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**ADULT SOCIAL CARE CONTRACTS**

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**Responsible Cabinet Member - Councillor Veronica Copeland,  
Adult Social Care and Housing Portfolio**

**Responsible Director - Murray Rose, Director of Commissioning**

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**SUMMARY REPORT**

**Purpose of the Report**

1. This report seeks agreement of Council to waive Contract Procedure Rule 18 and commission directly with a social care provider to meet the complex support needs of an individual with a learning disability and autism; this would ensure that this individual (subsequently referred to as X in this report) can be discharged from hospital in line with national direction and have their needs met within their local community.

**Summary**

2. X has lived in hospital for more than 10 years and there is no clinical reason that they need to do so. Previous attempts have been made to support discharge; however these have never been successful, largely due to the complexity of the support needed.
3. Prior to his move to hospital X was briefly supported in the community by a private domiciliary agency funded by Darlington Borough Council. This model of support was unable to meet X's needs and they were compulsorily detained in hospital.
4. Following a formal procurement exercise in 2009 X was discharged from hospital to a residential care home in Darlington, however it very quickly became apparent that the provider was unable to meet X's needs and they were again readmitted to hospital.
5. Among the lessons learnt from this was that any future move would need to be planned in close partnership with the CCG and that there would need to be an intensive and prolonged transition period. At times X requires restraint and withdrawal techniques that are not widely used and need to be personalised to his needs. It was acknowledged by the provider involved at this point that only a handful of specialist providers nationally would be able to deliver this. The likely annual budget, calculated on his support hours at the specialist domiciliary rate of £13.32 per hour, is approximately £260,000.

6. The waiver would allow the Council to directly award a contract to the identified provider. Numerous attempts have been made to identify a provider who can meet the needs of X and no other provider can do so.
7. The cost of the support will be split 50/50 with the CCG. X will be subject to Section 117 of the Mental Health Act and be subject to an annual review. It is hoped that as X adjusts to living in the community there will be a reduction in support costs, however X will always require high levels of support to meet their health and social care needs. The annual cost of the contract to Darlington Borough Council will be approximately £150,000.

### **Recommendation**

8. It is recommended that Council agree to waive Contract Procedure Rule 18 as detailed in the report to allow a direct contract award.

### **Reasons**

9. The recommendations are supported by the following reasons :-
  - (a) No other Provider is available within Darlington that is currently able to meet the very specific support needs of this individual.
  - (b) Without agreement X will continue to live within hospital inappropriately.

**Murray Rose**  
**Director of Commissioning**

### **Background Papers**

No background papers were used in the preparation of this report.

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S17 Crime and Disorder	There is no direct impact on S17 Crime and Disorder
Health and Well Being	The direct impact will be on one individual, however this supports a national direction that no one should have a hospital as their home address.
Carbon Impact	There are no carbon impact implications in this report
Diversity	This directly impacts on one disabled individual, however ensures that their needs are met.
Wards Affected	There is no impact on any particular ward
Groups Affected	No direct impact.
Budget and Policy Framework	This falls within the Councils budget and policy framework.
Key Decision	This is not a key decision.
Urgent Decision	This is not an urgent decision
One Darlington: Perfectly Placed	The provision of community based support ensures that people are healthy and supported
Efficiency	The recommendations in the paper are the most cost effective way that will continue to meet assessed need.

## MAIN REPORT

### Information and Analysis

10. X is an individual with a learning disability and autism who has lived most of their life in an institution of some kind. They are currently living in a hospital, where they have lived for the past 11 years. They are currently supported by the NHS. Attempts have been made over the years to support X away from a hospital environment, however these have not been successful. Largely due to a providers ability to meet the at times very complex support needs and challenges that supporting X involves. Currently X requires physical restraint at times to ensure their and others safety.
11. Following a BBC Panorama programme shown in May 2011 which exposed the abuse that had taken place at Winterbourne View Hospital, a private hospital for adults with a learning disability, autism and complex support needs, in December 2012 the Government published its final report into those events. This report set out a programme of action to transform services and support so that vulnerable people no longer live in hospitals and in future would be supported in line with best practice.
12. By the end of March 2013 each Primary Care Trust was required to have developed a register of all of those people that were funded in NHS care. By June

2013 all current placements were reviewed and plans were to be in place to ensure that no one had a hospital as an address by June 2014. X was identified in the initial review as someone who was living inappropriately in hospital and plans were put in place to support an effective discharge.

13. Detailed person centred work was undertaken with X, his family and those who know and support them to identify the support needed in the community. X's family were very keen to ensure that any alternative to hospital would be within a thirty mile radius of Darlington to ensure they could continue with their regular contact and support.
14. In May 2013 expressions of interest were sought to meet X's support needs through the North East Procurement Organisation (NEPO), which generated interest from 15 potential providers, however none were able to meet the very specific support needs of X.
15. X currently lives with another individual and has done so for some time. This individual is the funding responsibility of another Local Authority. Darlington Council along with Durham Council and the North of England Commissioning Support Unit have worked in partnership to meet the needs of these two individuals in the most cost effective way. The current plan is that these two individuals will be supported together ensuring some economies of scale.
16. In 2014 the Local Authority procured a residential framework for disabled adults; none of the providers on the Framework are able to meet the complex needs of X.
17. The particular support needs of X currently require that they live in a registered residential home. Longer term, there may be some opportunity for greater independence, however X's particular needs require this type of support.
18. To progress this work a project team was developed that included key personnel across health and social care and across Durham and Darlington. As part of the projects work each organisation was asked to identify any providers who may have appropriate skills and experience to support X. This knowledge was based on other successful moves from the long stay hospital where X resides and other such moves. It was agreed that the successful provider had to have an established residential service, due to deprivation of liberty issues. The service also needed to be within the appropriate radius to allow continued family involvement and to implement the transition plan from the long stay hospital i.e. within an affordable staff travelling distance for the CCG. From this a short list of three providers were identified and approached to provide a service model and costs.
19. Although all three providers quoted, one provider was unwilling to continue in the process as they felt the individual's needs were outside of their field of experience. Of the two remaining providers only one had an existing property that could be adapted to meet the needs, however they could not evidence that they had the experience to meet X's needs.
20. In 2014, approaches were made to a private organisation in Darlington, who run a number of services locally for people with complex support needs. A recent change

to their local provision has resulted in their availability to provide residential care with nursing support.

21. By configuring existing buildings on the site, the Provider are able to provide registered accommodation and a support package that can potentially meet X's needs.
22. The Provider have been awarded a capital grant to develop the property to the standards required and therefore all elements of the cost quotes directly relate to the residential care and support.
23. The project is for two individuals therefore Darlington will contribute a  $\frac{1}{4}$  share of the total budget with the CCG being the largest contributor. This project has already been provisionally agreed by Durham County Council who fund the other individual.

### **Financial Implications**

24. The anticipated cost to the Council of this package is £150,000. This funding sits within the Councils Budgetary Framework.