

HERTFORDSHIRE COUNTY COUNCIL

**CABINET
MONDAY 12 JULY 2004 AT 2.00 P.M.**

Agenda Item No.

4

**ADULT CARE SERVICES LEARNING DISABILITY PROPERTY
MANAGEMENT**

Joint Report of the Director of Adult Care Services and the Corporate Director
(People and Property)

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Executive Members:- David Lloyd and David Beatty

1. Purpose of report

To seek agreement from the Cabinet to the addition of 36 Adult Care Services (ACS) residential properties for clients with a Learning Disability (LD) to the Aldwyck staff housing lease with effect from September 2004.

2. Summary

The proposal to outsource property management to Aldwyck allows access to their housing management expertise and enables Adult Care Services to concentrate on delivering support to service users. It aims to ensure service users are able to continue with their current level of income and benefits.

3. Conclusion

The Cabinet is asked to consider whether it wishes to add the ACS residential properties to the Aldwyck lease.

Background

1 Aldwyck Staff Housing Lease

- 1.1 The County Council has an existing lease arrangement with Aldwyck Housing Association for the provision of staff housing. The lease allows Aldwyck to sub-let the properties to staff nominated by the County Council on assured shorthold tenancies. This lease has been running for 10 years and currently covers 76 properties. A lease renewal is currently being negotiated for a further period of just under seven years to take effect from 1 August 2004.
- 1.2 Among the advantages of this arrangement are that Aldwyck have considerable property management expertise with a property portfolio of around 7,500 homes including supported living accommodation and hostels. This includes a significant presence in Hertfordshire.

2 Adult Care Services Learning Disability Properties

- 2.1 ACS have a portfolio of 36 (subject to final confirmation) properties that are used to provide accommodation for service users with a Learning Disability. These properties are currently managed in house.
- 2.2 The properties include 12 hostels, each with up to 30 residents who have their own room or individual flat, and 24 group homes. The group homes are mainly three bedroomed houses where service users have their own bedroom but share a kitchen and other living areas.
- 2.3 For a number of years ACS have considered these properties as Supported Living. This is a model of care where residents are encouraged to be as independent as possible. This includes having a licence agreement to occupy the accommodation and paying rent as would be the case if the service user was living in private rented accommodation. As the majority of service users claim Housing Benefit towards the cost of their rent and are able to retain more of their benefits than in registered residential care most service users are significantly better off financially under this model. (Around £40 a week for most service users, equivalent to £600,000 a year in total). Under this model HCC also receives just under £1.4million in Housing Benefit a year. Should ACS have to register these properties, as would probably be the case should the transfer not go ahead, the net loss of Housing Benefit and associated Supporting People income would be approximately £2 million.
- 2.4 Before the introduction of the Care Standards Act 2000 local authority accommodation did not have to be registered. This changed when the relevant provisions of the Care Standards Act came into force. This stated that units had to be registered if an establishment was providing accommodation together with personal or nursing care. The CSA also created the National Care Standards Commission (NCSC), who

themselves have become part of the Commission for Social Care Inspection (CSCI) from April 2004.

- 2.5 Since the creation of the NCSC we have been discussing with them how the requirements of the Care Standards Act 2000 affect our Learning Disability properties. There are two types of registration standards:
- Residential care – for registered residential care homes. Clients in registered care do not have the degree of independence available in Supported Living and cannot claim Housing Benefit. If the Learning Disability properties were to be registered as residential care there would be a significant financial impact on clients.
 - Domiciliary Care – clients are provided with care in their own homes.

It is considered that the Domiciliary Care route should be pursued for the majority of our services.

- 2.6 The NCSC (and now the CSCI) have indicated that, in their view, we are providing 'accommodation with care' and so should register those hostels where service users require personal care as residential care. By transferring the property management to Aldwyck and reshaping services to develop a domiciliary care model, we would be separating the provision of accommodation and the provision of care. This should allow service users to retain the right to Housing Benefit. It would also mean that tenancies rather than licences could be offered to service users, further enhancing their rights and clarifying their status. Further discussions are taking place with CSCI to confirm that they agree with this approach.

3 Financial Implications

- 3.1 Should the property management be outsourced to Aldwyck they would charge a management fee for this service. This will be approximately £130,000 a year.

4 Consultation

- 4.1 The proposal to transfer management of these properties to Aldwyck has now gone through a two stage consultation process led by a small team of social work staff. The first stage involved issuing a user friendly consultation document and meetings with groups of service users, their relatives and other interested parties. This was followed by individual meetings with each service user. These meetings will have finished by 25 June.
- 4.2 During phase 2 of the consultation process the team have been asked to identify those individuals where it is felt they would not have the capacity to understand or agree a tenancy. The current number of service users that have been identified is 65 but there is still a small

number of consultations outstanding, so this number may increase slightly.

- 4.3 Overall, the results of the consultation have been positive. 183 service users have been consulted individually and, as discussed above, 65 are not considered to have the capacity to understand or agree to a tenancy. Of the remaining 118 service users some did not express a particular view and 93 positively expressed the view that they would like the transfer to go ahead. A major concern for family carers was that service users would continue to receive appropriate levels of care and support and the consultation team were able to reassure carers that this would continue to be provided. A small number of service users or their relatives requested further information on the proposals and a further 12 service users are still to be consulted, this process will have been completed by the date of the cabinet meeting.
- 4.4 Once the consultation process is completed a separate piece of work will start to assess in more detail whether the service users identified have capacity to agree a tenancy or not. For those identified not to have capacity a process of obtaining a Short Order through the Court of Protection would be undertaken to enable a third party to agree a tenancy on the service users behalf: this could be a relative, friend or organisation such as Mencap.
- 4.5 It is anticipated that this work will be completed, so that Aldwyck will be in a position to take over property management from September 2004.

5 Arrangements with Aldwyck

- 5.1 Aldwyck have been approached about the possibility of adding these properties to their lease and have indicated that they are willing to accept them. Aldwyck were identified because we have both an existing lease agreement with them and partnerships on other developments. Therefore it would be both quicker and simpler to continue this arrangement than begin again from scratch.
- 5.2 As with the existing lease the service users would become tenants of Aldwyck and would pay rent to them. Aldwyck would then carry out servicing and repairs and pass any surplus back to HCC. The County Council would remain responsible for service redevelopments, for example replacing a hostel that was no longer suitable for use.