

Adult Social Care Scrutiny Commission Report

Spending Review Programme 4 - 2019/20
Ceasing Funding for the
Independent Living Floating Support Service

Lead Assistant Mayor: Cllr Vi Dempster

Lead Director: Steven Forbes

Date: 19th June 2018

Useful information

- Ward(s) affected: All
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- Report version number: 3

1. Purpose

- 1.1 To seek agreement to cease funding for the Independent Living Floating Support service with effect from 31.3.2019, on the basis as outlined in the report.
- 1.2 The proposals would secure savings of £545k that will contribute to the Council's Spending Review Programme 4, which requires Adult Social Care to deliver savings of £5.5m for 2019/20.

2. Summary

- 2.1 The Independent Living Floating Support (ILFS) service provides support to non-local authority tenants, who are below the threshold for Adult Social Care (ASC) statutory support.
- 2.2 An internal team determine if an individual fulfils the required criteria and if appropriate they will refer to an external organisation to provide the support. Creative Support Ltd are contracted to provide up to 485 support hours per week, for up to 160 service users at any one time, subject to a maximum of 12 weeks support per service user.
- 2.3 The internal team cost £160k and the annual contract value with Creative Support is £385kpa making a total service cost of £545k. The contract is due to expire on 31/3/2020. For 2017/18 there was an under-spend of £265k on the contract, due to the low number of referrals / demand being lower than expected.
- 2.4 In the event that the proposals are approved it is envisaged that the Council would look to terminate the contract with Creative Support with effect from 31.3.2019, and to make the internal team redundant in line with the Council's policy.
- 2.5 The impact of withdrawing the service for those using it is likely to be minimal given the short term nature of support (up to 12 weeks). There is a possibility that some individuals may be at risk of losing their tenancy due to the lack of support. It is important to note that the nature of the current service/support is such that it would have only offered a short-term intervention providing guidance and support to reduce that risk.
- 2.6 However, if any individuals require support due to their vulnerability, the Enablement service, based within ASC would provide short term support.

3. Recommendation

- 3.1 The Adult Social Care Scrutiny Commission are asked to note the preferred option, which will contribute towards the ASC Spending Review Programme 4, totalling £5.5m, and make any comments to the Strategic Director for Adult Social Care and Health and/or the Lead Executive Member.

4. Report

- 4.1 Adult Social Care (ASC) is required to deliver savings of £5.5m for 2019/20 to contribute towards the Council's Spending Review Programme 4. Therefore, it is proposed to cease the Independent Living Floating Support (ILFS) service with effect from 31.3.2019. Ending the service will save £545K pa
- 4.2 ILS provides up to 12 weeks support to non-local authority tenants, who are below the threshold for ASC statutory support. The support includes, money management, developing domestic and social skills to prevent tenancy failure.
- 4.3 There is a small internal team of 5 FTE (costing £160kpa) who apply set criteria to any potential cases, if an individual is deemed to need support, goals are set and a referral is made to an external organisation who provide the support.
- 4.4 The external organisation is Creative Support Ltd, a large national company, who are contracted to provide up to 485 support hours per week, for up to 160 service users at any one time, for up to 12 weeks.
- 4.5 However, if any individuals require support due to their vulnerability, the Enablement service, based within ASC would provide short term support.
- 4.6 If the proposal is agreed then the Council would be required to give formal 3 months' notice in writing to Creative Support the provider to end the contract.
- 4.7 There are currently 5 FTE internal posts (total cost £160k) supporting this service. 1 post is vacant, but a formal redundancy/redeployment consultation exercise will be required with the existing 4 members of staff.
- 4.8 Consideration has been given to other options in achieving the saving including:
- Continue to deliver the service at its current levels; or
 - End the funding completely but not offer any alternative option for service user
- 4.10 However, neither of these options are considered viable because we would not make the required savings, and ending the funding completely could have a detrimental effect on current service users.

5. Financial, legal and other implications

5.1 Financial implications

5.1.1 If this proposal goes ahead following it will contribute £545k pa towards the £5.5m spending review four savings target for ASC. The contract notice period and organisational review timetable means that savings will be accrued in full from April 2019 as required.

5.1.2 *Martin Judson, Head of Finance*

5.2 Legal implications

5.2.1 The service provided is outside of our statutory duties under the Care Act therefore there is no statutory duty arising under its provisions to consult. In the absence of a statutory duty it falls to the common law rules and this duty does not appear to be engaged in these circumstances. It is understood that we have not had a well-established, consistent past practice of consulting or made a promise to consult on this particular issue. Further, this does not appear to be a case where failure to consult would lead to any unfairness. This is based on the following principles:

- The impact of the decision – the more serious the decision the more likely it is to lead to consultation requirements. In this case we have the possibility of it affecting people's homes. The service users have a maximum of 12 weeks support and the present service users will not be impacted as their support will continue until it is completed; future service users will be signposted to other alternative services to reduce any potential impact.
- Significant public interest – essentially the greater the public interest the greater the requirement to consult due to the significant impact upon the decision. In this case, given the public interest in the costs of statutory care there would likely be less public interest in the reduction of a non-statutory service.
- Where people have legitimate expectation that they will continue to enjoy a right/protection or benefit and it is to be removed - it should be noted that this circumstance has been seen to be an exceptional one by the courts. Given the short term nature of the support for each individual and, assuming that there is limited chance of repeat service user use, then this is not likely to be applicable here.

Jenis Taylor, Principal Solicitor (Commercial)

5.3 Climate Change and Carbon Reduction implications

5.3.1 The existing ILFS service will be generating carbon emissions through the travel involved in visiting the clients. The recommended option to cease the service, and to pick up any tenancy related support requirements through Enablement would reduce the travel and resulting carbon emissions.

Duncan Bell, Senior Environmental Consultant. Ext. 37 2249

5.4 Equalities Implications

5.4.1 When making decisions, the Council must comply with the Public Sector Equality Duty (PSED) (Equality Act 2010) by paying due regard, when carrying out their functions, to the need to eliminate discrimination, advance equality of opportunity and foster good relations between people who share a 'protected characteristic' and those who do not.

5.4.2 Decision makers need to be clear about any equalities implications of the proposed options by examining the likely impact on those who may be affected by the recommendation and their protected characteristics.

5.4.3 Protected groups under the Equality Act are age, disability, gender re-assignment, pregnancy/maternity, race, religion or belief, sex and sexual orientation and marriage and civil partnership.

5.4.4 If the proposal is ultimately agreed, an organisational review equality impact assessment will need to be carried out for the council staff who would be made redundant under the proposal.

5.4.5 In addition, a service change Equality Impact Assessment will need to be carried out, taking into account the potential impacts of the proposed withdrawal of funding to people from across all protected characteristics. This Equality Impact Assessment looks at all of the options available to the council, in order to allow decision makers to make an informed decision taking into consideration the implications of each of those options.

5.5.5 The consideration of equalities implications must influence decision making from an early stage and throughout the process, and should inform how the proposed engagement exercise and consultation are conducted, in order to ensure that relevant information about the potential equalities impacts in relation to protected characteristics is obtained. The findings from the consultation can be used then, to further inform the equalities impact assessment and mitigating actions where a disproportionate negative impact on those with particular protected characteristic/s is identified.

5.5.6 The report identifies the use of the Enablement service and mitigating actions need to be identified to address this, to ensure vulnerable individuals' needs continue to be met and that they are not disproportionately negatively impacted on the basis of a protected characteristic.

Sukhi Biring, Equalities Officer

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

6. Summary of appendices

None