

# CHESHIRE EAST COUNCIL

## REPORT TO: Cabinet

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<b>Date of Meeting:</b>	19 January 2010
<b>Report of:</b>	Adult Services – People Directorate
<b>Subject/Title:</b>	New Provision for Adults with Learning Disabilities
<b>Portfolio Holder</b>	Councillor Roland Domleo

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### 1.0 Report Summary

- 1.1 This report highlights the current strategic planning to develop a new provision for adults with learning disabilities and associated complex conditions, like challenging behaviour and autism. The new provision would provide purpose built accommodation to support individual adults with a learning disability to maximise their potential and independence.
- 1.2 Due to the lack of local resources for people with this condition, Cheshire East has had to commission services for people out of area. The development of the new provision would enable those individuals to return to Cheshire East, to be nearer their families and access local health services.
- 1.3 The development of this new provision will also be available for adults with a learning disability and complex conditions coming through transition from Children's Services.
- 1.4 The aim of this report is to transfer the site known as Redsands for the development of this new provision. The site has been used by Children's Services and was vacated at the end of June 2009.
- 1.5 In order to vacate the site, Children's Services have undertaken their own capital scheme to re-house the children previously in residence at Redsands. This has left a residual unfunded sum within the capital programme, which it was always intended to fill through the disposal of the site. The current value of the site is £155,250.
- 1.6 Redsands is situated in a green gap, and local planners have indicated that the only possible open market alternatives for the development of this property is for B1 business use based on the footprint of the existing buildings, a D2 recreation/leisure type use or possibly a C1 hotel use. Land values are identical for B1 business use and C1 hotel use but the B1 business use is preferred by local planners and there is more demand for this use – the hotel use is not considered to be realistic in view of recent hotel developments in Crewe town centre.

D2 recreation/leisure type use gives a lower land values. Development for open market residential purposes will not be permissible. The building of supported tenancy accommodation would be allowed within the footprint of the existing buildings.

1.7 The funding to allow the transfer of the Redsands site from Children's Services to Adult Services at the value of £165,000 (current valuation updated 30/11/09 at £155,250) was agreed by Cabinet on 11<sup>th</sup> August 2009 as part of the Review of the 1<sup>st</sup> Quarter Year of Capital for 2009/10.

1.8 It is now necessary to formally seek permission from Cabinet to go through a selection process for the proposed development of social care housing for Adults with a Learning Disability. The development of this provision will avoid Cheshire East placing adults coming through transition from Children's Services into out of area placements and return people already living out of area at a lower revenue cost to the Council.

## **2.0 Decision Requested**

2.1 Agree to the transfer of the site from the Children's Services to Adult Services at the valuation of £155,250.

2.2 Agree to procure a development partner for the Redsands site to provide supported living facilities for adults with a learning disability.

2.3 Agree that Counsels opinion may be sought to ensure that the disposal of land to the chosen Registered Social Care Landlord does not fall within the definition of a Public Works Contract and so be caught by Public Contracts Regulations 2006 as referred to in paragraph 9.2 of this report.

2.4 Agree to go out to consultation to look at future need for respite for people with very complex conditions and review current use of services, in line with personal budgets and use of alternative provision.

## **3.0 Reasons for Recommendations**

3.1 There are 54 children moving into Adults Services over the next 2 years. 19 of these individuals moved to adult services in July this year at an annual cost to Cheshire East of £1,088,000. The individual package costs of these 19 ranges from £1000 a week to £5000 a week.

- 3.2 There are 47 people living in residential or private hospitals out of area, who could be housed locally, closer to their families and friends. The package costs of these individuals range from £1000 a week to £3,800 a week.
- 3.3 Returning people from out of area placements will develop capacity in the health and social care economy by allowing the local market to expand.
- 3.2 It will also provide an opportunity to develop the skills and expertise required within the local workforce, to deal with people with complex conditions. These skills have been lost to the residents of Cheshire East as we have placed people out of area.

#### **4.0 Wards Affected**

- 4.1 Rope Ward

#### **5.0 Local Ward Members**

- 5.1 Councillor Brian Silvester  
Councillor Margaret Simon  
Councillor Ray Westwood

#### **6.0 Policy Implications including - Climate change - Health**

- 6.1 By returning people to their local community, travel time and car pollution will be decreased for families and professionals, by reducing the requirement to travel long distances.
- 6.2 The health and wellbeing of people returning to their local community will be improved as they will be living closer to their relatives. People will have access to their local health services and professionals and carers will be able to monitor the service more effectively.
- 6.3 The scheme would also fit within priority 3 and 4 of the Sub Regional Housing Strategy for Cheshire East, by accommodating and providing support to the regions most vulnerable residents. The scheme would do this by 'developing focus on improved quality of life and raising aspirations, giving local people more choice in the housing available to them and improving the range and quality of housing on offer to ensure that people are able to access the kind of housing that they need/aspire to, whatever their age or situation in life'

## **7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

Not Applicable

## **8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 The financial commitment with the scheme is the transfer value of £155,250 this can be funded from the Learning Disability Development Fund capital. This funding has been confirmed by the Learning Disability Pooled Budget for 2009/10 by the four partners Cheshire East Council (lead). Cheshire West and Chester Council, Central and Eastern Cheshire Primary Care Trust and Western Cheshire Primary Care Trust.

8.2 The tenants will all have critical or substantial assessed needs, so there will be no 'net widening'. Staff support will be funded from the cost of the services users' current care packages. Savings will be realised through more efficient staff deployment across the scheme, aided by assistive technology. Prices have risen dramatically in the independent sector in the last five years, and the scheme will help to reduce Cheshire East's exposure to adverse market forces.

8.3 The exact staffing complement will be based on the assessed needs of the individual service users. Staff will need to have specialist skills to provide services for people who challenge existing services and a full training programme will be required to support this area of work.

8.4 As tenants become more independent, individuals will want to choose their own support though self-directed support and individual budgets.

8.5 Annual savings on care costs remain an estimated £143,650 per annum. This is taking the current revenue cost of 24 clients on transition or living in out of area placements at £2,873,000 a year and reducing these costs by 5%. This is felt to be a very prudent assessment of potential cost reduction which is considered to be deliverable. However, it is not possible to quantify the exact level of savings at this point as the service users concerned have not yet been finalised.

8.6 When considering the annual savings it needs to be recognised that income is being forgone due to the lease being granted on a peppercorn basis. The lease terms are critical to unlocking the Registered Social Landlord's ability to procure capital investment for

the scheme from Homes and Communities to enable the project to proceed.

## **9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 The General Consent under Section 25 of the Local Government Act 1988 for the disposal of land to registered social landlords 2005 provides that a local authority may give financial assistance to a registered social landlord (RSL), by disposing of land at an undervalue, subject to the terms of the proposed disposal complying with the conditions set out in the consent.
- 9.2 Recent European Court of Justice cases and subsequent Office of Government and Commerce (OGC) guidance (Public Policy Information note 11/09 16 October 2009) has created some uncertainty, where there is more than a simple disposal of land, as is the case here. The council is proposing to enter into a lease, requiring land to be developed for a certain use with amongst other things nomination rights. If the works being carried out by the Developer fall within the definition of a "Public Works Contract" then the council must follow the procedures laid down in the Public Contracts Regulations 2006 if it is not below the relevant financial thresholds, which in this case would be £3,927,260 (from 1st January 2010). This would mean advertising at EU level in the Official Journal of the European Union. Contracts below the above threshold are not caught by the Regulations.

## **10.0 Risk Management**

- 10.1 The risks of Cheshire East not providing this service will mean that individuals will continue to go out of area at high cost to Cheshire East.
- 10.2 Continuing to move people to out of area placements means that people are unable to access local community and health services and live away from their family and friends. Individuals and families also have little choice and control over where they live and the support they have.

## **11.0 Background and Options**

- 11.1 In January 2009, the Department of Health published Valuing People Now, which relates to future national priorities for adults with a learning

disability. Increasing the availability of tenancies and home ownership is one of four key areas within the document. The new provision will make available 18 tenancies.

- 11.2 Returning individuals as appropriate from high cost out-of-area placements is a Valuing People Now objective and also recommended by the updated Mansell report 2008. Professor Mansell clearly identifies and makes recommendations on the need for commissioners to develop local services for people with significant challenging behaviour. Many service users have lived in their current placement for a considerable length of time, but others were placed a long way from home simply because there was no viable local alternative.
- 11.3 The demographic changes that Cheshire East Council are facing for the general population have the same implications for people with learning disabilities, people are living longer and more children are being born with disabilities. Research in this area has been completed by Eric Emerson and Chris Hatton in two papers; People with Learning Disabilities in England and Estimating Future need of Adults with Profound Multiple Learning Disabilities in England. These papers estimate a 1.8% annual increase in the population of adults with complex conditions requiring services from 2009 to 2026. This will equate for the population of Cheshire East a rise from 95 adults with complex conditions in 2009 to 147 in 2026.
- 11.4 The new provision will provide 18 single flats and a 6 bedded residential service with the potential of a 6 bedded respite unit. Cheshire East Council will need to rent the land to a Registered Social Landlord (RSL) who will be responsible for the design, planning and building of the accommodation. Individuals will have a tenancy agreement with the RSL who will maintain the buildings. The support provider will be separate to the Registered Social Landlord.
- 11.5 This development would provide Cheshire East's In House Provider Services, as the Support Provider, with the opportunity to modernise and redevelop their services in line with providing for people with high dependency needs. (Cabinet decision of Nov 3<sup>rd</sup> on Transformation of Services for Adults, Phase2)
- 11.6 The Support Provider will provide a service model in the new provision that will ensure that people with learning disabilities are involved in important life decisions and receive support to do things that are consistent with their own wishes and those identified in a Person Centre Plan. This will require a balanced approach between risk management and person centred care. All clients will have a health action plan.
- 11.7 The Support Provider will be registered with the Care Quality Commission for residential and domiciliary care. They will demonstrate that resources are delivered in a cost effective way in delivering

individuals care. The service will incorporate assistive technology to allow individuals to maximize their independence.

- 11.8 The Support Provider will employ well trained qualified staff who will be able to demonstrate the knowledge and skills required to support adults with complex conditions. The model of support must be developed by good leadership, team working and supervision.
- 11.9 People returning from out of area will be much closer to their families and other existing social networks and local health facilities. Their continuing needs can be more closely monitored by social care and health professionals, assisting the move to greater independence as appropriate.
- 11.10 The scheme could be completed and tenancies allocated by approximately summer 2011.

## **12.0 Overview of Year One and Term One Issues**

12.1 The scheme will provide the following accommodation;

- 3 blocks of single flats with 6 flats in each block
- 1 x 6 bedded residential service
- 1 x 6 bedded respite unit

Total 24 places & 6 respite places (if required via the consultation & review)

## **13.0 Access to Information**

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