strong reservations as to their ability to fund it. The house is very large and will cost an extortionate amount of money in terms of energy bills. If X and her housemate remain the only two occupants, then I cannot see how they can afford to live there. There is also the question of water	The charges for energy, water rates, rent and council tax will be based on full occupancy and reflect the ceilings within the benefit system. So there will not be a detriment to the existing residents from the current vacancies. Work has been underway to identify individuals for these vacancies. This is been done sensitively to ensure that there are no problems with compatibility..

<p>rates, rent and council tax. I understand that they are able to claim some benefits to meet these costs but there is a ceiling to the amount they can claim. The house is way too large for the two young women to live there cost effectively.</p>	
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4. Recommendation

- 4.1. Having carefully considered the proposal in the light of the comments received from all parties the recommendation is to proceed with the proposal as set out in the consultation document, subject to the final agreement of the Portfolio Holder.

APPENDIX 2 – Equality Impact Assessment.

LB Bromley Equality Impact Assessment LD Supported Living Re-Registration of St Blaise Avenue & Orchard Grove							
Start Date		End Date	<i>Add after signoff</i>	EIA Type		Service	
Name		Job Title		Roles & Responsibilities within EIA Team			
Richard Haines		Head of Direct Care Services		N/A			
Stage 1 Scoping and Defining							
			Explanation				
(1) What are the aims and objectives of the policy (service/ commissioning direction) where changes are to be made?			Supported Living, as opposed to living in a care home, enables service users to have rights of tenure, greater access to benefits, choice around who provides their care and choice as to whether or not they receive direct payments. People in registered care do not have these opportunities and, because they are not tenants, they do not have security of tenure or have to pay rent.				
(2) How does this policy (service/ commissioning direction) fit with the Council's wider objectives?			Since 2004 the Council has been developing alternatives to placing people in registered care services. In accordance with the Council's commitment, in Building a Better Bromley, to supporting people to live as independently as possible in the community, the proposal reflects the Council's strategic objectives for adults with learning disabilities.				
(3) What would have been the expected outcomes of these policy (service/ commissioning) changes?			In addition, under Supported Living arrangements the 'hotel costs' e.g. food, council tax and utility bills, are payable by the service user, usually from benefits, rather than being funded by the Council. Also the tenants pay rent, again normally through housing benefit, which means the Council would be able to charge the occupants rent.				
(4) Do the proposed policy (service/ commissioning) changes have the potential to directly or indirectly discriminate against a particular group?			RACE	AGE	GENDER	CARERS	
			No	No	No	No	
			DISABILITY	RELIGION	SEXUAL ORIENTATION	OTHER	
			Yes	No	No	No	

Stage 2 Information Gathering	
	Explanation
(1) What type of information have you used to help you make a judgement about these policy/ service/ commissioning changes?	The shift in recent years by the Government regarding the transformation of the social care market to one that supports service user to make their own decisions and as far as possible to exercise their right to choose how to live their lives by accessing benefits and, where appropriate Direct Payments.
(2) Have you been able to use any consultation data to help make these decisions? If yes what?	<p>A full consultation was undertaken with a specially commissioned Easy Read consultation document provided for the Service Users (SU's) affected. Key Workers were briefed to discuss the proposal with their key tenants.</p> <p>Relatives of all the SU's were invited to two specially arranged meetings (4 attendees for the St Blaise meeting and no attendees for the Orchard Grove meeting) in addition 1 relative took advantage of the offer of a 1-2-1 meeting but did not attend the group meeting.</p>
(3) How have you engaged stakeholders in gathering evidence or testing available evidence?	<p>SU's have been provided with a specially commissioned Easy Read document which was distributed to all parties involved, i.e. SU's, SU's relatives and the staff.</p> <p>The SU's key workers were charged with going through the document with their key tenant. In addition a meeting was held with tenants and a separate one with relatives. Both SU's and their relatives were offered 1-2-1 meetings, with 1 relative taking advantage of the offer.</p>
Stage 3 Making a Judgement	
	Explanation
(1) From the evidence outlined above is there any adverse or negative impacts identified for any particular group?	There are no adverse or negative impacts on the Service Users arising from the proposal. The meetings with relatives were largely positive with most comments being around the continuity and ratio of staff, matters which are not affected by the proposal to re-register, and the ability of two SU's to pay the bills if vacancies were not filled.

Stage 3 Making a Judgement		
	Explanation	
(2) If there is an adverse impact can this be justified?	N/A	
(3) What actions could be taken or have been taken to eliminate a negative or adverse impact?	N/A	
(4) Is there any positive impact?		
(5) What is the overall impact?	Neutral	
Stage 4 Action planning for improvement		
	Explanation	
(1) Key actions based on any gaps, challenges and opportunities	N/A	
Stage 5 How will the impact of the changes be monitored?		
(1) Next steps based on challenges and opportunities identified	Proposal will be submitted to Portfolio Holder for approval.	
Stage 6 Signoff		
	Name	Date
Author	Richard Haines	February 2013
Divisional Head	David Roberts	February 2013
ACS Equalities Group		
Published online		

Stage 5 How will the impact of the changes be monitored?

(1) Next steps based on challenges and opportunities identified

Proposal will be submitted to Portfolio Holder for approval.

Stage 6 Signoff

	Name	Date
Author	Richard Haines	February 2011
Divisional Head	David Roberts	February 2011
ACS Equalities Group		
Published online		