

	<h2>Adults and Safeguarding Committee</h2> <h3>10th November 2016</h3>
Title	Your Choice Barnet Consultation
Report of	Commissioning Director Adults and Health
Wards	All
Status	Non-key
Urgent	No
Enclosures	Appendix A: YCB Consultation Report Appendix B: Equalities Impact Assessment
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Summary

Your Choice (Barnet) Ltd (YCB) is part of the Barnet Group. It provides social care support to people with learning disabilities, including autism, and their families or carers. YCB provides supported living services, day services and a respite support service. The Council's current agreement with YCB is due to end on 31st January 2017.

On 16 June 2016, the Adults and Safeguarding Committee agreed that the Council would enter into a new contract with YCB for five years and two months, from the 1st February 2017 to 31st March 2022, subject to consultation on the proposals for a new agreement. The Council agreed that all current YCB services would continue, whilst increasing support to service users to move towards more independent living and to participate in the workplace. The Committee agreed to a period of public consultation with service users, carers and key stakeholders on the proposals for a new agreement, to take place from July 2016 for a period of 12 weeks.

This report sets out the findings of consultation with key stakeholders on the proposals for a new YCB agreement and asks Committee to confirm its final agreement to the proposals for the new contract, which were agreed subject to consultation in June.

Recommendations

- 1. That the Committee notes the findings of the consultation with key stakeholders on the proposals for the new YCB agreement were predominantly positive.**
- 2. That the Committee agrees that following the findings of the public consultation, that the new contract with YCB will include all current YCB services, whilst increasing support to service users to move towards more independent living and to participate in the workplace.**
- 3. That the Committee notes that the issues that were raised by stakeholders were addressed through the consultation process and will be monitored through on-going engagement.**
- 4. That the Committee notes that the outcomes of the consultation with key stakeholders will be used to further develop the content of new YCB service approaches, individual support plans and to ensure that the appropriate assurances are in place.**
- 5. That the Committee notes that engagement with YCB service users and their families, YCB staff and other key stakeholders will be an on-going process to ensure that YCB develops its services and supports individuals in a way that is person-centred and enabling.**

1. WHY THIS REPORT IS NEEDED

1.1 On 16 June 2016 a report went to Adults and Safeguarding Committee setting out proposals for the future of the Your Choice (Barnet) Ltd agreement with the Council from the 1 February 2017. The Committee:

- Agreed that the Council enter into a contract with Your Choice (Barnet) Ltd (YCB) for five years and two months, from the 1st February 2017 to 31st March 2022, with an extension period of 2 years and a break clause at year three.
- Agreed the proposals to continue all current YCB services whilst increasing support to service users to move towards more independent living and to participate in the workplace, subject to consultation.
- Agreed to a period of public consultation on the proposals for a new agreement, to take place from July 2016 for a period of 12 weeks.
- Noted that a report will be brought to a future Adults and Safeguarding Committee setting out the consultation findings.

1.2 Consultation on the YCB proposals was targeted at current YCB service users and their families, YCB staff, organisations representing the learning disabilities and autism communities, adult social care staff and future service users (the Council's 0-25 age service, based in the Family Services Delivery Unit).

2. REASONS FOR RECOMMENDATIONS

2.1 The findings of the consultation were predominantly positive and there were no significant issues identified that would require the YCB proposals not to be implemented (see paragraph 4.6.3 and Appendix A for further details).

2.2 During the course of the engagement that YCB carried out with service users and their families, a number of service users have identified that they want to

take-up the opportunities presented by the new YCB proposals and are already beginning to be supported differently to enable them to access more community activities or develop their independence skills.

- 2.3 The outcomes of the consultation with key stakeholders will be used to further develop the content of new YCB service approaches and individual care plans where appropriate. The outcomes of the consultation will help to ensure that the changes made to the service and to individual care plans are person-centred and responsive to the needs of individuals.

3. POST DECISION IMPLEMENTATION

- 3.1 Consultation and engagement with YCB service users and their families will be an on-going process to ensure that the changes made to the service and to individual care plans are person-centred and responsive to the needs of individuals.

- 3.2 YCB will continue to engage with staff throughout the design process and will be encouraging innovative ideas from all stakeholders to support the transformation of services.

- 3.3 A YCB staff focus group will be set-up to support the development of the Employment and Intervention and Prevention Service.

- 3.4 All YCB staff will be provided with additional training and development to ensure that they are fully able to offer high quality appropriate support to enable service users to develop their independence.

- 3.5 Implementation of the new agreement and proposals will be overseen by the Adults and Health transformation programme, using the Council's project management methodology. A dedicated project board is being set up to manage implementation of the proposals. A monthly YCB Task and Finish Oversight Group has been established to ensure that there is on-going dialogue between the Adults and Communities Delivery Unit, the 0-25 (age) Service, Barnet Homes and YCB, to ensure that service user reviews and care planning are aligned and that robust forward planning takes place.

4. IMPLICATIONS OF DECISION

4.1 Corporate Priorities and Performance

- 4.1.1 The Corporate Plan 2015 – 2020 sets out the Council's vision and strategy for the next five years based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- of opportunity, where people can further their quality of life where people are helped to help themselves, recognising that prevention is better than cure
- where responsibility is shared, fairly
- where services are delivered efficiently to get value for money for the taxpayer

- 4.1.2 The 2016-2017 Addendum to the 2015-2020 Adults and Safeguarding Commissioning Plan includes the following commissioning priorities:

- We're developing best practice social care, focused on what people can do and how they can help themselves.
- We're diversifying Barnet's accommodation offer to help more people live independently.
- We're transforming day care provision to ensure that people remain active and engaged through access to employment and volunteering.
- We're integrating health and social care services to prevent crises and help individuals stay well and in their own homes.
- We're improving the borough's leisure facilities to support and encourage active and healthy lifestyles.

4.1.3 The proposals bought forward by Your Choice Barnet support the delivery of these priorities, as well as the priorities of the Joint Health and Wellbeing Strategy (2015 – 2020), through a strong emphasis on prevention, a more efficient service model and supporting individuals to have an independent life with the home they want and a job.

4.2 **Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

4.2.1. The Policy and Resources Committee on 28th June 2016 tasked the Adults and Safeguarding Committee with developing proposals for savings of £15.070m between 2016 and 2020. The Medium Term Financial Strategy sets out the following efficiency savings for the transformation of YCB supported living and day care services.

	17/18	18/19	19/20
Savings	£283,000	£343,000	£596,000
Total Savings			£1,222,000

4.3 **Legal and Constitutional References**

4.3.1. Constitution, The Terms of Reference for the Adults and Safeguarding Committee are set out in the Council's Constitution (Responsibility for Functions, Appendix A). The Adults and Safeguarding Committee has the following responsibilities:

- Promoting the best possible Adult Social Care services.
- To ensure that the Council's safeguarding responsibilities are taken into account.
- Authorise procurement activity within the remit of the Committee and any acceptance of variations or extensions if within budget in accordance with the responsibilities

4.4 **Risk Management**

4.4.1. In developing the proposals for the new agreement, a risk log was developed and risks assessed. The proposed approach to changing the service offer has been designed using a phased approach to implementation with initial work happening in 2016-2017. This phased approach reduces the risk of not achieving all the desired service developments and outcomes. The changes will be implemented using the Council's

project management methodology, including risk management methodology.

4.5 Equalities and Diversity

4.5.1. Section 149 of the Equality Act 2010 sets out the public sector equality duty which obliges the Council to have due regard to the need to: eliminate discrimination, harassment, victimisation; advance equality of opportunity; and foster good relations between groups with protected characteristics.

4.5.2. The protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

4.5.3. By section 149(2) of the Equality Act 2010, the duty also applies to 'a person, who is not a public authority but who exercises public functions and therefore must, in the exercise of those functions, have due regard to the general equality duty'. This means that the Council, The Barnet Group LTD, Your Choice (Barnet) Limited and Barnet Homes LTD will need to have regard to their general equality duty.

4.5.4. In developing these proposals, an initial equalities impact assessment (EqIA) was completed and presented to the Adults and Safeguarding Committee 16 June 2016. This showed a positive or neutral impact on service users.

4.5.5. The EqIA identified that clients with the most complex needs will benefit from these proposals as they will enable continuity of service. It also identified that individuals living with a range of learning disabilities will benefit from having services that support them to meet their aspirations of living in their own home and being supported to find paid employment. It also identified that younger adults leaving residential school will particularly benefit from the mobilisation of the Barnet Homes led housing brokerage service for vulnerable adults, as this is likely to deliver more placements in and closer to Barnet, making the return from residential school back to living in Barnet a smoother process.

4.5.6. The EqIA was reviewed following consultation and it was identified that the findings of the consultation did not make a material difference to the initial EqIA. The Council and YCB, in accordance with its statutory obligations, will consider the impact on equalities arising from these proposals.

4.5.7. Due to the nature of the services, and service users Your Choice (Barnet) Ltd and the Council will work with individuals and families to assess any impact on those service users during the development of plans.

4.6 Consultation and Engagement

4.6.1. As a matter of public law the duty to consult with regards to proposals to vary, reduce or withdraw services will arise in 4 circumstances:

- where there is a statutory requirement in the relevant legislative framework;
- where the practice has been to consult or where a policy document states the Council will consult then the Council must comply with its own practice or policy;
- exceptionally, where the matter is so important that there is a legitimate expectation of consultation and
- where consultation is required to complete an equalities impact assessment.

4.6.2. Regardless of whether the Council has a duty to consult, if it chooses to consult, such consultation must be carried out fairly. In general, a consultation can only be considered as proper consultation if:

- comments are genuinely invited at the formative stage;
- the consultation documents include sufficient reasons for the proposal to allow those being consulted to be properly informed and to give an informed response;
- there is adequate time given to the consultees to consider the proposals;
- there is a mechanism for feeding back the comments and those comments are conscientiously taken into account by the decision maker / decision making body when making a final decision;
- the degree of specificity with which, in fairness, the public authority should conduct its consultation exercise may be influenced by the identity of those whom it is consulting and;
- the consultation is clear on the reasons why extent to which alternatives and discarded options have been discarded and are required to be consulted on.

4.6.3. This report, including the full consultation report at Appendix A, identifies that feedback from the consultation with YCB service users, YCB staff and key stakeholders was predominantly positive. Stakeholders were positive that the YCB proposals would provide more choice and opportunity for service users; that the changes were going to be person centred and would primarily affect those service users who identified that they wanted to access different types of support.

4.6.4. As a result of the consultation and engagement that YCB did with their service users and families:

- 12 service users at BILS and Community Space have inquired about using direct payment to employ a personal assistant
- 9 service users at Community Space are actively seeking employment opportunities and 12 more have requested support to get a job
- 6 Flower Lane service users and their families have begun to access the community more independently by using a different venue in the morning to access community activities
- 4 Supported Living service users and their families have expressed interest in moving on from supported living

- 4.6.4. The consultation report did identify a few concerns from staff and families of service users. There was a concern from YCB Supported Living staff that an increase in high needs service users who require waking-night staff, could lead to a loss of in-come for those staff that provide sleep-in cover. However these staff were reassured that any sleep-in staff affected, would be offered additional hours to make up for the loss of pay should they wish to do them. There was a concern identified by families whose relatives use the Valley Way Respite Service that other service users accessing the building might use or access the bedrooms and personal bathrooms, but they were assured that the Rosa Morison service users who would visit the building would not access any bedrooms or personal bathrooms.
- 4.6.5. The outcomes of the consultation with key stakeholders will be used to further develop the content of new YCB service approaches, individual care plans where appropriate, and to ensure that the appropriate assurances are in place. Full findings of the consultation are set-out in Appendix A.
- 4.6.6. At the consultation sessions it was made clear to stakeholders that engagement will be an on-going process and that the phased approach to changing the YCB service models will give YCB staff, YCB service users and Barnet's Adults and Communities staff an opportunity to further shape YCB services.

4.7 **INSIGHT**

- 4.7.1. Barnet's Joint Strategic Needs Assessment points to an increase in the number of people with learning disabilities over the coming years as they live longer.

The Estimated Number of People in Barnet with Moderate or Severe Learning Disabilities

Number of people 2015	Number of people 2021	Number of people 2030
1,507	1,591	1,694

(Source: Projecting Adult Needs and Service Information (PANSI) and Projecting Older People Population Information (POPPI))

- 4.7.2. The 15-19 age group in Barnet has the highest proportion of people with moderate or severe learning disabilities (0.68%). Many of the young people moving to adult services will have multiple and complex health and care needs.
- 4.7.3. People with learning difficulties find it much harder to get a job than people without learning difficulties. It is estimated that around 65% of people with learning difficulties would like to work (Source: People with Learning Disabilities in England 2011), and with the right support, they make highly valued employees. In February 2015 the proportion of adults known to Barnet Social Care with learning disabilities who were in paid employment was 9.4%, compared with the Outer London average of 9.9% and the England average of 6.7% (Source: Health and Social Care Information Centre, 2013/14)
- 4.7.4. Approximately 1% of the adult population have an Autistic Spectrum Conditions which equates to about 2,600 people in Barnet. National forecasts

indicate that the number of young adults with autism will increase by 2.7% over the next 5 years, in Barnet this will mean a 9% increase.

- 4.7.5. As Barnet's learning disability and autism population grows the Council needs to ensure that there are a range of services available that are able to respond innovatively to changing need and to support people to meet their aspirations for greater choice and independence

5. BACKGROUND PAPERS

- 5.1 Adults Safeguarding Committee ([16 June 2016, decision item 7](#)) approved the decision to enter into a contract with Your Choice (Barnet) Ltd (YCB) for five years and two months, from the 1st February 2017 to 31st March 2022, with an extension period of 2 years and a break clause at year three. Approved the proposals to continue all current YCB services whilst increasing support to service users to move towards more independent living and to participate in the workplace, subject to consultation.
- 5.2 On 15th November 2015 the Adults and Safeguarding Committee (<https://barnet.moderngov.co.uk/documents/s27213/Delivering%20Adult%20Commissioning%20Priorities%20through%20Your%20Choice%20Barnet.pdf>) agreed that the Council should enter into a formal dialogue with The Barnet Group and YCB to challenge them to bring forward fit for purpose and value for money service proposals which achieve the reshaping of services as set out in the Adults and Safeguarding Committee Commissioning Plan.
- 5.3 Cabinet (29 November 2010, decision item 8) approved the decision to develop a business case for the implementation of a Local Authority Trading Company, which would result in the transfer of Learning Disability Services, Physical and Sensory Impairment Disability Services and Mental Health in-house provider services to the Local Authority Trading Company.
- 5.4 On 24 May 2011, Cabinet Resources Committee approved the Adults In House Service Review Business Case and initiation of a 18 full business plan (decision item 12). It was resolved; that the Cabinet Resources Committee approved the Adult In-House Services Business Case, in order that the Council can:
- Appoint a Local Authority Trading Company shadow board to begin agreement negotiation between the Council and Local Authority Trading Company;
 - Set up a holding company in the form of a Local Authority Trading Company,
 - Set up a subsidiary Local Authority Trading Company for the management of those Adult Social Services currently provided in-house; and
 - Transfer the adult social care service provision from the management of the Council to the Local Authority Trading Company following approval of the business plan.
- 5.5 On 12 July 2011, Council approved the appointments to the Shadow boards for the Local Authority Trading Company Holding Company (The Barnet Group LTD) and the Adult Social Care subsidiary (Your Choice (Barnet) Limited, ref. decision item 19).

5.6 On 14 November 2011, a decision was taken by the Director of Adult Social Care and Health to enable the formation of The Barnet Group LTD (Delegated Powers Report No: 1492).