

<u>MEETING</u> ADULTS AND SAFEGUARDING COMMITTEE
<u>DATE AND TIME</u> THURSDAY 16TH JUNE, 2016 AT 7.00 PM
<u>VENUE</u> COMMITTEE ROOM 1, HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	REVIEW OF THE YOUR CHOICE BARNET CONTRACT	1 - 24

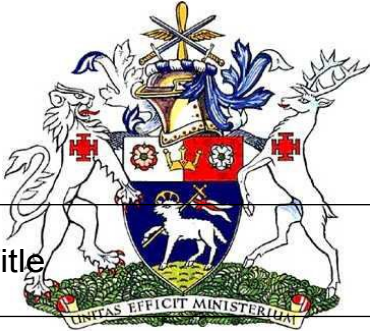
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AGENDA ITEM 7

Adults and Safeguarding Committee Meeting

16 June 2016

	
<p>Title</p>	<p>Your Choice Barnet Agreement</p>
<p>Report of</p>	<p>Dawn Wakeling – Commissioning Director Adults and Health</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Key</p>
<p>Urgent/Non Urgent</p>	<p>Non Urgent</p>
<p>Enclosures</p>	<p>Appendix A</p>
<p>Officer Contact Details</p>	<p>Kirstie Haines, Adults Wellbeing Strategic Lead Kirstie.haines@barnet.gov.uk / 0208 359 2781</p>

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 agreement with YCB is due to end on 31st January 2017. This report contains proposals for the future of the Your Choice (Barnet) Ltd agreement with the Council from the 1st February 2017.

RECOMMENDATIONS

1. That the Committee agrees that the Council enter into a contract with Your Choice (Barnet) Ltd (YCB) for five years, from the 1st February 2017 to 31st March 2022, with an extension period of 2 years and a break clause at year three.
2. That the Committee agrees 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.
3. That the Committee agrees 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.
4. That the Committee notes that a report will be brought to a future Adults and Safeguarding Committee setting out the consultation findings.

1. WHY THIS REPORT IS NEEDED

- 1.1 Your Choice (Barnet) Ltd (YCB) was launched in February 2012 as a Local Authority Trading Company. It provides a range of services to people with learning and physical disabilities, including specialist day centre support to people on the autistic spectrum and complex disabilities, a short breaks service and supported living. The Council's current agreements¹ with YCB end on 31st January 2017. This report sets out proposals for a new agreement with YCB.
- 1.2 The vision of Your Choice (Barnet) Limited is to "Empower people to live the lives they chose, as independently as possible." The proposals included in this report support this vision and will further support the implementation of the personalisation agenda, enshrined in the Care Act 2014, which aims to increase choice and control for individuals.
- 1.3 YCB is the largest provider of care and support for people with learning disabilities in Barnet and as such has a vital role to play in enabling people who use its services to achieve their goals for employment, other day activities, and greater independence.
- 1.4 The Adults and Safeguarding Committee's commissioning plan sets out an ambition for people with learning disabilities (PLD) to be supported to access more mainstream opportunities such as employment, volunteering and accommodation that enables independent living.

¹ There are two agreements between the Council and YCB, one covering day services the other supported living.

1.5 There are a number of statements of national government policy that the proposed developments in the YCB services respond to. These are set out below.

1.6 **Valuing People (2001).** The four fundamental principles enshrined in Valuing People that YCB will support the council to deliver are:

- **Rights:** People with learning disabilities and their families have the same human rights as everyone else.
- **Choice and Control:** Promoting choice and control in all aspects of the lives of people with learning disabilities, including their services and support.
- **Promoting independence:** Supporting people with learning disabilities to maximise their independence, whilst ensuring their personal safety, wellbeing, and freedom from discrimination.
- **Inclusion and citizenship:** Ensuring people with learning disabilities are supported to lead fulfilling lives in their community and participate in all aspects of community life – to work, learn, get about and meet people, be part of social networks and access goods and services

1.7 **Valuing People Now (2009)** focused attention on those areas of the lives of people with learning disabilities where insufficient progress had been made since 2001, namely housing, employment opportunities and health. The changes to the YCB housing and employment offer will assist the Council in making progress against these areas.

1.8 **The Care Act (2014)** sets out a vision for a reformed care and support system. The Act gives the council responsibility for making sure that people have more control over their care through effective care and support planning and personalisation. The Act's eligibility regulations specify that local authorities should consider how service users access employment, training and education as outcomes of their support plan.

1.9 **National Autism Act and Strategy (2014).** In April 2014, the Government published an update to its 2010 National Autism Strategy: 'Think Autism – Fulfilling and Rewarding Lives, the strategy for adults with autism in England: an update'. The proposals contained in this report will help to make sure that the services provided to young adults and adults with Autism reflect the Autism Act and its guidance and other relevant national policy and best practice.

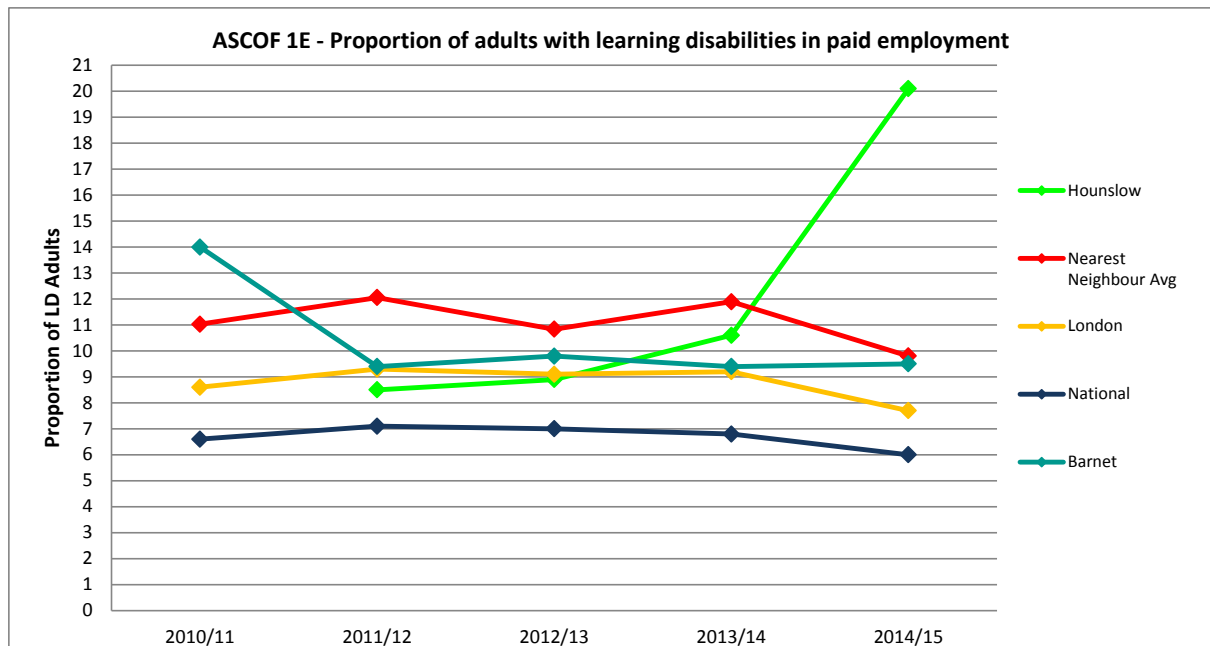
2. REASONS FOR RECOMMENDATIONS

2.1 YCB is part of The Barnet Group (TBG) and as a Council-controlled

wholly owned trading company the Teckal exemption applies². This means that the Council can make a direct award of agreement to YCB without a competitive procurement under the Public Contracts Regulations 2015 (PCR 2015).

- 2.2 In 2015, the Council adopted a dialogue approach with TBG for the management agreement covering housing services. This approach was adopted to review the agreement(s) for care and support services provided by YCB. The care and support challenge sessions were undertaken with YCB between January and May 2016, where the Council set out its commissioning intentions and YCB submitted proposals for new models of care in line with these.
- 2.3 These challenge sessions provided an opportunity for YCB to bring forward new and innovative models of care that would better meet the expectations of service users and deliver cost efficiencies. As part of this dialogue some additional proposals were made by Barnet Homes on how current (and future) housing stock could be better used to meet the needs of service users beyond the scope of the specific YCB care services. The dialogue concluded with an agreed set of proposals for the continuation of services, new care pathways, and efficiencies.
- 2.4 Barnet's performance in supporting employment for people with learning disabilities has been worse than its comparator councils since 2012, although the performance of other councils has also deteriorated in recent years. This is in spite of employment being a national policy objective since the publication of *Valuing People Now: a new three-year strategy for people with learning disabilities (2009)*.
- 2.5 Barnet's comparative performance is provided in the table below. It shows that the Council's performance is static overall and that a new approach is needed to improve access to employment for people with learning disabilities. As the largest local service provider for PLD, YCB has a vital role to play in enabling its clients to achieve their aspirations in this area and ensure Barnet becomes one of the best performing areas in London.

² "Teckal" – legal definition relating to a type of shared service, public company structure, arising from the name of a 1999 European legal judgement and subsequent case law.



3. PROPOSALS

3.1 All services will remain open. The current service provision is as follows:

- Barnet Independent Living Service, which supports 19 people
- Community Space Day Service, which supports 71 people
- Flower Lane Day Service for people who have Autism, which supports 41 people (Capacity of 40 on each day)
- Rosa Morison Day Service for people who have Profound and Multiple Learning Disabilities, which supports 40 people
- The Supported Living service, which currently supports 34 people in 5 different schemes
- Valley Way Respite Service is currently commissioned to provide short breaks for 44 people, with a capacity of 6 people on any given night.

3.2 The proposals for each service are described in more detail below:

- **Barnet Independent Living Service** for adults with a range of physical and sensory impairments; originally established to support people who have had an accident or illness that has resulted in a loss of independence due to the resulting disability.
- **Community Space Day Service** offering community support for adults who have a wide range of learning disabilities; this service provides a building based service for some people and supports others to access the community.

- 3.3 It is proposed that these two services will continue to support people in a personalised way that will maximise opportunities for employment, promote independence and continue to build on individual strengths. People will be supported to access sustainable community based activities and where possible to access public transport. People will be enabled to access the same amount of activities as they do now and in some instances this will increase as their independence grows.
- 3.4 These services will in the future develop a focused offer for younger adults including those coming through transition services as a short term enablement service which will reduce the need for traditional day services. The services will develop a focus on supporting users who wish to and are able, to access employment and volunteering, thereby supporting service users to achieve their aspirations. These services will support these individuals to become independent and visible members of their local community.
- 3.5 People who currently use this service will also be offered the opportunity to employ a personal assistant if they wish, using direct payments. A personal assistant would be matched with the individual to provide compatibility and will provide 1:1 support as required by the individual. It should be noted that there are a number of people supported by BILS and Community Space who have complex needs and these people will continue to be supported with a clear focus on ensuring that their outcomes are improved.
- 3.6 By transforming these two services to provide better outcomes for people the services will be able to provide savings to the Council. These savings will come from supporting people differently as they gain independence. In recognition of the time required to build individual confidence and help individuals become more confident changes will be phased in over four years.
- 3.7 To support this phased approach YCB are proposing to set up an Intervention and Prevention Service (IPS) which will provide support to individuals to make sure that they can use the new services, maintain employment or volunteering and that their confidence is maintained.
- 3.8 During the final year (20/21) YCB will secure efficiencies within all of the services through greater use of technology and its terms and conditions company TBG Flex. This will ensure that the hourly rate which YCB charges to the Council for these services can be reduced leading to a further saving. The table below outlines the savings and efficiencies year by year.

	17/18	18/19	19/20	20/21
Savings due to increased independence	£149,045	£166,660	£89,019	£30,429

Savings due to travel training	£24,500	£24,500	£24,500	£24,500
Savings due to YCB efficiencies enabling a reduction in the hourly rate				£75,285
Total saving between 2017-2021				£608,438

- **Flower Lane Autism Service** providing support to adults who are on the autistic spectrum and have additional complex behaviour support needs;

3.9 As with BILS and Community Space, there are a number of people who use Flower Lane who could be supported to access the community with support through the YCB Personal Assistant service. This will mean that they no longer need to access the building on a full day basis and the daily rate will not be charged. This will be managed through a phased approach to ensure that the people YCB supports adapt to any change in a positive way. The people currently supported by Flower Lane who will still need a building based service will continue to be supported to do so. The savings and efficiencies realised by this service are detailed below.

	17/18	18/19	19/20	20/21
Savings due to increased independence	£13,893	£45,650	£39,696	£37,711
Savings due to travel training and PA support		£10,400	£10,400	£10,400
Savings due to YCB efficiencies enabling a reduction in the daily rate				£85,865
Total saving between 2017-2021				£254,015

- **Rosa Morison Day Service** for adults who have profound and multiple learning and physical disabilities (PMLD); this service supports people to remain healthy and well providing a therapy based service to maintain and strengthen peoples physical health.

3.10 Increased use of emerging technology will ensure that the people we support who have PMLD are supported in innovative ways to develop their understanding of cause and effect and to enable decision making.

3.11 Rosa Morison Day Service will be able to contribute towards the efficiency savings in 2020/21 by reducing the daily rate.

	17/18	18/19	19/20	20/21

Savings due to YCB efficiencies enabling a reduction in the daily rate				£97,902
Total saving between 2017-2021				£97,902

- **Supported Living Service** supporting people with learning disabilities to live as independently as possible in their own home; this service currently has staff in each of the schemes on a 24/7 basis.

- 3.12 There are some people living in these services who do not need 24 hour staffing levels and the teams in this service will work with more able people to discuss more independent living options. If people choose to move on, they will be provided with care and support that will enable them to do so safely and in a planned way. YCB will continue to provide support to people through a person centred plan once they have moved and assistive technology will be accessed to ensure their safety.
- 3.13 Support to ensure that people do not become socially isolated will be provided and there will be a 24-hour on call 'safety net' provision from the Intervention and Prevention service (IPS).
- 3.14 The flats that are vacated would then be available for people who are ready to move into supported living from residential care, who have higher support needs, and who do require a member of staff to be available over a 24-hour period. The current supported living buildings are mainly self-contained, fully accessible and will lend themselves to adaptations as required.
- 3.15 The current staffing levels in supported living will increase and all staff working in this service will receive specific training around supporting people who have complex needs.
- 3.16 The savings in the table below reflect appropriate levels of support for people who have moved on and have assumed a £9,000 saving to ASC for each person moving into the vacancies in supported living from higher support services such as residential, out-of-borough or hospital settings. These savings will be realised from the adult social care placements budget.

	17/18	18/19	19/20	20/21
Savings due to increased independence	£20,297	£59,794	£36,194	£6,914
Savings for ASC from high costs services	£72,000	£36,000	£27,000	
Total saving between 2017-2021				£258,199

3.17 The proposals contained in this report, if adopted, will achieve overall savings of £1.218m from the Council's adult social care purchasing budget in the period 2017-21.

3.18 Future service provision: in addition to the remodeling of current services YCB is putting together a business case for additional services that will support the Council's priorities. These proposals include:

- short term service provision (up to 6 weeks)
 - for people who may be experiencing a crisis in their life
 - as an extension of the respite service
 - for people leaving hospital who may not be ready to move back home and;
- a proposal for a group living setting for younger people with LD who want to move on from their family home

3.19 YCB's proposal includes the establishment of a charity to provide employment opportunities for YCB clients. This provides an opportunity for YCB to apply for charitable grants and funding directed at getting those with complex needs closer to work.

3.20 In addition YCB working with Barnet Homes will develop additional services to make sure that suitable accommodation is available for ASC clients. These services will include:

- The introduction of a Barnet Homes led housing brokerage service for vulnerable adults that would enable more people to make the transition from residential, or hospital settings, to their own home.
- The use of existing Barnet Homes stock for 'step down' schemes for young people leaving residential care and PLD who could live more independently, including a pathway for some from supported living. These would increase the number of options available for young people.

4. IMPLICATIONS FOR SERVICE USERS

4.1 YCB provides two services that are regulated by the Care Quality Commission (CQC), the Supported Living Service and Valley Way Respite Unit. Valley Way Respite Unit was inspected by CQC in June 2015 and received a 'Good' rating and the Supported Living Service was inspected in February 2016 and received a 'Good' rating. Both services will continue.

4.2 The current YCB sites will remain open. It should be noted that BILS and Community Space have been working from the same building since April 2015, as a result of issues with the building at the Flightways Centre, the former base of BILS. As the Flightways Centre is scheduled for demolition as part of the Grahame Park

regeneration scheme, the proposal is that this arrangement continues.

4.3 Flower Lane, Rosa Morison and Valley Way support service users with higher levels of needs. These services will continue. Developments to these services are provided below.

4.4 A small number of users from Rosa Morison will be supported to access activities outside the day centre building each day. This would enable up to 8 service users per day to attend activities within the community as part of their support plans. This will be built into the programme of support to ensure that all people who wish to go out will be supported to do so. Some service users will be supported to visit places of interest that will provide sensory stimulation and others will be supported to use the Valley Way building during the day, to become involved in food preparation for example. The number of people who go to Rosa Morison is currently 40 so this proposal will provide an opportunity for everyone to be out and about at least one day per week if that is what they want to do. There is evidence indicating that the majority of people would want to access external activities.

4.5 There are a number of people who currently attend Flower Lane who would be able to access the community with the support of a personal assistant. People will be supported to decide what they want to do and a phased approach, starting with 1 day a week will ensure that this transition is successful, YCB will work with the individual at their pace and will ensure robust risk management processes are in place.

4.6 The Valley Way Respite Service is currently full 93% of the time. This is a significant improvement as 2 years ago the service was full only 72% of the time. The service has started to provide some daytime outreach support and aims to offer flexible support for family members who wish to purchase a service by the hour with their direct payment.

4.7 Of the 124 people who access their support through BILS, Community Space and the Supported Living Service, there are a number of people who aspire to greater independence and employment and who could achieve this with support. In the proposed new agreement, YCB will work with those individuals to support them to develop their person centred plans to achieve their aspirations. New support plans will also be drawn up to support people to live with greater independence and have more opportunities to work or volunteer. The Intervention and Prevention Service will support these individuals as they move towards their goals.

5. RATIONALE FOR CHANGING THE SERVICE OFFER

- 5.1 The current service offer is no longer what many younger service users want. YCB has experienced difficulty in attracting younger people to the current services. YCB has not had any new people aged between 18-25 start to use the BILS, Community Space and Supported Living services in the past three years. A key reason for this is because younger people have different expectations and want what their peers aspire to, namely to move into their own home, be independent and to get a job.
- 5.2 The YCB supported living schemes provide a set staffing rota and hours of care for the schemes. This limits the development of more personalised and flexible approaches to meeting individual aspirations because some are sufficiently able to live more independently than the current model allows. There are currently a number of service users who are in the process of working towards moving into more independent accommodation with support. It is understood, from discussions with service users, that more people will opt for this option once the opportunities are made available.
- 5.3 YCB has experienced long term difficulties in filling particular vacancies within the Supported Living Services, in particular the two 2-bed flats at September Court. The reason for this is that a long term arrangement to flat share with someone whom you do not know is not attractive to prospective tenants. Service users want to choose the friends they live with. A more flexible model, working in partnership with Barnet Homes, will mean that these preferences could be better met.
- 5.4 The respite and day services provided by YCB are relatively expensive compared to other providers, although some of the services are unique in providing for people who have profound or complex needs and are well resourced. However, where there is still a need for day services it would be beneficial if they were more competitively priced, leading in the long term to more referrals from other local authorities.

6. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 6.1 The option to take these services to full Official Journal of the European Union (OJEU) procurement was considered but rejected. This is on the basis that the proposals made by YCB achieved the Council's commissioning intentions whilst avoiding the time and costs of an OJEU procurement. The proposals deliver both service improvement and service continuity. They will allow high dependency service users to retain their current level of service and achieve efficiencies for the Council and YCB. The proposal for a greater cross-over between Barnet Homes and YCB provides additional value that the Council may not be able to secure through

other arrangements. The establishment of a charitable arm will also allow YCB to raise funds not available to statutory or private sector providers.

7. POST DECISION IMPLEMENTATION

7.1 A period of further development of the new service model, including the testing of new ways of working with service users and social workers will take place later in 2016-2017. This will provide reassurance that the new services and cost savings will be realised from 2017/18.

8. IMPLICATIONS OF DECISION

8.1 Corporate Priorities and Performance

8.2 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

8.3 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.

8.4 The proposals brought 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.

9. RESOURCES (FINANCE & VALUE FOR MONEY, PROCUREMENT, STAFFING, IT, PROPERTY, SUSTAINABILITY)

- 9.1 YCB's financial result for the year 2015/16 was a surplus of £396,000 (2015: £180,000) before taking account of the adjustments required in relation to pensions. After the adjustments for pensions, the net surplus for the year was £111,000 (2015: £16,000). Your Choice (Barnet) borrowed £1m from Barnet Homes in March 2013 in order to support its cash flow. Two payments of £100,000 each have been repaid to date, and 5 further instalments are planned in the financial modelling over the next 5 years, with the loan fully repaid by March 2021.
- 9.2 The terms of the agreements with YCB are that the Council pays per service user based on the care and support needs of each individual, through their personal budget; i.e. the Council pays only for the care and support YCB provides as opposed to block fees. YCB also generates income from other commissioning organisations, with other councils purchasing places in the specialist resource provisions of Valley Way, Flower Lane and Rosa Morison.
- 9.3 The Policy and Resources Committee on 9 July 2015 tasked the Adults and Safeguarding Committee with developing proposals for savings of £18.5m between 2016 and 2020. Proposals were agreed at the Adults and Safeguarding Committee on the 19th November 2016. In addition to the proposed savings of £18.5m, the Medium Term Financial Strategy includes £8.9m of pressure funding for adult social care. The priority focus will be reducing demand for Adult Social Care Services through the development of a range of services as an alternative to high cost provision and commissioning the most effective prevention and early intervention services.
- 9.4 The four year implementation period will help ensure that the savings proposed in this report are sustainable and deliverable. These savings will support the delivery of savings in the Council's medium term financial strategy linked to day services and high cost placements. In 2015-2016 the council spent a total of £35m on services for Learning Disabilities clients. Of this £5.807m was spent with YCB.
- 9.5 These reductions would be secured by changing the service mix provided by YCB, reducing vacancies and increased efficiency in the operation of services resulting in reductions in hourly/ day rates, paid by the Council, for some services.

- 9.6 A more efficient use of the current portfolios of buildings contributes to reducing costs by changing how some of the spaces are used to better meet current needs and reduce vacancies. This includes: the continuation of the current model where BILS and Community Space continue to operate from the Community Space building and additional use of Valley Way during the daytime.
- 9.7 Savings are also achieved by the use of TBG Flex, (TBG's new company). Passenger Transport Assistants on passenger transport services will be provided by TBG Flex from July 2016. Whilst there are no terms and conditions changes for existing YCB staff, the proposals include that new recruits are employed by TBG Flex from the start of the agreement. A reduction in agency staff through recruitment to TBG Flex will also provide savings to YCB on irrecoverable VAT.
- 9.8 Other efficiencies that will be introduced will be the use of an IT system to manage the service rotas, time and attendance and timesheet production. This will ensure more productive management time.
- 9.9 The dialogue process has modelled the level of new referrals required for the YCB services to remain sustainable. Referrals would come from the 0-25 service, based in the Council's Family Services Delivery Unit; and the Integrated Learning Disability Service, based in the Council's Adults and Communities Delivery Unit. Modelling indicates that the required level of referrals is achievable, based on known demographic and referral trends. YCB requires 250 referrals across the next five years (including those from other local authorities) and modelling has shown that these numbers are achievable.

10. STAFFING

- 10.1 Your Choice (Barnet) is not expecting to make any redundancies or to reduce the staffing levels within any of the services. It is expected that for some services such as supported living and PA choices that there will be an increased number of staffing levels due to the higher support needs of the people that move in. Each person supported will be assessed and staffing levels will be agreed dependent upon needs.
- 10.2 Agency usage has been steadily decreasing (down from 20% in 14/15 to 12.7% in 15/16), it is envisaged that this will decrease further during 16/17 and YCB will continue to work towards their target of 10%.
- 10.3 Day services will be operating differently, which may have implications for staff ways of working, especially at BILS and

Community Space. The services may provide extended hours, so for some staff there may be changes to shift patterns, rather than hours worked. Some staff may be asked to work from community based locations rather than a fixed base.

- 10.4 YCB will engage with staff throughout the design process of the transformed services in order to get support and will be encouraging innovative ideas from all stakeholders. There will be a focus for the people YCB supports on enablement and employment and all staff will be provided with additional training and development to ensure that they are fully able to offer high quality appropriate support.
- 10.5 It is recognised that some of the services will not change radically and staff will be offered the opportunity to work in (or remain in) these services if they do not wish to take up these opportunities.
- 10.6 All staff, including Personal Assistants and TBG Flex recruits, will be recruited using: a safer recruitment approach with interview questions etc. designed with safeguarding in mind; pre-employment checks which include a minimum of two work related or other professional references; evidence of right to work in the UK; and an enhanced DBS check. All PA's will be required to undertake an induction programme and training to suit the needs of the individual they will be supporting. On-going support will be provided in line with organisational policy.

11. APPROACH TO THE CONTRACT

- 11.1 It is proposed that the Contract with YCB is for a five year period, with the option to extend for two years and a break clause at year three of the contract.
- 11.2 The agreement will be developed through a project group with membership from senior finance, procurement and operational leads from YCB and the Council. The agreement will be subject to regular review. The agreement will include the development of a YCB delivery plan, key performance indicators and budget reviews. The group will oversee the development of a risk register and will be responsible for developing appropriate mitigation. Where appropriate individual schedules, covering specific services, will form part of the contract.

12. LEGAL AND CONSTITUTIONAL REFERENCES

- 12.1 Council 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 and

12.2 HB Public Law has confirmed that the so-called “Teckal” exemption (Regulation 12[1]) applies under the Public Agreements Regulations 2015 (PCR2015). This exemption allows the Council to make a direct award of a service agreement to YCB without a competitive procurement.

12.3 The Teckal exemption is satisfied because:

- Regulation 12a – YCB is “controlled” by the Council (as it is the sole shareholder through the Barnet Group). There is a shareholder agreement in place between The Barnet Group and the Council;
- Regulation 12b – YCB carries out over 80% of its activities for the Council; and
- Regulation 12c – There is no private ownership of YCB.

13. RISK MANAGEMENT

13.1 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. A joint oversight group will be established between YCB and the Council to monitor implementation of the new service model and ensure that financial and quality outcomes are achieved.

13.2 Key to the implementation of the new model will be an ongoing dialogue between the Adults and Communities Delivery Unit, the 0-25 Service, Barnet Homes and YCB, to ensure that service user reviews and care planning are aligned and that robust forward planning takes place. To ensure this dialogue is in place a new working group will be established by YCB, with membership from all the key agencies.

14. EQUALITIES AND DIVERSITY

14.1 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 unlawful discrimination, harassment, victimisation; advance equality of opportunity between those covered by the

Equality Act and those not covered, e.g. between disabled and non-disabled people; and foster good relations between these groups.

14.2 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

14.3 In developing these proposals, an initial equalities impact assessment (EqIA) was carried out (attached as appendix A). This showed a positive or neutral impact on service users. The EqIA will continue to be developed and reviewed as the contract is developed and proposals implemented, subject to consultation. The Council and YCB, in accordance with its statutory obligations, will consider the impact on equalities arising from these proposals.

14.4 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.

15. CONSULTATION AND ENGAGEMENT

15.1 The Council will conduct a consultation, subject to Committee agreement during summer 2016. Stakeholders, including organisations representing the learning disabilities and autism communities, adult social care staff and future service users (0-25 service) will be consulted. As part of this, YCB will be engaging with current service users and staff between June 2016 and September 2016.

15.2 The outcomes of this work will be used to further develop the content of new approaches, individual plans where appropriate, and to ensure that the appropriate assurances are in place.

16. BACKGROUND REPORTS

16.1 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:

16.2 On 24 May 2011, Cabinet Resources Committee approved the Adults In-House Service Review Business Case and initiation of a

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.

16.3 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).

16.4 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).

16.5 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.

Initial Equality Analysis (EIA) Resident/Service User

1. Details of function, policy, procedure or service:	
Title of what is being assessed: Your Choice Barnet Contract 2017-2022	
Is it a new or revised function, policy, procedure or service? Revised service	
Department and Section: Adult Social Care	
Date assessment completed: June 2016	
2. Names and roles of people completing this assessment:	
Lead officer	Caroline Glover Workplace Inclusion Lead Officer Adults and Health Commissioning

How are the following equality strands affected? Please detail the effect on each equality strand, and any mitigating action you have taken / required. Please include any relevant data. If you do not have relevant data please explain why / plans to capture data			
Equality Strand	Affected?	Explain how affected	Indicate what action has been taken / or is planned to mitigate impact?
1. Age	Yes X / No <input type="checkbox"/>	<p>The younger adults will particularly benefit from having services that support them to meet their aspirations of living in their own home and being supported to find paid employment</p> <p>Younger adults leaving residential school will benefit from the implementation of the placements commissioning strategy, as this is likely to deliver more placements in and closer to Barnet and making the return from residential school back to living in Barnet a smoother process.</p>	<p>This will be a positive change.</p> <p>Individual discussions will be had with service users to agree their person centred support plans. These will help to identify service provision going forward.</p>
2. Disability	Yes X / No <input type="checkbox"/>	<p>Individual's with a range of learning disabilities will particularly benefit from having services that support them to meet their aspirations of living in their own home and being supported to find paid employment</p> <p>Data: <u>Autism</u> Approximately 1% of the adult population have an Autistic Spectrum Conditions (ASC) which equates to about 2,600 people in Barnet. In 2012/13, autism was recorded as a care need</p>	<p>This will be a positive change.</p> <p>Individual discussions will be had with service users to agree their person centred support plans. These will help to identify service provision going forward</p>

		<p>for 170 social care service users. 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. These figures show that there are more cases of ASC being diagnosed</p> <p><u>Learning Disabilities</u></p> <p>The proportion of people with learning disabilities (PWLD) is under 0.5% of the overall Barnet population; however over 11% of Adult Social Care service users are PWLD.</p> <p>Overall the number and proportion of service users with PWLD has remained relatively stable during the period 2011-2014. However, this current trend is not expected to continue in the future. Improved survival rates at birth, increasing life expectancy, and growth among communities at higher risk of learning disabilities (for example, the South Asian community) mean that more PWLD and people with complex needs accessing adult services are expected to access the service in the future. The majority of these residents will require on-going social care throughout their lives. A 14% growth in the number of residents with moderate to severe learning disabilities is projected over the next decade.</p> <p><u>Employment</u></p> <p>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, and with the right support they make highly valued employees</p> <p>In February 2015 the proportion of adults known to Barnet Social Care with learning disabilities who were paid in employment was 9.4%, compared with the Outer London average of 9.9% and the England average of 6.7%</p> <p><u>Independent living</u></p> <p>The proportion of people in contact with Adult Social Care with learning disabilities in 2014 living independently (in their own home or with their family) in Barnet was significantly below the London and National averages. Furthermore, there was a slight decrease between 2012/13 (61.70%) and 2013/14 (58.10%).</p>	
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		<table border="1"> <caption>Bar Chart Data</caption> <thead> <tr> <th>Year</th> <th>Barnet</th> <th>London</th> <th>National</th> </tr> </thead> <tbody> <tr> <td>2011/12</td> <td>49.2%</td> <td>65.7%</td> <td>70.0%</td> </tr> <tr> <td>2012/13</td> <td>61.7%</td> <td>68.1%</td> <td>73.5%</td> </tr> <tr> <td>2013/14</td> <td>58.1%</td> <td>68.5%</td> <td>74.8%</td> </tr> </tbody> </table>	Year	Barnet	London	National	2011/12	49.2%	65.7%	70.0%	2012/13	61.7%	68.1%	73.5%	2013/14	58.1%	68.5%	74.8%																					
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3. Gender reassignment	Unknown	No data available	<p>This will be a positive change.</p> <p>Individual discussions will be had with service users to agree their person centred support plans. These will help to identify service provision going forward</p>																																				
4. Pregnancy and maternity	Unknown	No available data.	<p>This will be a positive change.</p> <p>Individual discussions will be had with service users to agree their person centred support plans. These will help to identify service provision going forward</p>																																				
5. Race / Ethnicity	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	<p>Data</p> <p>The table below shows the number of adults in contact with Barnet Social Care Service with a learning disability, broken down by age and ethnicity.</p> <table border="1"> <thead> <tr> <th></th> <th>Age 18 to 64</th> <th>Age 65 and over</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td colspan="4" style="text-align: center;">Number of Service Users</td> </tr> <tr> <td>White</td> <td>510</td> <td>95</td> <td>600</td> </tr> <tr> <td>Mixed</td> <td>20</td> <td>0</td> <td>20</td> </tr> <tr> <td>Asian or Asian British</td> <td>95</td> <td>5</td> <td>100</td> </tr> <tr> <td>Black or Black British</td> <td>50</td> <td>0</td> <td>50</td> </tr> <tr> <td>Other Ethnic Group</td> <td>80</td> <td>5</td> <td>85</td> </tr> <tr> <td>Not Stated</td> <td>10</td> <td>0</td> <td>10</td> </tr> <tr> <td>Total</td> <td>765</td> <td>105</td> <td>870</td> </tr> </tbody> </table> <p>*Figures rounded to the nearest 5 service users</p>		Age 18 to 64	Age 65 and over	Total	Number of Service Users				White	510	95	600	Mixed	20	0	20	Asian or Asian British	95	5	100	Black or Black British	50	0	50	Other Ethnic Group	80	5	85	Not Stated	10	0	10	Total	765	105	870	<p>This will be a positive change.</p> <p>Individual discussions will be had with service users to agree their person centred support plans. These will help to identify service provision going forward.</p>
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7. Gender / sex	Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/>	<p>This supports a personalised approach to accommodation and support</p> <p>Data The table below shows the number of adults in contact with Barnet Social Care Service with a learning disability, broken down by gender.</p> <table border="1"> <thead> <tr> <th></th> <th>Female</th> <th>Male</th> <th>Total</th> </tr> <tr> <th colspan="4">Number of Service Users</th> </tr> </thead> <tbody> <tr> <td>Age 18 to 64</td> <td>335</td> <td>430</td> <td>765</td> </tr> <tr> <td>Age 65 and over</td> <td>55</td> <td>50</td> <td>105</td> </tr> <tr> <td>Total</td> <td>385</td> <td>485</td> <td>870</td> </tr> </tbody> </table> <p>*Figures rounded to the nearest 5 service users</p>		Female	Male	Total	Number of Service Users				Age 18 to 64	335	430	765	Age 65 and over	55	50	105	Total	385	485	870	<p>This will be a positive change.</p> <p>Individual discussions will be had with service users to agree their person centred support plans. These will help to identify service provision going forward</p>
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9. Marital Status	Unknown	No available data.																					
10. Other key groups?	<p>Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> / No <input type="checkbox"/></p>	This will be a positive change.	<p>This will be a positive change.</p> <p>Individual discussions will be had with service users to agree their person centred support plans. These will help to identify service provision going forward</p>																				

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5. Please outline what data sources, measures and methods could be designed to monitor the impact of the new policy or service, the achievement of intended outcomes and the identification of any unintended or adverse impact?

Include how frequently monitoring could be conducted and who will be made aware of the analysis and outcomes

Key to the implementation of the new model will be an ongoing dialogue between the Adults and Communities Delivery Unit, the 0-25 Service, Barnet Homes and YCB to ensure that service user reviews and care planning is aligned and that robust forward planning takes place. To ensure this dialogue is in place a new planning group will be established with membership from all the key agencies.

In preparation, in 2016/17 all individuals who aspire to employment or increased independent living will be supported to agree their person centred plans and these will identify the service provision going forward that will be needed. New care plans will be drawn up with those service users who have indicated that they would like to live with greater independence and have more opportunities to work or volunteer. These care plans will be reviewed annually.

6. Initial Assessment of Overall Impact		
Positive Impact <input checked="" type="checkbox"/>	Negative Impact or Impact Not Known ³ <input type="checkbox"/>	No Impact <input type="checkbox"/>
7. Scale of Impact		
Positive impact: Minimal <input type="checkbox"/> Significant <input checked="" type="checkbox"/>	Negative Impact or Impact Not Known Minimal <input type="checkbox"/> Significant <input type="checkbox"/>	

8. Outcome			
No change to decision	Adjustment needed to decision	Continue with decision <i>(despite adverse impact / missed opportunity)</i>	If significant negative impact - Stop / rethink

³ 'Impact Not Known' – tick this box if there is no up-to-date data or information to show the effects or outcomes of the function, policy, procedure or service on all of the equality strands.

<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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9. Please give a full explanation for how the initial assessment and outcome was decided. .

This initiative will have a positive impact on individuals as it will:

- Enable service users to receive services and support in line with what demand dictates will be needed moving forwards
- Provide a more personalised approach, working closely with individuals to match accommodation and support provision to their aspirations for a home, friends and good work
- Enable all client groups currently using YCB to benefit from a more person centered, aspirational approach
- The proposals take in to account that the aspirations for younger adults with learning disabilities have changed significantly. The proposals recognise that there is a declining demand for traditional day service provision from some client groups (mental health and young people with learning disabilities) and that the model for the service needs to change in order to better support people to meet their aspirations to live lives with greater choice and independence
- Allow clients with the most complex needs will benefit from these proposals as they will enable continuity of service.