

DECISION-MAKER:	CABINET		
SUBJECT:	KENTISH ROAD FORMER RESPITE CARE CENTRE		
DATE OF DECISION:	17 APRIL 2018		
REPORT OF:	LEADER OF THE COUNCIL		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Paul Juan	Tel: 023 8083 2314
	E-mail:	paul.juan@southampton.gov.uk	
Director	Name:	Paul Juan	Tel: 023 8083 2314
	E-mail:	paul.juan@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
None	
BRIEF SUMMARY	
<p>At the Cabinet meeting on 30 November 2017, the Leader of the Council gave his assurance that the Kentish Road site would in the long term be used to support vulnerable adults and that an annexe would be refurbished to provide respite care. This paper sets out the next steps required to achieve the long term plan, including recommending approval for disposal of the site at “less than best consideration” to a local community or voluntary organisation, for the purpose of supporting vulnerable adults. This would include the provision of respite care for adults living with a learning disability. Taking into account the views of carers and their representatives, approval is also sought to re-open part of the main building in order for the council to provide a respite service at weekends in advance of the disposal, as an alternative to opening an annexe. This will give extra respite options and more choice in the short term, until the whole site is handed over. The additional cost of re-opening the scheme is forecast to be £10k a month, which can be met from existing budgets.</p>	
RECOMMENDATIONS:	
	<p>(i) To approve the principle of disposal of the entire Kentish Road respite care centre site as shown on Appendix 1 at less than best consideration.</p>
	<p>(ii) To delegate authority to the Associate Director, Capital Assets after consultation with the Leader of the Council, the Cabinet Member for Finance, the Cabinet Member for Housing and Adult Care, the Service Director, Legal and Governance, the Service Director, Finance and Commercialisation and the Service Director, Adults, Housing, and Communities to transfer the site to a community or voluntary organisation following a competitive application process and to subsequently agree detailed disposal terms and negotiate and carry out all ancillary matters to enable disposal.</p>
	<p>(iii) To approve a limited direct provision by the council of respite care for adults living with a learning disability at 32 Kentish Road, subject to registration by the Care Quality Commission, pending</p>

	disposal of the site to a local community or voluntary organisation.
REASONS FOR REPORT RECOMMENDATIONS	
1.	To ensure that the council makes a decision in a fair and transparent way about the disposal of the former Kentish Road respite care centre site.
2.	To ensure that the Kentish Road site continues to be used to provide support for vulnerable adults in the longer term, including the provision of a respite service for adults living with a learning disability.
3.	In the longer term, this will support the uptake of direct payments, which give people more choice and control over their care arrangements. When the site has transferred to the new provider, people will be able to use direct payments to purchase services to meet assessed needs.
4.	Since the Cabinet resolution to close the scheme in November 2017, three local charities have expressed a firm interest in acquiring the site for the purpose of providing ongoing support to vulnerable adults, including providing respite care for adults living with learning disabilities.
5.	Re-opening the scheme in advance of the transfer of the site will provide additional choice in the short term, will help meet preferences of people and their carers who wish to receive respite care at Kentish Road and support a smooth transition to the longer term arrangements.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
6.	The alternative option of keeping Kentish Road as a council-run respite scheme in the long term was considered by Cabinet on 30 November 2017 and was rejected on the basis of this being inconsistent with the council's strategic aim of increasing choice and control and promoting individual approaches through the uptake of direct payments, and supporting the development of a diverse and vibrant market for care and support services.
DETAIL (Including consultation carried out)	
7.	The site at Kentish Road comprises a two storey main building (32), which until November 2017 was used as an eight-bed unit providing residential respite care for adults living with a learning disability; an annexe formed of two semi-detached houses (32A and B); with associated grounds and a car park.
8.	On 30 November 2017, Cabinet resolved to progress the refurbishment of one of the annexes at Kentish Road to provide a smaller, reconfigured respite service with an independence focus, replicating the service model at the Weston Court scheme, which opened in December 2017.
9.	The council has since been approached by three charitable organisations wishing to explore the potential for running services for adults with care and support needs, including an element of respite care for adults living with a learning disability, from the site. These discussions have led to the conclusion that a vibrant and diverse market for care and support services can most effectively be delivered through disposing of the whole site, including the annexes and car park, to a community or voluntary sector partner.

10.	Initial meetings have been held with each of the three charitable organisations to explore the potential for a collaborative bid, which would maximise the potential of the site to meet adult social care needs in Southampton.
11.	The proposals being developed by these charities would promote and improve the social wellbeing of people in Southampton and would support people to lead independent, safe and healthy lives.
12.	Any disposal process would need to be open and transparent to allow all potential interested parties to engage and for applications to be appraised.
13.	<p>The appraisal process will comprise of the following two stages:</p> <ol style="list-style-type: none"> 1. Initial expression of interest 2. Detailed application, including a financial strategy for implementation of proposals and financial offer <p>The process will involve a panel of officers and two representatives nominated by the Learning Disabilities Partnership Board to assess applications against outcomes based on which proposals would best meet the social care needs of adults in Southampton, including supporting independence, promoting choice and the provision of respite care for adults living with a learning disability.</p>
14.	The opportunity to apply to run a service from the former Kentish Road site will be advertised on the council's website and offered to community and voluntary organisations via its community contacts database to ensure that all potentially interested parties are notified.
15.	Applicants will have four weeks to submit an initial expression of interest. Once this has been appraised, successful short listed applicants will be invited to progress to the second stage and submit a detailed proposals and the accompanying financial offer. Four to eight weeks is anticipated to be allowed for this second stage.
16.	In order to expedite the process, it is recommended that authority is delegated to the Associate Director, Capital Assets, after consultation with others as set out above, to progress the disposal of the site and to make any minor changes to the process.
17.	It is proposed that the council will directly provide respite care for adults living with a learning disability, after obtaining registration by the Care Quality Commission (CQC) and until the disposal of the site. The re-opening the interim service is dependent on the date of CQC registration, successful employment of suitable staff and implementation of the necessary Health and Safety arrangements.
18.	The council has applied to the CQC to add Kentish Road as a location to its approved regulated activity, which is a legal requirement prior to the scheme re-opening. The Registered Manager of the Shared Lives Service, currently based on the first floor at Kentish Road and rated as "good" by the CQC, has applied to extend her registration to include the new respite service.
19.	The Leader of the Council has written to the Chief Inspector of Adult Social Care at the CQC seeking her support to expedite the registration process.

20.	The interim service provided by the council will operate from Friday afternoon to Monday morning, offering up to three nights of respite care at the time of greatest demand, in order to offer additional choice and to complement the other residential and non-residential respite services available locally. It is intended there will be four beds available, one for people with more complex needs (fitted with a hoist and other adaptations) and three for people with less complex needs. The service will be offered to people assessed as requiring residential care, taking into account the suitability of Kentish Road to meet the individuals' needs, in accordance with CQC requirements. People who were previously supported by Kentish Road will have the opportunity to return, if they wish, subject to a Care Act review. The majority of people who previously used Kentish Road have been supported to transition successfully to a suitable alternative and the impact of any further change will be considered as part of this review to determine what would be in an individual's best interests, taking into account relatives' and carers' views, in the usual way.
21.	It is proposed that the interim service directly provided by the council will be staffed on a pro rata basis, as follows: a part time Registered Manager (combined with Shared Lives Service, as outlined above), one Deputy Manager, one Night time Coordinator, five support staff and a part time business support officer (combined with the Shared Lives Service). Support staff will be employed on fixed term contracts. If fully occupied, there will be a minimum ratio of one member of staff for two residents, but staffing will be reviewed in accordance with the needs of people using the service. The council has arrangements to provide additional agency staff with the necessary skills, knowledge and experience, as required.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
22.	The costs associated with the disposal will be internal council costs and other professional costs which will be met from existing budgets.
23.	The Council can transfer its own property interests (either freehold or long leasehold) to a third party. This transfer to a third party could either be a freehold or a leasehold.
24.	The disposal will be at less than Best Consideration where the disposal terms are less than market value (taking into account any additional amount which might be expected to be paid by a purchaser with a special interest) but taking account of any elements of the transaction of commercial or monetary value to the Council.
25.	The cost of re-opening the scheme at weekends is forecast to be £20k a month. Taking into account the cost of current provision for people who will be using the scheme, this is estimated to be an additional £10k per month, which can be met from current budgets.
26.	In addition, a contingency of £67k has been allowed to ensure the scheme meets CQC, fire safety and other standards.
<u>Property/Other</u>	
27.	Under the terms of any transfer, responsibility for all repairing, statutory compliance and health and safety duties will pass to the successful applicant.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

28.	Under Section 1 of the Localism Act 2011, the Council has a general power of competence to do anything that individuals generally may do; however that general power is subject to other statutory limitations. Section 123 of the Local Government Act 1972 provides that the Council must dispose of land for best consideration, save for cases where the consent of the Secretary of State has been obtained for any disposal at less than best consideration. Under the General Disposal Consent (England) 2003, such specific consent is not required for any disposal where the difference between the unrestricted value of the interest and the consideration accepted, is £2M or less, provided that the purpose for which the land is to be transferred is likely to contribute to the “promotion or improvement” of the economic, social or environmental well-being of the area.
29.	In determining whether or not to dispose of land for less than best consideration the Council should have regard to a number of factors including its accountability and fiduciary duty to local people, its community strategy, all normal and prudent commercial practices, clear and realistic valuation advice on the asset in question and EU State Aid rules.

Other Legal Implications:

30.	The asset will be transferred on the basis that all responsibilities for managing and repairing the building, including all health and safety responsibilities, will be transferred from the council to the receiving organisation.
31.	The Equality Act 2010 imposed various duties on Local Authorities and in particular all Local Authorities must have due regard to it Public Sector Equality Duty when carrying out any function. In particular the duty to eliminate discrimination, harassment and victimisation and advance equality of opportunity and fostering good relations. Local Authorities also have a duty under the Human Right Act 1988 when carrying out any function, not to act incompatibly with rights under the European Convention for the Protection of Fundamental Rights and Freedoms, including Article 8 right to respect for private and family life and Article 14 prohibition of discrimination.
32.	Local Authorities when carrying out any function must adhere to the United Nations Convention of the Rights of Person With Disabilities and in particular respect for dignity, autonomy, freedom to make own choices, equality and elimination of discrimination.
33.	The Care Act 2014 imposes various statutory duties on Local Authorities when exercising Adult Social Care functions. This includes the duty to promote the individual’s well-being and protect them from abuse and neglect, including self-neglect; the duty to prevent or delay needs for care and support; the duty to provide advice and information on care and support available. The Act also places various duties and responsibilities on Local Authorities to commission appropriate, efficient and effective services and encourage a wide range of service provision to ensure that people have a choice of appropriate services and an emphasis on enabling

	people to stay independent for as long as possible. The recommended option of moving to a more integrated and personalised service approach with a broader range of activities would support greater compliance with the Care Act 2014.
RISK MANAGEMENT IMPLICATIONS	
34.	Specific risks and mitigating actions have been addressed in the sections on Resources and Legal Implications above.
35.	The financial sustainability of adult social care is identified as a strategic risk for the council, which can be mitigated by supporting a vibrant and diverse care and support market. Transfer of the site to a community or voluntary sector organisation for this purpose would support this.
POLICY FRAMEWORK IMPLICATIONS	
36.	The recommendations in this paper support the delivery of the council's key outcome of supporting people in Southampton to live safe, healthy, independent lives.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	none
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Site plan
2.	Equality and Safety Impact Assessment

Documents In Members' Rooms

1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
Other Background Documents	
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.	Not applicable