

Decision Maker: CARE SERVICES PORTFOLIO HOLDER FOR PRE DECISION SCRUTINY BY THE CARE SERVICES PDS COMMITTEE

Date: Wednesday 22 January 2014

Decision Type: Non-Urgent Non-Executive Non-Key

Title: DAY OPPORTUNITIES AND RESPITE FOR OLDER PEOPLE

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Chief Officer: Executive Director of Education, Care & Health Services

Ward: (All Wards);

1. Reason for report

- 1.1 In January 2013 the Care Services Policy Development and Scrutiny Committee were asked to comment on the proposed commissioning strategy for older peoples' day opportunity services and respite at home services in which individual choice and control is central and Personal Budgets/ Direct Payments the preferred mechanism to fund the support provided by the Council to eligible individuals. Transitional arrangements to protect existing service users were outlined and a system for new clients, in which they would receive a Personal Budget allocation instead of a direct service referral, was described. In February 2013 the Care Services Portfolio Holder recommended and the Council Executive approved the commissioning strategy.
- 1.2 Members asked that a report on progress of the new arrangements after the first full six months of operation be reported in January 2013.
- 1.3 The Care Services Portfolio Holder also recommended, and the Council Executive approved, waivers to extend the contracts for Respite at Home services for one year until March 31st 2013 in order to prioritise the complex implementation of the changes in the day opportunity services. This report seeks further extension of those contracts to enable the respite at home services to be scoped with the delivery of all respite care, aligned with the delivery model of Personal Budgets and considered within the context of the new Care Bill.

2. **RECOMMENDATION(S)**

- 2.1 The Care Services Policy Development and Scrutiny Committee is asked to note and comment on the progress made in delivering the changes in older peoples' day opportunity services.
- 2.2 The Portfolio Holder is asked to approve waivers to extend the contracts for the Respite at Home services as set out in 3.17 to 3.20.

Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Supporting Independence
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Financial

1. Cost of proposal: Estimated Cost: £218k
 2. Ongoing costs: Non-Recurring Cost: £218k
 3. Budget head/performance centre: 1) 8249003388 (Bromley Mind); 2) 8170013542 S2127 (Bromley Mind [Carers Grant]); 3) 8170013542 S2130 (Carers Bromley)
 4. Total current budget for this head: 1) £104,290; 2) £34,020; 3) £100,200
 5. Source of funding: Education and Care Services Approved 2014/15 Revenue Budget
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Staff

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours:
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Legal

1. Legal Requirement: Statutory Requirement The Council has a duty under s29 National Assistance Act 1948 to provide advice and support services for rehabilitation, occupational, social, cultural and recreational activities and under s2 Chronically Sick and Disabled Persons Act 1970 a duty to a range of services to meet the needs of disabled people including recreational facilities outside the home.
 2. Call-in: Not Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): There are an estimated 51,900 people aged over 65 in the borough, over 4,000 of whom have dementia. Around 600 individuals are currently funded by the Council in day opportunity services for older people and approximately 500 individuals over 65 access various forms of Council funded respite.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: N/A

3. COMMENTARY

Background

- 3.1. In January 2013 the Care Services Policy Development and Scrutiny Committee was asked to comment on the proposed commissioning strategy for older peoples' day opportunity services and respite at home services in which individual choice and control is central and Personal Budgets/ Direct Payments the preferred mechanism to fund the support provided by the Council to eligible individuals. Savings of £500k have been assumed in the 2013/14 budget for day care and the strategy was developed with a view to delivering this saving.
- 3.2. Transitional arrangements to reach that position were described whereby, from 1st April 2013, all block contract arrangements with older peoples' day opportunities providers cease. At that point all existing users of the services have continuation of the service guaranteed by their places being spot-purchased by the Council on an individual basis (referred to as "legacy placements"). As clients leave the service the value of the legacy placements are withdrawn from the provider.
- 3.3. Future eligible clients coming new to the system from April 2013 have the value of their service included in their Personal Budget. If the Council manages the Personal Budget on behalf of the service user, the Council can either purchase an individual place at a day centre or another form of respite/ activity according to the individual's choice. Alternatively the service user can take a Direct Payment, which enables them to purchase either a day opportunities place of their choice or other forms of respite/day activities (e.g. sitting service) should they wish to do so.
- 3.4. The approach agreed for reducing the level of funding to the service providers was '*periodic with notice*'. This means that:
 - At the end of each quarter, the number of units of legacy placement (days of attendance) that have ceased in that period is checked.
 - One quarter's notice is given to the provider of the level of consequent reduction that then applies from the subsequent quarter.
- 3.5. This approach has provided a good level of early protection for providers by guaranteeing their income for the first 6 months, and then 3 months notice subsequently of any funding change, thus giving them the opportunity to adapt their services and to attract new clients. It has also given them the opportunity to build up some level of reserve income through new clients in the initial 6 months.
- 3.6. Personal Budgets were set to reflect the range of individual needs of people referred for day opportunity services, with three bands set at £17, £24 and £32 depending on the level of need of the individual.
- 3.7. A financial model was developed to estimate the level of future savings that could be achieved and the speed at which they might be realised. It was recognised that these projections would be dependent upon a number of variable factors, most particularly the movement out of the service (ending of legacy placements) and movements into the service (new Personal Budgets). Assumptions were made based on historical changes in the 24 month period October 2010 to September 2012 that demonstrated, for a one off investment out of the NHS Social Care Fund of £875,581, by 2015/16 the council will have delivered savings of £558,303 increasing to £658,661 by 2016/17 compared to the 2012/13 budget.

Current position

- 3.8. After the first two quarters under the transitional arrangements the indication is that the rate of decline in legacy places is slightly lower than the model predicted and the rate of referrals of new clients with personal budgets is also lower (see table below).

LEGACY PLACES (units)			PERSONAL BUDGET (units)		
Projected	Actual	Difference	Projected	Actual	Difference
744	769	25	336	238	-98

- 3.9. The costs are within £412 per week (1.74%) of the modelled predictions (see table below)

	WEEKLY COSTS AT 30/09/2013		
	Projected	Actual	Difference
Legacy	£17,243	£18,246	£1,003
Personal Budgets	£6,406	£5,815	-£591
Total	£23,649	£24,061	£412

- 3.10. This equates to £21.5k on the annual budget of £1.12m. The rate of change however is not a straight line, with there being a fluctuation from quarter to quarter. In quarter 1 the rate of reduction in Legacy places matched almost precisely the projected numbers, quarter 2 showed a slower rate of decline. It will not be until at least a further two quarter's figures are available that a more accurate evaluation can be made. However what is clear is that the transitional arrangements are working as planned and the general direction of travel is very much as anticipated.
- 3.11. Officers have continued to keep in close contact with providers to ensure that not only the statistical information is available but also intelligence is gathered about how different centres and providers are being affected by and responding to the changes.
- 3.12. All providers have become much more aware of the need to respond flexibly to the needs of clients and their carers and are at various stages of planning and introducing new services and schemes in response. The Council has continued to make available to providers support in marketing, business planning, finance and other practical matters through Community Links Bromley which has been taken up to varying degrees by the different organisations.
- 3.13. There have been no issues or concerns raised by service users, which indicates that the Legacy arrangements are working as intended in protecting the people who were already using the day centres and that the new personal budget arrangements support people in being able to access the services they want and need.
- 3.14. One of the key intentions of moving away from block contracts and introducing personal budgets was the offering of more choice and control for service users and the development of a wider market, with more options available for people in meeting their needs. To achieve this a pilot in Support Planning has been implemented, working in partnership with Vibrance, the Council's existing Direct Payments support provider. Over a 6 month period Vibrance will be working with 60 clients who would ordinarily have been referred directly to a day centre to develop individual support plans.
- 3.15. The early indications are that, given real choice and appropriate support in making those choices, most people want to do things that do not involve a traditional day centre and that they can access different supports and services with their allocated personal budget. At

the end of the pilot the outcomes will be evaluated and the lessons used to help shape thinking about future approaches and direction.

3.16. In July 2015, once the information from the 5th quarter of the transitional arrangements has been received, officers will evaluate the overall position and consider the approach to be taken for the remaining legacy clients from April 2015. It is anticipated that this will be the subject of a further report to Members in September 2014.

Respite at home services

3.17. In the early stages of planning, the respite at home services provided by Carers Bromley and Bromley Mind had originally been included as part of this same approach. However in the process of developing the commissioning strategy it became clear that, whilst day services and respite have many parallels, there are some fundamental differences which mean some different approaches need to be adopted.

3.18. As the implementation of the changes in day opportunity services is central to realising the projected savings it was decided to take the work forward on day services and respite on two different tracks, delaying the changes in respite at home services until later in the year. Waivers were approved by the Portfolio Holder to extend the contracts for the respite at home services for 12 months to enable the necessary work to be undertaken.

3.19. It has since become clear that to consider the respite at home services in isolation would be too limiting and it would be beneficial to review the approach to delivering all respite services and align them within the strategic approach of providing support through the allocation of personal budgets. Additionally the Care Bill will require changes to the way in which support is provided and places new responsibilities on Councils and for the provision of support for carers.

3.20. To enable full consideration of the implications of the Care Bill and a wider ranging review of the respite services further waivers are requested for 12 months to March 31st 2015.

4. POLICY IMPLICATIONS

The provision of support to service users and carers through Personal Budgets meets the Council's priority to support independence, enabling vulnerable people to remain in the community and in their own homes and by providing breaks for carers that support them to continue in their caring role, in a way that enables personal choice and control over the support they receive.

5. FINANCIAL IMPLICATIONS

- 5.1 The level of savings achieved and the speed with which they can be realised is dependent upon a number of variables and factors. Early indications are that the projected savings are on target.
- 5.2 The 2013/14 budget for the respite at home service is £238k and the impact of renewing this contract for 1 year is £230k so there are no financial implications.

6. LEGAL IMPLICATIONS

- 6.1 The Council has a duty under s29 National Assistance Act 1948 to provide advice and support services for rehabilitation, occupational, social, cultural and recreational activities and under s2 Chronically Sick and Disabled Persons Act 1970 a duty to a range of services to meet the needs of disabled people including recreational facilities outside the home.
- 6.2 The Council is entitled to determine the threshold at which it considers it will fund the provision of facilities. Effectively a person has to have substantial or critical need for support and inadequate

means before state funding will be provided. This funding in terms of a Personal Budget can be held by the Council and used to purchase the necessary support or as is being increasingly promoted by means of a Direct Payment. This allows the individual more choice in their selection of the services they require, subject to the Council retaining an overarching duty to monitor the effectiveness and value for money of the service purchased to meet their assessed need .

- 6.3 Rule 13 of the Code of Practice states that such an Exemption or Waiver may be exercised subject to the following: *“Where the value of the relevant contract (or proposed contract) is over £100, 000, the authorisation requirement is: Chief Officer in agreement with the Director of Legal, Democratic and Customer Services and the Director of Resources and following Approval of the relevant Portfolio Holder, who have given their agreement “*. The services are Part B services for the purpose of schedule 3 of the Public Contracts regulations 2006 as amended and as such aren't at present subject to the full EU procurement regime . However there is still a requirement for transparency and where appropriate competition in letting Part B contracts. The circumstances set out in paragraphs 3.17-3.20 (inclusive) set out a reasonable justification for the further waivers.

Non-Applicable Sections:	Personnel implications
Background Documents: (Access via Contact Officer)	<ul style="list-style-type: none"> - Report to Adult and Community PDS, 13th December 2011 and Executive 14th December 2011; GATEWAY REVIEW – DAY OPPORTUNITIES FOR OLDER PEOPLE, - Report to Care Services Portfolio Holder and PDS, 19th June 2012; RESPITE AT HOME CONTRACTS - Report to Care Services Portfolio Holder and PDS, 4th September 2012; COMMISSIONING STRATEGY FOR OLDER PEOPLE - DAY OPPORTUNITIES AND RESPITE CARE - Report to Care Services Portfolio Holder and PDS, 16th January 2013 AND Council Executive 6th February 2013: COMMISSIONING STRATEGY FOR OLDER PEOPLE DAY OPPORTUNITIES AND RESPITE CARE - INVEST TO SAVE.