

anything necessary to give effect to the proposals in this report.

REASONS FOR REPORT RECOMMENDATIONS

1. Traditional respite services have been matched to individuals instead of individual packages of care tailored to meet personal preferences and lifestyle. Kentish Road is a bed based service that offers planned and emergency respite for up to 8 people at a time. Users have limited choice about when to receive their respite and who else will be using the service at the same time. Increasing incidences of users with higher level needs requiring increasing amounts of respite limit the capacity available to other users.
2. The need to move towards more personalised forms of care, where individuals can exercise more choice and control over the support and services they access is a priority both locally and nationally. In concert with this, the requirement to offer direct payments to individuals is national policy. The council currently performs in the bottom three of all councils nationally around this performance indicator, with our take up rate of direct payments currently standing at only 6% compared to a national average of 21.03% (data taken from Ascof outcome (1c(2) 2013/2014). The policy direction and imperative is to offer more personalised forms of care and in particular to offer direct payments and this continues to be a national driver as set out in the Care Act 2014 becoming a legislative requirement from April 2015.
3. There is significant evidence nationally that direct payments support people to have increased choice, control, flexibility and an improved quality of life. They can provide bespoke solutions for unique needs which then improve outcomes for individuals. Improved outcomes can have a cost benefit by reducing the need for other services. Direct Payments cannot be used to purchase council run services.
4. The longer term viability of Kentish Road may be at threat even if no changes are made. This is due to an expected increase in the uptake of direct payments and evidence of people using their direct payment to purchase less traditional, more creative care solutions such as employing personal assistants, paying for community based activities or supported holidays.

In the 14-18 years age group of those with a learning disability, who in the past may have been expected to access Kentish Road when they become an adult, the uptake of direct payments has increased from 12% in 2009/10 to 32% in 2014/15 and this trend is expected to continue over the next few years, particularly in light of the right to request a personal budget and focus on more personalised services brought in by the Children & Families Act 2014 and the Care Act 2014.

5. The statutory requirement to consult with service users, their families and other stakeholders has been fulfilled and although the overwhelming response from families was to keep Kentish Road open (77%), their comments have helped to ensure that all relevant factors have been taken into consideration.
6. Evidence from discussion with service users, their families and carers and with experienced social care practitioners shows that the development of services for individuals with the highest needs and most challenging behaviour will take time. It will also be important that users and their carers

are confident in and comfortable with these alternatives. A phased approach supports this period of transition. A full Equality and Safety Impact Assessment has been carried out to identify the potential impact and mitigation of these proposals on service users and their carers and is attached as Appendix 2 for consideration.

7. The current provision of respite at Kentish Road is not the most cost effective way of providing respite. The 2014/15 unit cost, based on current occupancy, of an overnight stay at Kentish Road is £219 compared to an average cost of £53 for an overnight stay provided through the Shared Lives scheme.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

8. The alternative option of keeping Kentish Road open to continue to provide services in the same way was considered and rejected for the reasons set out above. The current service does not meet the requirement to increase choice and control and promote individual approaches, nor does it provide best value which is a significant consideration within the current financial climate.
9. Consideration was given to a redesign of the current service. This option was rejected because it is not likely to support the full development of personalised care and the increased use of direct payments.

DETAIL (Including consultation carried out)

10. Kentish Road is a CQC registered service providing short term respite for up to 8 people. This is to maintain the health and wellbeing of approximately 76 adults with learning disabilities and provide their carers with a break from their caring responsibilities.
11. The service is delivered from a large building at 32 Kentish Road in Shirley and a separate general needs house on the same site called 32b Kentish Road. This has three bedrooms and is used to support individuals with behaviour that severely challenges the service. Only one service user can be accommodated within 32b Kentish Road at any given time due to the building layout. In addition, there is a separate 3 bedroom house at 32a Kentish Road which is currently leased to the Police for £7,500 per annum. The site and properties are owned by the council.
12. A CQC inspection in October 2013 found the service to be compliant in all six standards that were inspected.
13. Access to the service is through a Care Management assessment and is for individuals with a learning disability aged between 18 and 65 years who live in their own home, with family or as part of the council's Shared Lives scheme.
14. Kentish Road is currently operating at around 73% capacity, this equates to around 2,126 nights out of a potential maximum capacity of 2,912 nights per year. The cost of an overnight stay at Kentish Road is £219 per night.
15. An analysis of the current Kentish Road service users was conducted in May 2014, using three broad support bands:
 - Band 1 – individuals requiring support on an average 4 clients to 1 staff member basis. 33 clients (43%) were identified as requiring this level of support. This equates to 36% (853 night) of the total number of nights.
 - Band 2 – individuals requiring occasional support on a 1 to 1 basis for particular activities. 21 clients (28%) were identified as requiring this

level of support. This equates to 23% (555 nights) of the total number of nights.

- Band 3 – individuals requiring regular 1 to 1 staffing to keep them safe and support them appropriately. 22 clients (29%) were identified as requiring this level of support. Resulting in 41% (983 nights) of the total number of night coming from this banding.

The allocation of overnight stays for individual service users ranges from 12 per year up to 80 per year, with an average of 31 nights each.

16. The decision to consult on the future of Kentish Road was based on the current cost of the service, the predicted future needs of service users and the national policy imperative to offer more personalised forms of care. Consideration was also given to the inflexibility of the current service and requests from service users and their families for increased options for respite services.
17. Cabinet approved a public consultation on the future of Kentish Road on 15 July 2014 and this ran from 24 July 2014 to 23 October 2014. During this time, the families and carers of users of Kentish Road were invited to attend six meetings held at Kentish Road on 7 August, 10 September and the 6 October 2014. These meetings were generally well attended and independent advocates were available to provide support. In addition, there were two public meetings held at the Civic Centre on 8 August 2014 and 22 October 2014. Information about the consultation was published on the council's website and was covered by the Daily Echo and BBC Radio Solent.
18. Copies of the notes taken at these meetings and all of the responses received are available in Members' rooms and these are summarised in Appendix 1.
19. A number of options for Kentish Road were presented during the consultation:
 - (a) for it to remain open.
 - (b) for it to be closed with current service users being supported to move to suitable alternative care settings such as Shared Lives.
 - (c) for users and their families to be offered a direct payment to be able to purchase their own form of respite care, for example, utilising a direct payment for short break provision or for a more suitable and tailored form of respite such as a supported family holiday.
 - (d) for care to be purchased for individuals requiring respite care in private or voluntary sector homes.
20. Independent advocates worked separately with the users of Kentish Road and were able to record the views of 28 service users. Of the responses gained with the help of advocates 9 individuals (32%) agreed that the council should look at different ways of meeting the needs of people who use respite services at Kentish Road. 3 individuals (10%) gave no reply or said they did not mind. The remaining individuals (16 or 58%) felt that the council should not make any changes the provision of respite services at Kentish Road. The majority of those who worked with advocates were positive about their experiences of Respite Services. A number made reference to the current value they gain from spending time with friends who also receive support from Respite Services.
21. In order to reduce reliance on more traditional building based forms of care, the development of a clear, easily accessible and attractive direct payment process is a key dependency. As previously noted, the council has not been

performing well in the take up of direct payments, and as part of the consultation two specific meetings were arranged to give families and carers a clearer understanding of direct payments, our Shared Lives scheme and the potential benefits of alternative forms of respite care. Alongside this work, a project is being undertaken with users, carers and partners to redesign our direct payment system.

22. Assessments of need will be carried out with all service users of Kentish Road and the options for future care and support will be considered. Analysis of capacity within the Shared Lives Scheme shows that there are currently 42 registered and approved carers with a further 3 carers going through the recruitment process and expected to be approved in December 2014. A recruitment campaign is currently being run, both helping to maximise knowledge and understanding of the Shared Lives scheme and to attract new carers. In addition, the council has agreed that carers living on the borders of Southampton but not technically within the city boundaries may also become registered Shared Lives carers and we have current expressions of interest from 4 carers who wish to be considered. Shared Lives carers undergo a rigorous application and selection process and receive the same training as staff based at Kentish Road.
23. Shared Lives is affiliated with National Shared Lives plus which offers support and guidance to all shared lives services across the UK. Shared lives is CQC regulated and subject to the same level of inspection and quality regulation as Kentish Road. A CQC inspection of Shared Lives in 2013 found the service to be compliant in all six standards that were inspected.
24. Eight existing Shared Lives carers have expressed interest in offering respite care for service users with learning disabilities. Shared Lives carers would be able to offer respite for up to 3 people at any given time, including offering respite to friendship groups. Shared Lives carers are not legally able to take more than three people at any one time. 3 Shared Lives carers offering respite provision would mean that all services users currently using Kentish Road with band 1 and 2 level needs would be able to be accommodated within the Shared Lives scheme at the same level of respite they currently receive. Initial assessments undertaken in May 2014 shows that there are currently 33 service users with band 1 needs and 21 with band 2 needs.
25. Analysis of market capacity for bed based respite provision shows that there is currently limited availability for those service users with the most complex needs (band 3). Some alternative bed based provision is available locally through Rose Road, although this service is usually used for respite provision for children. Initial discussions with Rose Road have shown that the provider is open to providing respite for adults and does currently accommodate some adults with learning disabilities.
26. Through moving all band 1 and 2 level service users to alternative provision, it is anticipated that the remaining 22 band 3 level users would be able to be accommodated within Kentish Road. This would allow time for further market options to be developed and for users to be transitioned in a managed and supported way by April 2015.
27. Within the current HASC Capital Programme the sum of £148,000 has been set aside to cover the costs of capital work and modernisation to Kentish Road. If the recommended option is agreed the funding for this scheme could be returned to Corporate Resources.

28. Closing Kentish Road does not impact on individuals' eligibility for support to meet their social care needs. The current criteria under the Fair Access to Care Services (FACS) scheme or, from 1 April 2015, under the Care and Support (Eligibility Criteria) Regulations 2014 will be applied and individuals with eligible needs that are best met through traditional forms of bed based respite will continue to be supported in Kentish Road whilst alternative market provision is developed.

RESOURCE IMPLICATIONS

Capital/Revenue

29. The budget report presented to Cabinet on 16th July 2014 identified that a review of the Council's provider services would be undertaken. This review and associated consultation has now been completed. It is now anticipated that the proposed closure of Kentish Road will achieve recurring savings of £200,000 from 2015/16.
30. The budget for Kentish Road is £365,000. The closure of the unit by 1st April 2015 will save this sum on a recurring basis excluding any residual costs such as rates and security, (£40,000) which will be incurred until the property is disposed of. In addition, as per the proposal in this report, an element of the saving from closure will be required to fund the cost of reprovision.
31. The cost of reprovision for the Band one and two clients within shared lives settings is anticipated to be £50,000 per year on a recurring basis at current volumes. The cost of reprovision for the band three clients is difficult to quantify with certainty as detailed assessments of clients' needs has not yet taken place. However it is expected that this cost can be met within a funding envelope of £75,000. This will enable the full achievement of the net saving of £200,000 proposed for 2015/16.
32. For 2016/17 it is anticipated that further market development and client reviews, this may further increase the overall saving. The level of this saving will not be known until these reviews are complete. Should it be identified that a further saving has been made this will be subject to another saving proposal.
33. If the proposal is agreed consultation with staff employed at Kentish Road will commence in January 2015 with a view to minimising or avoiding compulsory redundancies. There are currently 11.2fte posts within the funded establishment of which 4fte are vacant. This proposal will affect 8 people who could be subject to compulsory redundancy should alternative suitable employment not be found within the Council. It is anticipated that vacancies within People Directorate will help in the reduction of the number of compulsory redundancies arising from this proposal. The cost of any redundancies will be picked up within a central provision.
34. Funding of £148,000 for the Modernisation of Kentish Road scheme within the Capital Programme will not be required should this proposal be accepted. This sum can be returned to Council Resources to fund the alternative schemes within the Capital Programme.

Property/Other

35. Property Services will be commissioned to carry out a full appraisal of the building and site to inform options for their future use or disposal.

36. Through a phased approach to closure, it may be possible to dispose of 32a and 32b Kentish Road separately to the main Kentish Road site, although this decision will need to be informed by an up to date property appraisal and therefore no potential savings have been included in this report in relation to the disposal of property.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

37. When considering the recommendations and in particular the decision to close Kentish Road residential respite service the Council must take into account a number of factors, including:

The representations made during the consultation and any analysis of the consultation

The equality impact assessment bearing in mind its public sector equality duties as well as all other relevant information.

The effect on individual health, lives and well-being of service users and their carer's in having to use alternative respite services, particularly individuals who regularly use the unit

Consideration of any duty under the Human Rights Act 1998 so as not to act incompatibly with the rights under the European Convention for the Protection of Fundamental Rights and freedoms ("the Convention"). The Council will need to consider whether the proposed closure is likely to breach any of the service users rights e.g. Article 2 the right to life, Article 3 the right not to be subjected to torture or inhuman or degrading treatment and Article 8 the right to respect for a person's family life and their home. If this decision is likely to breach the convention the Council will need to examine any particular facts and determine if such a breach is justified and proportionate. The Council can though take into account general economic and policy factors which have led the Council to conclude that the home should be closed. This though must be balanced against the impact on the service users

38. The Care Act 2014 requires local authorities to prepare for implementation of the Act in April 2015. The recommended option of moving to a more personalised service approach would support greater compliance with the Care Act.

The Act though places various duties and responsibilities on Local Authorities about commissioning appropriate services. In particular all Local Authority should encourage a wide range of service provision to ensure that people have a choice of appropriate services, local authorities must ensure their commissioning practices and the services delivered on their behalf comply with the requirements of the Equality Act 2010 and should encourage services that respond to the fluctuations and

Changes in people's care and support needs.

The Care Act also places duties on Local Authority to carry out an assessment of any carers needs. This can include participation in education, training and recreation which may require the provision of respite for the adult they are caring for.

The Council has a number of statutory duties and powers to individuals under various pieces of legislation to assess individual needs and then to provide appropriate care, support and accommodation for the eligible needs.

The Care Act 2014 provides an updated legal framework for care and support and introduces a number of new rights, responsibilities and processes. All Local Authorities are now in the transition phase with parts of the Act coming into force in April 2015. When carrying out new assessment or when re-assessing individuals, the needs assessment must be carried out in line with the Care Act 2014. It would also be best practice when assessing the impact on carer's to ensure this is done in compliance with the 2014 Act.

Other Legal Implications:

39. The Children & Families Act 2014 which became law in September 2014 sets out how the education, health and social care needs of children and young people aged 0-25 years should be assessed and met. There may be some clients who will be affected by the proposed changes to Kentish Road who have Education, Health & Care Plans and for whom both the Care Act and Children & Families Act will apply.
40. If service users are moved from Kentish Road against their will, this is likely to constitute a prima facie breach of their rights under Article 8(1) the Council need to consider whether this breach can be justified as above.

In addition if any service user is subject to restraints that amount to a deprivation of liberty and no less restrictive options are available to meet that persons needs any planned move from the unit must be lawfully authorised either by the Deprivation of Liberty safeguards or by an order of the Court of Protection, whichever is appropriate.

There is a legal requirement to consult with staff where redundancies are contemplated. The 45 day consultation referred to earlier in this report will meet this requirement.

POLICY FRAMEWORK IMPLICATIONS

41. These proposals are aligned to the following priorities set out in the Council Strategy 2014-2017:
 - Prevention and early intervention
 - Protecting vulnerable people
 - A sustainable council

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED: ALL

SUPPORTING DOCUMENTATION

Appendices

1. Summary of Consultation Responses
2. Equality and Safety Impact Assessment

Documents In Members' Rooms

1. Record of all the Consultation Responses Received

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out? Yes

Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1. Adult Social Care Provider Services – Cabinet Report dated 15 July 2014 (Seeking Approval For A Public Consultation on the Future of Respite Services For Adults with Learning Disabilities	