

**CABINET – 14 DECEMBER 2021****PROVISION OF IN-HOUSE COMMUNITY LIFE CHOICES SERVICES
(DAY SERVICES)****REPORT OF THE DIRECTOR OF ADULTS AND COMMUNITIES****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of the outcomes of the Community Life Choices (CLC) Framework procurement and the consultation on proposed changes to the provision of the in-house CLC services (day services) and make recommendations for a proposed way forward.

Recommendations

2. It is recommended that:
 - a) The services offered under the new Community Life Choices (CLC) Framework be noted;
 - b) The outcome of the consultation on the proposed changes to the Council's in-house CLC services be noted;
 - c) The changes to the Council's in-house CLC services be agreed as follows:
 - i) The in-house short breaks services integrate a CLC offer as part of people's short breaks stay at the existing facilities in Melton Mowbray, Wigston and Hinckley;
 - ii) The services for adults currently providing long-term maintenance CLC packages to be closed to new referrals and appropriate alternative provision be sourced for existing service users via the CLC Framework;
 - iii) All in-house CLC services for adults providing long term maintenance CLC packages to cease, and such services to be provided in future through the CLC Framework;
 - d) It be noted that the existing users of the Council's in-house CLC services will be fully supported in their transition to alternative services.

Reasons for Recommendations

3. The County Council's provision of CLC services has steadily reduced over several years. The COVID-19 pandemic has further affected the demand for Council run services and the Council's capacity to deliver in-house services has been dramatically reduced over the past 18 months as a result of the need to maintain social distancing and other COVID-19 related restrictions, leading to a requirement to consider how best to use the resources available to the Council to deliver the right outcomes for service users.
4. It is therefore proposed to re-focus in-house services on crisis care, short term reablement and enablement, and support for carers through the delivery of a responsive seven day a week service.
5. Long-term maintenance CLC support can be delivered effectively by external providers. The new CLC Framework started in late November 2021. There are 27 organisations on the new Framework, eight of whom were not on the previous CLC Framework. There are 13 providers who can deliver services for people with Profound and Multiple Learning Disabilities.

Timetable for Decisions (including Scrutiny)

6. The Adults and Communities Overview and Scrutiny Committee considered a report on the proposals at its meeting on 7 June 2021 and a further report on 1 November 2021 on the outcome of the consultation and progress on the CLC Framework procurement. The Committee's comments are set out in Part B of this report.
7. An Action Plan to consult further with staff on the closure of services and potential redeployment opportunities will commence from Spring 2022 and where appropriate sooner in parallel with transitions of service users to appropriate alternative services.

Policy Framework and Previous Decisions

8. The proposals in this report directly link to the "Working Together for the Benefit Everyone: Leicestershire County Council's Strategic Plan 2018-22" and in particular, the strategic outcomes of Wellbeing and Opportunity and Keeping People Safe. The proposals are also integral to the delivery of the ambitions for Adult Social Care which are detailed in the Delivering Wellbeing and Opportunity in Leicestershire Adults and Communities Department Ambitions and Strategy for 2020–2024.
9. The Care Act 2014 gives the Council responsibility for ensuring there is a wide range of good quality care and support services available for people to choose from. Emphasis is placed on the importance of enabling adults with needs for care and support and carers with needs and support, where they wish to do so, to participate in work, education, or training.
10. On 22 June 2021, the Cabinet approved the procurement of a new CLC Provider Framework, with a view to the new service being implemented by the end of November 2021. The Cabinet also authorised the Director of Adults and Communities to commence a consultation exercise on proposals to reduce the

Council's in-house CLC services and support existing service users move to appropriate alternative services.

11. The procurement of the new CLC Framework closed on 27 September 2021 and following the evaluation of the tenders and the final contract award there are 27 organisations on the new Framework, which went live on 29 November 2021.

Resource Implications

12. The current budget for in-house CLC service provision for 2021/22 is £3m. Analysis is ongoing to quantify future costs balancing the cost of in-house provision against expenditure on externally provided alternative services.
13. Staffing at in-house CLC services will be carefully managed to maintain a safe level of service and good quality of support whilst facilitating service user transitions. Some existing staff remain temporarily redeployed in response to recovery from the pandemic and there are sufficient alternative posts for any displaced staff within the Department.
14. The Director of Corporate Resources and the Director of Law and Governance have been consulted on the contents of this report.

Circulation under the Local Issues Alert Procedure

15. This report has been sent to all members of the County Council.

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PART B**Background****New CLC Framework**

16. The County Council operates a commissioning framework for the provision of day services known as Community Life Choices (CLC), which allows service users choice of provision from a selection of pre-approved providers. The primary purpose of the CLC service is to enable people to remain in their own homes, living as independently as possible to achieve and maintain their potential in relation to physical, intellectual, emotional and social capacity. Over 900 people are currently receiving CLC services via the CLC framework and/or via a Direct Payment.
17. The new CLC Framework went live on 29 November 2021. There are 27 organisations on the new Framework, eight of whom were not on the previous CLC Framework. Within the new Framework there are specific lots relating to the delivery of support for people with Profound and Multiple Learning Disabilities, specialist Dementia Support and for Managed PA services (successful providers were evaluated on their ability to deliver these services, alongside services for the other groups on the Framework). The Service Specification lists essential support skills that staff are required to have to be able to support people with specific needs, including Profound and Multiple Learning Disabilities. The following services are available. Some providers will operate services from more than one location and could operate multiple smaller services from a location:

District	Services offered under the new CLC Framework						
	Learning Disability	Profound and Multiple Learning Disability	Physical Disability	Mental Health	Older People over 55	Specialist Dementia Support	Managed PA support
Charnwood	22	5	9		8	8	2
North West Leicestershire	2				1	1	
Hinckley and Bosworth	8	7	7	1	1	2	2
Melton	1				2		
Harborough	2	1					1
Blaby	1	2	1		1	1	
Oadby and Wigston	3	2	1	1	1	1	
Countywide	4	3	2	3	2	2	2
Leicester City	11	3	9		4	8	6
Out of County	1						
Total	55	23	29	5	20	23	13

18. Discussions have commenced with providers on the new Framework regarding their current and future capacity and development plans.

19. In expanding current services providers noted the challenges of the availability of appropriate building bases and staff recruitment. Providers also commented on the time it will take to prepare services to support people with more complex needs, for example specialist staff training, obtaining equipment and the need to allow a gradual transition of people into the new services.
20. However, key messages coming from these discussions are that providers are interested in expanding their services, including increasing the services available for people with Profound and Multiple Learning Disabilities. There is also a willingness from providers to expand their services to new areas of the County.

In-house CLC Services

21. In addition to the CLC Framework, there are currently 10 building-based day services provided in-house. The Council currently employs 43 full time equivalent staff across locations in Ashby, Blaby, Coalville, Hinckley, Loughborough, Market Harborough, Melton Mowbray, South Wigston and Wigston.
22. The County Council's market share within the CLC provider market has steadily reduced over several years; this is due to several factors including local policy changes and growth in the independent market. The COVID-19 pandemic has also meant that in-house service capacity has been reduced over the past 18 months because of the need to maintain social distancing and other COVID-19 related restrictions, leading to a requirement to consider how best to use the limited resources available to the Council to deliver the right outcomes for service users.
23. To that end the Council proposes to re-focus its in-house services on crisis care, short-term reablement and enablement, support for carers through the delivery of a responsive seven day a week service based at existing short breaks services, whilst ceasing the provision of long-term maintenance CLC support.
24. Through the re-procurement of the CLC Framework, the external market was tested to establish whether capacity can be developed to meet the needs of people who attend in-house CLC services.
25. Since the start of the pandemic in March 2020, staff from the in-house CLC services have been actively reviewing services users' needs and existing support plans, working with service users and their families. Where there has been a need or request, appropriate alternative provision has been sourced from within the current provider market to ensure that people can be effectively supported during the pandemic at a time of reduced capacity.
26. This has resulted in a 31% reduction in the number of service users accessing in-house CLC provision since the Cabinet's approval to consult on the proposed changes to the service in June 2021. The pre-consultation and current service usage is outlined in the tables overleaf:

Pre-consultation service usage	No. of service users
The Trees, Hinckley	7
Bridgeview, Melton	13
Community Resource Centre, Coalville	15
Hood Court, Ashby	3
Roman Way, Market Harborough	17
Timber Street, Wigston	8
Carlton Drive/Blaby Base, Wigston	20
Charnwood CLC/Victoria, Loughborough	29
Total	112

Post-consultation service usage as at 23 November 2021	No. of service users
The Trees, Hinckley	3
Bridgeview, Melton	9
Community Resource Centre, Coalville	9
Hood Court, Ashby	1
Roman Way, Market Harborough	10
Timber Street, Wigston	12
Carlton Drive/Blaby Base, Wigston	11
Charnwood CLC/Victoria, Loughborough	22
Total	77

27. Of the current 77 service users accessing in-house provision, seven are currently in the process of transition to alternative services and it is anticipated that these transitions will be completed by 10 January 2022.

Consultation Process

28. In advance of the launch of the formal consultation, communication with people who are directly affected by these proposals had taken place including with the service staff. Information and reports were shared and opportunities for people to make contact to discuss the proposal was made available.
29. The eight-week formal consultation on changes to the in-house CLC services was launched on 31 August 2021 and closed on 26 October 2021. The consultation comprised of a document narrating the details of the proposal, alongside a questionnaire and were available via the Council's website at www.leicestershire.gov.uk/in-house-community-life-choices or by post on request.

30. An Easy Read version of the consultation was also produced. A dedicated mailbox (email) and phone line was set up to ensure that enquiries can be directed and responded to accordingly.
31. The launch of the consultation was communicated directly with service users and/or relatives and carers affected by the proposal, and paper copies including an Easy Read version of the consultation documents were distributed.
32. Service users and/or relatives and carers of those people who currently use in-house CLC services were invited to discuss the proposal by telephone or face-to-face meetings. This had been made possible by holding meetings in a building deemed to be COVID safe by the Council's Health and Safety Team, ensuring appropriate personal protective equipment and social distancing measures were adopted.
33. Face-to-face meetings and direct support was provided to those people impacted by the proposal to complete consultation surveys where required.
34. Where appropriate, advocacy and translation services had also been engaged in maximising engagement and ensuring that people fully understand the proposal and are able to contribute their views and have their say in the consultation.
35. Virtual team meetings were held with service staff and offers for one-to-one meetings and wellbeing support provided.
36. The consultation was also promoted to:
 - Employees of Direct Services;
 - Elected Members;
 - Trade Unions;
 - Leicester City Council;
 - Rutland Council;
 - Local Clinical Commissioning Groups;
 - Blaby District Council;
 - Charnwood Borough Council;
 - Oadby and Wigston Borough Council;
 - North West Leicestershire District Council;
 - Harborough District Council;
 - Hinckley and Bosworth Borough Council;
 - Melton Borough Council;
 - Healthwatch;
 - Voluntary Action Leicester;
 - General public via a media release and social media posts on the Council's Facebook and Twitter platforms;
 - Learning Disability Partnership Board.
37. By the time the consultation closed on 26 October 2021, the Council had received a total of 288 responses to the consultation. Six responses (from service users and/or relatives/carers) were subsequently received by post and have also been included.

38. Appendix A to this report details the consultation responses from service users and/or their relatives and carers; a total of 79 responses. Appendix B details all other responses to the consultation, a total of 213 responses. A summary of the survey responses is given below.
39. An online petition was launched by a member of the public opposing the proposals in particular to the closure of in-house CLC services in Harborough. As at 1 December 2021, this petition has not been submitted to the Council.

Overview of Consultation Survey Responses

40. The overwhelming majority of respondents strongly disagreed with the proposal for the Council's in-house CLC services to stop providing long term day services – 91% of the current users/relatives/carers of in-house CLC services and 83% of the total respondents.
41. Based on the additional comments made, the main reasoning for this response is the perception of lack of alternative provision in the external provider market, examples of responses being:
- *“I totally disagree because you can't provide places for people like the man I care for who needs 1-1 care, you've been looking for weeks.”*
 - *“The lack of alternatives for the service user support. There is a shortness in the Melton area of support that is able to meet their needs.”*
 - *“This provides an important service to both service users and families. There is no other service in this area that provides this kind of service to people with very complex needs.”*
 - *“We have tried other services in the past but unfortunately they didn't meet my daughter's needs.”*
 - *“(anonymous) has tried attending independent services and they cannot cope with him.”*
 - *“Private sector is not suitable for me needs.”*
 - *“Services delivered in house are for people with complex care and support needs and these facilities are unavailable in the private sector. Also, staff in the independent sector are not use to dealing with crisis care and/or have the skill set required like the in-house provision.”*
 - *“The council must be sure that the new service will be good before they shut existing service.”*
 - *“are there the width and breadth of services that the clients of our sector require. For example, as far as I am aware in the independent sector the amount of hoists is pitiful, as there seems to be a lack of will, knowledge and training.”*
42. There were some respondents who viewed the proposals as a positive, examples of responses included:
- *“Well running cost are high and using the services - clients are reduced. Outsourcing a package would give more choice to clients. Clients would have more say in tailoring their need. Also it would create jobs and employment.”*
 - *“I think the resources could be better targeted towards individual need, e.g. in the community or support in peoples own homes.”*

- *“I feel that the independent sector offer more in the way of more appropriate activities than our in house service. Service Users no longer want to play games and bingo, preferring to do activities that are more meaningful.”*

43. Over half of the respondents strongly disagreed with the Council’s proposals to support existing service users to transition from in-house CLC services to new alternative provision if the Council stopped providing long-term days services at in-house CLC locations – 51% of the current users/relatives/carers of in-house CLC services and 52% of the total respondents. Most of the respondents replied in this way because they were against the overall proposals to cease in-house service provision, not the proposals to support the transition to alternative services.
44. Approximately half of the respondents strongly disagreed that the market (via an open framework) could provide an improved level of diversity, choice and control in the range of CLC services available to service users – 52% of the current users/relatives/carers of in-house CLC services and 49% of the total respondents.
45. The main reasoning for this was the perception of the lack of capacity to deal with more complex needs of individuals:
- “Again, no placements available for more complex needs.”*
 - “Other services may be unable to provide the level of care or expertise that CLC services currently provide. Most of the people that use the services have complex needs.”*
 - “Because many people with the conditions will not be acceptable to private providers as they do not have the means to accommodate them as mentioned previously. The providers that you mention do not exist at present. The facilities needed, do not coincide with the facilities being offered.”*
 - “Our daughter has tried various alternatives in the past, but they failed to meet her needs and put more strain and stress on our family.”*
 - “We have no knowledge of the availability of provision in the sector. Lack of information.”*
 - “Don’t know what’s out there, there isn’t really anything in this area.”*
 - “The market lacks capacity in general and does not have the appropriate facilities to accommodate such a range of services. It is likely that support packages will breakdown and mean that the council would need to provide more services around the person.”*
46. There were some respondents who viewed the proposal as a positive, examples of responses included:
- “There are some excellent providers out there that offer more person centred plans to people.”*
 - “It is a good idea and should help.”*
 - “It is more likely to meet the individual needs of the service user.”*
47. The following themes were identified during the consultation, which mirrored those that were highlighted during the pre-engagement activity. An officer response to these themes is detailed within each point:

That long term in-house CLC maintenance services should be retained

48. A theme throughout the consultation responses was that an in-house Council-run CLC service should be retained. Despite this concern from users of the service, the overall registered user group number is now down 31% since the Cabinet agreed to consult on the proposals to close the service, as a consequence of sourcing external provision to ensure that people's support needs were met at a time of reduced internal capacity due to COVID-19 restrictions. Pre-consultation there were 112 registered users of in-house CLC services, and as of 23 November 2021, this number has reduced to 77 following a successful programme of reviewing service users' needs and seeking appropriate alternative provision within the provider market.

There is a lack of alternative provision locally to cater for service users with more complex needs

49. There was strong feedback from both service users and the public that there was a lack of suitable local provision within the current provider market to meet the needs of people who have more complex needs, particularly people with Profound and Multiple Learning Disabilities.
50. As noted in paragraph 17 above, a new CLC Framework has recently been procured which has provided some assurance in respect to current services and confirmed the capacity to further expand the availability of provision over the term of the contract. No services will be closed until such time as every service user has an alternative service able to meet their needs.

An acknowledgement that the current in-house CLC service provision is good and successfully meets the needs of the existing cohort of service users

51. There was strong feedback from service users that the current level of service they receive from in-house CLC services was of very high quality and that continuity of staff and regular routine were characteristics very strongly valued.
52. The Council acknowledges this feedback and is proud of the high-quality accolades received by its users and their representatives. However, over time the Council's share of the CLC market has been steadily reducing and it currently occupies less than 10% of that market. Running the service at current staffing and operational levels is unsustainable, making the service more expensive to run for a reducing pool of service users. Consideration must now be given to how best to use the resources available to the Council to deliver the right outcomes for service users.

The proposals will have a negative impact on those who currently access in-house CLC services

53. There was concern that closing in-house CLC services and moving the existing service users to alternative provision would have a negative impact on them due to the complexities in their level of need; disruption to routine and the difficulty that the transition period would present e.g. transport, establishing new relationships with their new provider. Discussions with families and service users in the pre-

engagement period and subsequently during visits as part of the review of needs to look at alternatives have gone some way to alleviating these concerns. The continuity of care and support arrangements was very important to families. It was noted that any transition would be undertaken in a planned way, with taster visits and early engagement with newly identified providers to ensure a smooth transition.

Concern that these proposals will result in lack of continuity and that relationships that staff have built up with service users will not be replicated in alternative provision

54. It is fully acknowledged that service users and their families/carers value the quality of service provided by existing in-house CLC provision and that continuity of staff is key to the delivery of excellent care.
55. It is a priority for the Council to ensure that there are sufficient and appropriate services available throughout the County to meet the needs of the people accessing these services.

The pandemic has confirmed that alternative service delivery methods such as virtual sessions via Zoom or other remote outreach delivery mechanisms do not work or adequately meet service users' needs

56. The Council's limited capacity throughout much of the pandemic has meant that delivery of traditional building-based services was not possible due to COVID risk assessments, the need for social distancing and so on. This resulted in alternative ways to interact with service users to ensure their welfare was being maintained; mainly delivered through telephony welfare checks and through community outreach sessions.
57. Feedback from the consultation has confirmed that service users did not place much value on such alternatives and would greatly prefer to have building-based services or community outreach activities on a one-to-one or group support basis. This feedback will be used to inform the types of services that will be offered from providers within the new CLC framework.

Comments of the Adults and Communities Overview and Scrutiny Committee

58. The Adults and Communities Overview and Scrutiny Committee considered a report on the proposals and consultation feedback at its meeting 1 November 2021. Whilst it noted that the overwhelming majority of respondents to the public consultation strongly disagreed with proposal that the Council's in-house CLC service stops providing long term day service packages, the Committee supported the proposed way forward, taking into account the assurance provide by the Director that:
 - a) the recent procurement of the new CLC Framework had provided a reasonable level of assurance that there was interest from the independent market to deliver day services including for those with highly complex needs;
 - b) the Department was not looking to cease providing in-house CLC services, but instead sought to refocus them around its short breaks provision which would

enable particular focus to be given to supporting carers through the delivery of a responsive seven day a week service, crisis management and supporting people to learn and re-learn skills to enable them to become more independent and re-join the CLC independent market;

- c) that there was an ambition for the Department to help support the growth and development of the independent sector in this area.

59. A Member representing an electoral division in the Oadby and Wigston district asked the Committee to specifically note their opposition to the proposal for the Council to cease providing long term in-house day service packages. They advised that in their experience the Council's day services and its staff had always been exemplary; and expressed concern that private providers might not provide the same level of activities and the types of people that used the service often found change stressful. They suggested that the Council should continue but instead reduce its service and the number of buildings used, to reflect the drop in demand.

Conclusions

60. The pre-engagement activity and overall consultation has provided an opportunity to improve the understanding of individual circumstances and support needs of families and service users affected by these proposals. It is noted that the overall view of respondents remains that a Council-run CLC service for the provision of long-term maintenance CLC packages should be retained, and that a move to an open CLC Framework will result in a lack of choice and alternative provision to cater for those customers with more complex needs.
61. Whilst acknowledging the responses to the consultation, the Adults and Communities Department believes that directly provided maintenance CLC services should cease to be provided to allow the Council to focus on the provision of short-term, crisis, reablement and crisis support. Working closely with the remaining users of in-house CLC services and the provider market, the Council aims to identify any areas for service development and work together to bridge the gaps so as to transition service users over a period of time when appropriate services are available.
62. Although a new CLC Framework has now been established, the Council will not rule out any offers for transfer of service as oppose to transfer of individuals. For example; some providers may express an interest to utilise existing Council property assets as an accommodation base for their service. This however does bring separate consideration and will need to be evaluated against the requirements of the framework and other interested Council stakeholders (Strategic Property Services, People Services, Commissioning Support Unit, Legal etc).
63. The proposed closure of all in-house operated CLC services as a place for the provision of long-term maintenance CLC packages will require the carefully managed transition of 77 remaining users of the service. Subject to the Cabinet's agreement to the proposals in this report, contact will be made with families and users of this service to develop personalised transition plans.

64. Formal consultation will be undertaken with staff who work at all in-house CLC service building bases on the proposed closure of the service, whilst exploring redeployment options that are available with a view to minimising any compulsory redundancies.
65. Should the Cabinet approve the recommendation in this report, the existing CLC building-based sites (excluding those at Melton, Hinckley and Wigston, to be retained as short breaks building bases) will be subject to discussions with the Council's Strategic Property Services to determine the Council's future asset requirements.

Equality and Human Rights Implications

66. An Equality and Human Rights Impact Assessment (EHRIA) screening document has been completed in relation to the consultation and proposals agreed by the Council's Cabinet. It has been reviewed following the conclusion of the consultation and concluded that the recommendations should have a neutral impact on the services.
67. The EHRIA reiterated the need for attention to be paid to the management of change processes to ensure people are supported well through any transitional arrangements.

Background papers

Leicestershire County Council Strategic Plan 2018-22

<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2021/2/1/LCC-Strategic-Plan-2018-22.pdf>

Delivering Wellbeing and Opportunity in Leicestershire – Adults and Communities Department Ambitions and Strategy for 2020-24

<https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/2020/9/30/Vision-and-Strategy-for-Adults-and-Communities-Department-2020-2024.pdf>

Report to Adults and Communities Overview and Scrutiny Committee: 6 September 2016 - Community Life Choices Framework 2017-20 and Consultation on Future Delivery

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=4521&Ver=4>

Report to the Cabinet 11 October 2016 – Community Life Choices Framework 2017-20 - Outcome of Consultation on Future Delivery

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=4606&Ver=4>

Report to Adults and Communities Overview and Scrutiny Committee – 1 November 2016 - Community Life Choices Framework 2017-20 – Outcome of Consultation on Future Delivery

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=4936&Ver=4>

Report to Adults and Communities Overview and Scrutiny Committee – 7 June 2021 – Procurement of Community Life Choices Services

<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=6462>

Report to the Cabinet: 22 June 2021 – Procurement of Community Life Choices Services
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=135&MID=6444>

Report to the Adults and Communities Overview and Scrutiny Committee – 1 November 2021 - Procurement of Community Life Choices Services and Outcome of Consultation on In-House CLC Proposals
<http://politics.leics.gov.uk/ieListDocuments.aspx?CId=1040&MId=6464&Ver=4>

Appendices

Appendix A – Consultation Survey Responses – Service Users/Relatives/Carers

Appendix B – Consultation Survey Responses – All Other Respondents