

# WIRRAL COUNCIL

## CABINET

15<sup>TH</sup> MARCH 2012

<b>SUBJECT:</b>	<b><i>VIREMENT FROM REGENERATION HOUSING AND PLANNING BUDGET TO ADULT SOCIAL SERVICES</i></b>
<b>WARD/S AFFECTED:</b>	<b><i>BOROUGH WIDE</i></b>
<b>REPORT OF:</b>	<b><i>KEVIN ADDERLEY ACTING DIRECTOR OF REGENERATION, HOUSING AND PLANNING</i></b>
<b>RESPONSIBLE PORTFOLIO HOLDER:</b>	<b><i>HOUSING</i></b>
<b>KEY DECISION</b>	YES

### 1.0 EXECUTIVE SUMMARY

- 1.1 This report seeks Cabinet approval to request council to make a virement from the Regeneration , Housing and Planning budget to the Department of Adult Social Services for supported living services in Birkenhead, West Wirral and Wallasey, for the period July 2011 to March 2012. The full details of the value of the virement are listed in the appendix.
- 1.2 It is also recommended that a further report will be provided to Cabinet regarding the options for delivering housing related support and ongoing funding arrangements for learning disabled clients jointly funded by Adult Social Services and Regeneration Housing and Planning.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 Supporting People funding is a key resource for ensuring that people with housing support needs are appropriately supported to maintain their tenancies and to achieve high levels of independence. There is some overlap with DASS in relation to the support of vulnerable people who hold a tenancy, and also have social care support needs. Whilst Supporting People is not a statutory duty, investment in preventative services supporting independence delivers cost benefits to the Council and to other statutory services
- 2.2 Supporting People funding was previously ring-fenced and the criteria for its use was clearly laid out by the Office of the Deputy Prime Minister, as was the structure for Commissioning and contracting for Supporting People. The ring fence has now been lifted, however the Council must ensure that vulnerable people with housing support needs continue to be able to access appropriate support.

- 2.3 An issue has emerged in relation to services that were subject to a Service Level Agreement between Adult Social Services and Regeneration, Housing and Planning. Adult Social Services outsourced these services bringing the previous Service Level Agreement for in house services to an end. Regeneration, Housing and Planning were advised that the cost and function of the outsourced services would not include Supporting People funding, however this now appears to be incorrect. Providers have continued to provide housing related support to individuals. It is proposed that the Council should honour the value of the original Service Level Agreement in order to meet its financial obligations on behalf of the individuals supported. Contract review will ensure that from April 2012 appropriate contracts will be in place and agreed directly with the providers in respect of the individuals affected.
- 2.4 A virement from Regeneration, Housing and Planning to Department of Adult Social Services in order to make the appropriate payment would be in the interests of the Council as a whole, whilst continuing to protect vulnerable individuals, with learning disabilities, within the services.
- 2.5 On 9<sup>th</sup> December 2010 Adult Social Services reported to Cabinet (report entitled: Transformation of Adults Social Services Contracts for Personal Support services) the intention to tender for the provision of Personal care services, including those delivered in-house by the Department.
- 2.6 The Acting Director of Regeneration, Housing and Planning was informed that Supporting People funding would not form part of the tender as no agreement had been reached regarding the use of this funding stream in personal budgets. The Supporting People team had not been involved in the decision to outsource nor in the development of the service specification (that was tendered on the 15<sup>th</sup> January 2011) and subsequently, had not been involved in the selection process.
- 2.7 A series of meetings were held with Adult Social Services between April and September 2011, however, it was agreed that Supporting People would enter into contracts with providers once Adult Social Services had concluded reviews of jointly funded Learning Disabilities service users (as reported to Cabinet on the 14<sup>th</sup> April 2011 & 13<sup>th</sup> October 2011).
- 2.8 Following Cabinet approval Adult Social Services invited expressions of interest from a select list of Accredited Providers. Adult Social Services supported service users to enter into contracts with the selected supported living providers, effective from July 2011 and for one service, from 1<sup>st</sup> September 2011. Unfortunately, contrary to agreed understanding, Adult Social Services included Housing Support resources in people's personal budgets; in effect Supporting People hours and funding were included. Whilst there is no additional cost to the Council, this was against previous advice.
- 2.9 The advice of the Director of Law, HR and Asset Management, is that the most appropriate action to take at this time would be for the acting Director of Regeneration, Housing and Planning to honour the position as agreed by Adult Social Services on behalf of the Council. It is proposed therefore that the Director of Finance is authorised to undertake a virement from the Department of Regeneration, Housing and Planning to Adult Social Services. This virement would transfer funding equivalent to the value of the Service Level Agreement for housing related support delivered to

the clients from the date of the outsourcing (being 1<sup>st</sup> July 2011) to such time as Supporting People contracts can be entered in to with the providers.

- 2.10 In order to ensure effective use of the council's resources and continuous delivery of services to vulnerable clients, it has become necessary for Supporting People to consider the issuing of contracts to new providers without having had the opportunity to conduct a tendering exercise and select the provider. However, the providers have been selected from the Adult Social Services approved accredited provider list and were chosen by the service users.
- 2.11 The contract volume and values will be based on Adult Social Services re-assessment of need of the individuals. It is anticipated that the value of the contracts will be less than the Supporting People contribution toward the services previously funded through the Service Level Agreement with Adult Social Services.
- 2.12 Having identified that there was an issue officers from Regeneration, Housing and Planning and Adult Social Services are now working closely in partnership and have commenced dialogue with the providers to ensure that contracts can be mutually agreed and that there is no disruption or impact to service delivery for the clients.
- 2.13 The position regarding the current Support People negotiations for all learning disabilities services (funded either solely or jointly) will be the subject of a further report to members. A number of new contracts will be issued but it is anticipated that further contract extensions will be required for services in order to allow for all clients assessments to be completed by Adult Social Care.

### **3.0 RELEVANT RISKS**

- 3.1 Individuals with learning disabilities could possibly be sued for breach of contract if funding is not paid in full to providers of support/care services.
- 3.2 Further financial pressures being placed on Adult Social Services budget.
- 3.3 Close working relationships must be maintained in order to achieve greater alignment and to ensure that separate contracting mechanisms do not lead to further poor communication in the future.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 No other viable options are available.

### **5.0 CONSULTATION**

- 5.1 The consultation process leading to the decision to outsource services was detailed in the Cabinet report of 9<sup>th</sup> December 2010.

### **6.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 6.1 One of the providers awarded an agreement for the delivery of supported living services is a Wirral based voluntary organisation. This organisation is reliant on appropriate funding for the service delivery in order to remain financially viable.

## **7.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

7.1 The virement of £632,928 as detailed in the Appendix to this report will be met within existing Council resources.

## **8.0 LEGAL IMPLICATIONS**

8.1 Contract obligations must be met in order to ensure that vulnerable people are not in breach of contract.

## **9.0 EQUALITIES IMPLICATIONS**

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(c) No because of another reason which is

No because there will be no direct change to the clients in the service as a result of the virement which is the subject of this report.

## **10.0 CARBON REDUCTION IMPLICATIONS**

10.1 There are no Carbon reduction implications arising from this report.

## **11.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

11.1 There are no Planning or Community Safety implications arising from this report.

## **12.0 RECOMMENDATION/S**

12.1 That Cabinet approves referral to Council for a virement of budget from Regeneration, Housing and Planning to Adult Social Services.

12.2 That Cabinet endorses the recommendation of the Acting Director of Regeneration, Housing and Planning to conduct a review into options for delivering housing related support and ongoing funding arrangements for services for clients with learning disabilities

## **13.0 REASONS FOR RECOMMENDATION/S**

13.1 The virement will be in the interests of the Council as a whole (for the reasons set out in the report).

13.2 This action will ensure that the Council continues to protect vulnerable individuals, with learning disabilities, within their accommodation and funds and preserves their agreed packages of care and support at their assessed level.

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## **APPENDIX**

Details of Service Areas and proposed virement

### **REFERENCE MATERIAL**

Report of the Interim Director of Adult Social Services: Transformation of Adult Social Services Contracts for personal support, 9<sup>th</sup> December 2010

Report of Interim Director of Corporate Services: Supporting People Contracts, 14<sup>th</sup> April 2011

Report of Interim Director of Corporate Services: Supporting People Contracts, 13<sup>th</sup> October 2011

### **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
<b>Cabinet</b>	<b>9<sup>th</sup> December 2010</b> <b>14<sup>th</sup> April 2011</b> <b>13<sup>th</sup> October 2011</b>

**APPENDIX****Details of Service Areas and proposed virement**

<b>Service Area</b>	<b>Period of Virement</b>	<b>Number of Months</b>	<b>Value</b>
West Wirral	1 <sup>st</sup> July 2011 – 31 <sup>st</sup> March 2012	9 Months	£142,857
Birkenhead Area	1 <sup>st</sup> July 2011 – 31 <sup>st</sup> March 2012	9 Months	£199,528
Wallasey Area	1 <sup>st</sup> September 2011 – 31 <sup>st</sup> March 2012	7 Months	£142,239
Livingstone Gardens	1 <sup>st</sup> July 2011 – 31 <sup>st</sup> March 2012	9 Months	£148,304
<b>Total value of proposed virement</b>			<b>£632,928</b>