

Discovery – Scrutiny Update

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1. Summary

1.1. This report provides scrutiny with an update on the performance of the Discovery contract. It includes overall measures of the contract, and also provides wider information on the delivery of the contract. It includes specific updates on:

- Key Performance Indicators and general delivery of the contract.
- Transformational activity, including day services, employment support and reviews of people supported.
- Financial update of the contract, including the Discovery Community Fund.
- SWAP audit.
- Stakeholder update,

2. Issues for consideration / Recommendations

2.1 Scrutiny is asked to note the current performance of the Discovery contract as set out in section 5.1.

2.2 Scrutiny is asked to note the implementation of some outcome measures in the contract for year three and the performance of these.

2.3 Scrutiny is asked to note the outcome of the recent South West Audit Partnership (SWAP) Audit into the Contract Management of the Discovery contract.

2.4 Scrutiny is asked to note the financial position of the contract and the Discovery Community Fund set up from the social value element of the enterprise.

3. Key Performance Information

3.1 A summary of the Key Performance Indicators (KPI) associated with the delivery of the 'Discovery' contract is provided in Section 8 below. A narrative has been included to provide context for the data.

3.2 Somerset (SCC) commissioners remain satisfied that 'Discovery' are delivering a safe service that is meeting and in some areas are exceeding the required standards set out in the contract and striving to deliver a quality service. There are still areas that commissioners are working with the provider to improve the service in some areas.

3.3 The summary view is that ‘Discovery’ have met the formidable challenges over the initial two years of the contract, with the associated challenges and are now implementing the positive changes that are expected as part of the transformation of the service, including changing the offer of day services to a more modern, community based offer, the offer of supported accommodation as an alternative to residential care across the county.

3.4 CQC inspections

CQC continue to carry out planned and unannounced inspections of ‘Discovery’ locations in line with their regime.

The last service to have had an inspection was Ashbury, which has received a “good” rating in every area and rated ‘good’ overall.

This CQC report was particularly positive on the way that the service cares for people, supporting people to have choice and control over their lives, as well as meeting people’s changing health needs.

The Saplings have had a 2nd inspection where they received a rating of “requires improvement”. ‘Discovery’ have provided an action plan to address the remedial work required to not only address the areas that CQC found to be below good, but to supplement against their own internal audits of the service. Further information is provided in Section 8.

Further inspection reports on the second round of inspections will be advised through later Scrutiny updates.

The position of the CQC registrations at the writing of this report is that 13 of the registered locations are “good” and two are “requires improvement”

3.6 Employment Services

The employment services has been growing in Year 3 of the contract, agreed by both organisation as a response to the increase in the number of people wishing to access employment, including an increase of 35 identified people through the transformation work of day services and positive promotion of the opportunities at Hinckley Point C and other large employers.

As reported in the last scrutiny report the number of referrals had lowered during 2018 and into early 2019, but this trend has been reversed and The number of referrals that Adult Social Care has made to the service April has continued to increase, with 75% of people being referred to the service being seen by the service within 2 weeks of initial referral.

Of all the referral received into the services 99.2% of the referrals were accepted and are receiving support to go onto an employment pathway.

There are currently 155 people receiving support by this team.

3.7 Recruitment and Retention

As with all care providers in Somerset and nationally, Turnover and Retention remains a key challenge for Discovery. Unemployment in Somerset is very low, at around 1% and therefore recruitment activity and advertising needs to be principally focused on attracting those that are currently in work. This is therefore then competing with other care providers in the area for what is, a relatively fixed pool of employees.

Levels of retention continue to an area of concern. A significant amount of activity is underway in Discovery to bring about sustained improvement with focus in three priority areas:

- a. Recruiting the right people
- b. Inducting/ supporting staff well
- c. Listening and valuing staff

Although there are difficulties in recruitment and retention, Discovery continue to provide enough staff to meet the requirements of the contract, through the use of agency and bank staff to supplement the employed staff. This accounted for approximately 15% of the hours delivered in year 2. Over 99% of the contracted hours were delivered and this is well within the measures of the contract.

4. Transformation and Reviews update

- 4.1** Discovery have been progressively changing services, with the successful completion of three residential homes de-registering. These services are now providing supported accommodation; meaning that the people supported within have a legal right of tenancy; experience greater choice and control over how their support is delivered and are able to access a wider range of benefits and income. The people in these services are being regularly consulted with and early indication is that people are happier and getting better lives. The landlord, Golden Lane Housing is also supporting people to understand their new responsibility as tenants as well as providing the support they will provide to people. This support is around tenancy, rent and support linked to housing and neighbourhood matters.

There is a plan in place to deregister three further services this year and work is continuing with CQC, 'Discovery', the social work team and the people supported to ensure that this happens smoothly. The longer-term intention would be for all residential care services to have a plan around their deregistration or alternative good quality supported accommodation as an alternative.

Following on from the last scrutiny update, reviews for all people supported by 'Discovery' have been completed and all of those who received a review in the summer and autumn of 2018, will have or have had an annual review, as part of the commitment to the Discovery contract but also as part of the authorities requirement to do so under The Care Act.

There are isolated instances of where the quality of some of the social care reviews conducted this year by SCC staff were not of the standard Somerset

County Council would expect and there is a commitment to having these redone with the people supported and where appropriate, their families. Discovery have been appropriately translating the SCC documentation into individual care plans for people.

4.2 Day Time support update

The transformation of all the traditional, building based day services continues within 'Discovery'. SCC and 'Discovery' share an aim of people being supported to have meaningful, progressive and community-based activities or learning and following the last update, many other learning disabilities providers are also adopting a change to the way that support is provided and changing their models to reflect this.

Having had constructive dialogue with people supported and their family members regarding Fiveways, the date that this centre closes has been agreed to be by the end of November. It was agreed that a longer period of time was provided to ensure that the alternative building, support model and transition is all in place for the time that people move.

For people accessing support within the Yeovil area, they will continue to have the St. James provision available and the new community hub. 'Discovery' are considering other community options across South Somerset so that people that live more rurally have alternative options as well as within Yeovil.

Discovery have progressed a workforce development programme for all their daytime support staff to build their skills and confidence in delivering good support to people, working in a different way.

There are still some transformation areas that have not been as successful, for example Seahorses in Minehead. The intention is to build this up to a community hub venue, with a great deal more community connections. This has not worked well as hoped. Discovery and commissioners have since put additional guidance and resources into this service to effect the desired changes and we will look to work alongside the people supported and their families, with the help of family consultants and external experts.

5.0 Financial update

5.1 The contract is performing as expected and is well within the financial modelling. As was reported at the last scrutiny update, there was a relatively small underspend in year 1 that was returned to the County Council and which has been repeated in year 2. Somerset County Council and Discovery are in the process of final reconciliation for year 2 and any return to funding to SCC.

The underspend in year 1 was resultant of the local authority not purchasing at the level expected, for example within the Crisis service, short break service or where there were vacancies within services post transfer. This

trend has continued into year 2, where people have had reviews and packages of care assessed and set, there are people who have become more independent and no longer require paid support, as well as the decommissioning of some aspects of the contract, including the Crisis Service and Amberleigh Residential Short Break service.

Capital Resource Flexibility Payments (CRF) is money that the council identified before the award of the contract, to be used by Discovery to allow Transformation activities to occur. The money has been ringfenced and is paid in tranches linked to the contract, with mechanism for the joint agreement of the use of it built into the process. It is a relatively small percentage of the overall cost of the contract and is kept as a commercially sensitive under the contract.

5.2 In line with the service specification commissioned by SCC, built in to the 'Discovery' cost model is the requirement to produce a surplus. This is consistent with the expected surplus of any not for profit or charitable organisation. This surplus amount is split equally, with half being spent within Somerset on social value activities. This is also meeting a key requirement of achieving '*Social Enterprise*' status. The remainder of the surplus is kept by 'Discovery' to establish a reserve, as part of good governance of a charity.

As reported in the last scrutiny update, the year one surplus generated £630,000 for the Discovery Community Fund. The first bidding round of applications for the fund generated 28 applications ranging from small grants to promote musical inclusion to five figure sums to improve infrastructure and accessibility for people with a learning disability across whole population areas of Somerset.

Somerset Community Foundation, who help Discovery and Somerset County Council administer the fund have been pleased with the initial round and surplus funds from this round has been carried forward to the next round, which will open at the end of September.

Immediate grant awards have been made to:

- The Angel, run by the Langport Church Community Trust: £2,870
- Calvert Trust Exmoor: £10,000
- Dunster Festival, delivering classical music to the Seahorses Day Centre in Minehead: £684
- Openstorytellers in Frome: £20,320
- Orchard Vale Trust, county-wide digital inclusion: £15,651
- People First Dorset in Crewkerne and Chard: £29,985
- The Pod in Frome: £7,500

Further discussion with other bidders to refine and help shape their applications are happening and it is expected that further awards from round 1 will happen. There will be a period of embedding in the use of the fund and the Strategic Partnership Board will capture and oversee the positive stories that come out of the fund, as well as deal with any issues that arise out of it.

An example of the direct impact of this fund:

One of the groups to benefit, Calvert Trust Exmoor, was awarded £10,000

worth of bursaries so that people with learning disabilities can attend their activity centre in Exmoor National Park. Mike Gray, Chief Executive Officer at Calvert Trust Exmoor, said: "We're delighted and very grateful that Discovery has made this generous grant to our bursary fund. It means that we can give more of the county's residents with learning disabilities and autism the opportunity to visit and benefit from taking part in our challenging, adventurous activities."

As advised, the next round is open from September and Adult Social Care and Discovery would welcome Scrutiny members helping to promote application from any community group or organisation that currently or might support, people with a learning disability in the community.

The surplus from year 2, along with any underspend of the Discovery Community Fund from the opening round and subsequent rounds is ring fenced for use in the fund. The intention is to ensure that there is legacy funding over the duration of the contract so will use the money wisely and in line with this aim.

- 5.3** A small amount of the social value fund was ring-fenced for the "All Together Better" programme, which is a journey of understanding, information, rights and how to work well within the health and social care arena. The course brought together people who need support, families, carers, voluntary and third sector organisations and practitioners to learn together and make key changes in their local area in order that people get a life rather simply a service.

The Benefits:

- *Create a local network actively working in co-production together to help effect positive change within their communities*
- *Give participants an understanding of history, images of what is possible and how change happens within a local and national context*
- *Engage people to have different conversations about what works*
- *Unite people to support, learn and share with each other and their groups*
- *Give real and grounded information, advice and support to people around the current health and social care agenda*
- *Give a good mix of inspiration and information around all the most relevant up to date models, theories and policies.*

The first course finished in July 2019 and three initiatives have stemmed from this work, including support for carers, how to support people going through transition from Children to Adult services and how to make Somerset more accessible to people with a disability. Also the formation of a Somerset-wide family charter (see 7.1).

There is a further course planned for later this year and will be reported on at a future scrutiny update.

6.0 South West Audit Partnership SWAP audit

- 6.1** Throughout the period of January to May 2019, the South West Audit

Partnership (SWAP) conducted an audit of the contractual monitoring of the Discovery Contract and to independently establish the level of confidence into and the robustness of the arrangements.

6.2 The scope of audit was thorough and covered a number of key areas, including:

Reviewed the processes in place for monitoring contract spend.

Reviewing the key contract monitoring documentation.

Documented the change control procedure and reviewed a sample of changes to ensure that variations were appropriately authorised, valued and recorded in line with the contract.

Selected a sample of KPIs and PIs and for each one requested the source documentation to ensure that the agreed method of calculation set out in the contract has been followed.

Checked that there is a risk register in place and that corporate risks had been documented.

Requested and reviewed the contract documentation which sets out business continuity arrangements, dispute arrangements and the Exit Plan in place

Requested minutes and agendas to evidence the liaison arrangements in place between SCC and Discovery;

Checked that all agreed monitoring is clearly set out in the contract documentation.

6.3 The summary of the audit was that:

Our review has established that there are robust arrangements in place for the contract management of the LD contract. There is an allocated Contract Manager, and the contractor and the supplier meet on a monthly basis to review performance against agreed milestones and key performance indicators. A Tiering Tool assessment has been completed and a Contract Management Planner sets out the monitoring to be completed in line with contract. The contract spend is monitored monthly as part of the Adult Services budget and a distinct node for the contract has been set up in the financial management system (SAP).

Two general areas of improvement were identified as part of the audit, that being some documentation that had not been fully updated on the annual cycle of monitoring and that due to a restructure within the commercial and procurement team, there was a reliance on individual officers to complete the operational and financial monitoring of the contract.

All the documentation that was identified in the audit has been completed and signed off as done, as well as a full internal audit of the remaining contractual documentation to ensure that no gaps remain.

Adult Social Care has engaged constructively with the commercial and procurement team to establish a wider contractual monitoring process that now includes commercial officers, service managers and the Head of Commercial and Procurement throughout.

No further findings were made in the audit and overall;

We can offer reasonable assurance as most of the areas reviewed were found to be adequately controlled. Generally, risks are well managed.

7.0 Additional Information for Scrutiny.

Stakeholder feedback – this section sets out the areas of work that are as a result of the continued and expanded work with the stakeholder group. The stakeholder group are a positive “critical friend” of commissioners and providers and have recently expanded this group with an additional family member of someone who is moving into a new and innovative supported accommodation service provided by Discovery in Street.

Broadly there is a positive support from the stakeholder group around the work that has gone on, although there is a desire to see greater pace and completion on the work streams that have gone on, including a desire to see tangible change in some of the services that individuals have close contact with. An example of this is on reviews and the outcomes of these reviews, where family members and people supported have not had the outcome they expected, or the paperwork associated with the reviews.

There is a commitment from all stakeholders for the effort to be redoubled and address some of the key areas, as set out below. The groups’ remit also needs to expand beyond a focus solely on Discovery.

- 7.1 The Stakeholder Engagement Group has had regular, constructive, meetings with senior Commissioners and Discovery Executives, with other representatives required (subject to the point above). These meetings are scheduled to continue throughout the coming year.

The Group has agreed the following initiatives.

- Collaboration on a Somerset Carers Charter
- Input into the SCC Care Planning Process, including the use of outcomes on people’s reviews.
- Moving to Outcome Based Commissioning (OBC) and Performance Monitoring in the Discovery contract
- Piloting Individual Service Funds (ISF’s) in a number of identified settings.

The stakeholder group have asked to not have a separate section in this report but have contributed throughout the report and their views and comments have been taken into consideration.

7.2 Outcome Based Performance Assessment.

Currently the performance of Discovery is measured largely in inputs. This is true of all contracts currently commissioned, not just Discovery.

Inputs only measure volumes of activity, in most cases hours of support or numbers of referrals. They give no indication of the effect the activity is having on customers who receive the activity. It is perfectly possible for any provider to deliver 100% of the contracted hours of support, without having any positive effect on the customer. The effect on the customer should be progress towards achieving the outcomes in their Care and Support Plan, for example living a more independent life, or progress towards achieving generic outcomes applicable to all customers, such as having equal opportunity to be part of their community. Only by measuring progress towards the achievement of individual and generic outcomes can the

effectiveness and therefore the value for money of a provider's performance be meaningfully assessed. Commissioners have agreed with the Stakeholder Group that Outcome Based Performance measurement of all providers, should become an essential element of performance assessment.

The stakeholder group have asked that a range of further Information be presented to Scrutiny, giving a wider breadth of information than the KPI and PI information and are provided in section 8. Further scrutiny updates and the adult social care performance update as a whole will benchmark Discovery and other providers on the completion of outcomes and measures resulting from them.

This is expected that the implementation of Outcomes will be an iterative process over the duration of the contract with each year seeing an introduction of further Outcome measures, complimenting or replacing the current range of Key Performance Indicators (KPI's) or Performance Indicators (PI's) which are the two levels of measures in the contract.

Discovery are also rolling out their person-centred planning tool "Activate" which will embed the principals of active support planning, clearly defined outcomes recorded online for people to see their goals and progress towards them and training for staff that supports this.

The two aspects, Somerset County Council assessing people and setting Outcomes at the review or assessment stage, as well as Discovery having reporting mechanisms are both crucial for outcomes to become real for people supported and will build a much broader picture of the position of outcomes and progress against them for people.

7.3 Employment Tribunal

Following the transfer of the Learning Disabilities Provider Service to Discovery in April 2017, Unison brought an employment tribunal claim against Somerset County Council and Discovery which was to be heard in September. This was relating to the adequacy of the information provided to staff prior to the transfer.

Somerset County Council and Discovery believe they fulfilled their obligations in relation to the transfer. However, to avoid a protracted legal hearing with the potential for further action - as well as continued uncertainty for staff – Somerset County Council has reached a financial settlement with Unison (with a total value of £674,000) on behalf of its members and this has enabled the claim to be resolved in a way that is satisfactory for all parties.

8.0

All the KPI and PI's for the period of April to August (as the last reporting period at the completion of this report) have been met with the exception of 1 service receiving a CQC rating of "Requires Improvement".

The introduction of 6 outcome measures into year 3 of monitoring, all centred around increased autonomy, choice and control for people with learning

disabilities and the parents / carers of people with learning disabilities.

The 6 measures are:

- People recruiting their own staff
- Choose their support for each activity
- Have a personalised rota
- Have a personalised budget
- Have an individual service fund
- Have a direct payment

These measures have started out slowly, with a combination of reporting methods and work to improve the figures (for example development of a supported accommodation scheme where everyone will have a personalised budget, rota and expectation of ISF's being introduced, will open in October) have meant that there has been little change in the first 4 months.

There is an understanding on both parties that the figures are not the totality of the progress against this and for the next Scrutiny update, there will be a detailed breakdown and progress of the Outcomes for people, including stories and narrative examples.

- 8.1.** The KPI breach for the “Requires Improvement” has been closed off via the production of a detailed action plan, addressing the areas identified in the CQC inspections and Discovery’s own audit. As with all other providers, Somerset County Council’s own Quality and Improvement Management (QIM) team will also visit the service to offer any additional support or identify areas of improvement.

8.2 A summary of the contract Key Performance Indicators for the period of April to July 2019 are produced below:

PERFORMANCE INDICATORS		APR	MAY	JUN	JUL	AUG
Residential short break service						
% of residential short break capacity unavailable during the period		0%	0%	0%	0%	
Stays cancelled by the Supplier in the period (link to KPI 6)		0	0	0	1	
Supported Living						
Individual hours not delivered (linked to KPI 7)		0%	0	0	0	
Non-utilisation of core (shared) element of service (linked to KPI 8)		0%	0	0	0	
Residential accommodation						
% of residential care capacity unavailable during the period		0%	0%	0%	0%	
Future 4						
Day time support not delivered (linked to KPI 11)		8%	7%	5%	5%	
Increased autonomy, choice and control for people with learning disabilities and the parents / carers of people with learning disabilities	Recruit their own staff	8	8	8	8	
	Choose their support for each activity	89	100	100	100	
	Have a personalised rota	37	37	37	37	
	Have a personalised budget	7	27	27	27	
	Have an individual service fund	9	9	9	9	
	Have a direct payment	2	2	2	2	

8.3 Update on people supported

Reproduced below is a table showing the number of people supported by Discovery in total, as well as by broad areas of support.

As of the end of July 2019, there are **520** individuals supported, accessing **600** separate services. This means that some people will be benefiting from more than one service from Discovery, for example they might be living in a Discovery supported accommodation setting and attending one of the day service provided by Discovery.

Supported under the SCC contract

Sep-19		Mar-19		As of April 2018		At start of contract 2017	
Dom Care	42	Dom Care	79	Dom Care	121	Dom Care	128
Supported Living	178	Supported Living	193	Supported Living	184	Supported Living	200
Residential	60	Residential	63	Residential	83	Residential	84
Day Services	281	Day Services	327	Day Services	483	Day Services	486
	561		662		871		898

Supported under private arrangement, direct payment, ISF or Other Local Authority

Sep-19		Mar-19		As of April 2018		At start of contract 2017	
Dom/RSB	1	Dom/RSB	1	Dom/RSB	2	Dom/RSB	2
Day centres	10	Day centres	6	Day centres	8	Day centres	9
SLS	3	SLS	1	SLS	1	SLS	0
	<u>14</u>		<u>8</u>		<u>11</u>		<u>11</u>

Supported under Frame Work

Sep-19		Mar-19		As of April 2018			
Day Services	11	Day Services	9	Supported Living	4		
Supported Living	10	Supported Living	8	Residential	1		
Residential	4	Residential	2		<u>5</u>		
	<u>25</u>		<u>19</u>				
	<u>600</u>		<u>689</u>		<u>887</u>		<u>909</u>

9.0 Background papers

9.1 Scrutiny report – May 2018 and October 2018

<http://democracy.somerset.gov.uk/documents/s6699/LD%20TaskFinish.pdf>

<http://democracy.somerset.gov.uk/ieListDocuments.aspx?CId=186&MId=564&Ver=4>

<http://democracy.somerset.gov.uk/documents/s10062/Discovery%20Performance%20Report.pdf>

Note For sight of individual background papers please contact the report author