

TELFORD & WREKIN COUNCIL HEALTH & WELLBEING BOARD
WINTERBOURNE VIEW – TOWARDS AN EFFECTIVE LOCAL RESPONSE
REPORT OF PAUL TAYLOR – DIRECTOR
LEAD CABINET MEMBER – COUNCILLOR ARNOLD ENGLAND

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

1.1 The context of this report is located within national efforts and aspirations to respond effectively to the revelations which originated from Winterbourne View Hospital in May 2011, where the ill-treatment of learning disabled patients was highlighted in an edition of Panorama. The justified outcry at what was identified resulted in moves organised at a high level to minimise recurrence, and to engender local arrangements which would militate strongly against the practice of placing vulnerable people far from their locality of origin.

1.2 The report presents the stocktake for Telford & Wrekin (attached) which was completed at the behest of the Local Government Association and NHS England in July 2013, as part of a national programme covering all local authority areas, as a means of collating a range of baseline information. It goes on to outline how this is being progressed locally, where health, social care and commissioning colleagues are collaborating closely with their counterparts in Shropshire.

1.3 As background to this report, reference is also made to earlier partnership work in Telford and Wrekin to respond to the needs of people with learning disability and challenging behaviour, including autism.

2. RECOMMENDATIONS

2.1 That the Board note and endorse the work which is ongoing in seeking to implement locally the plans and requirements set out at a national level and to bring about the changes needed to ensure that the occurrences at Winterbourne View are not repeated.

2.2 That the Board furthermore recognise the multi-agency and multi-disciplinary nature of this task and request a further update on progress as required.

3. IMPACT OF ACTION - (How it is intended that action will make a difference)

The difference made as a result of these action will be seen in these areas

- The return to our locality of most of those people with learning disability and/or autism whose behaviour may challenge and who were placed externally. Exceptions to this will reflect the needs of the individual or other extenuating factors which support not returning to area.
- The continued development and enhancement of locally-based care provision, to include services for those whose needs have previously challenged local providers. This will reflect a commitment to developing personalised responses, which over time are expected to become less resource intensive, due to providing an environment that appropriately matches and suits the needs of the individual.
- Access to independent advocacy provision.
- A locality which takes responsibility for all its citizens, regardless of their difference and tendency to challenge.

4. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to a specific HWB Priority	
	Yes	We will improve emotional health and wellbeing of borough residents. We will support people with autism
	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	We will protect and support our vulnerable children and adults We will improve the health and wellbeing of our communities and address health inequalities
	Will the proposals impact on specific groups of people?	
	Yes	People with learning disability and/or autism and whose behaviour can challenge, who live within Telford and Wrekin or are placed outside the Telford/Shropshire locality in hospital or large residential settings (ie those accommodating 5 or more people)
TARGET COMPLETION/DELIVERY DATE	1 st June 2014 The completed action plan and a report on progress will be made to the Board at its meeting in xxx.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes	The recommendations may give rise to financial implications for the Council and CCG. However, there is not a financial model in place to map the progress of the current placements and the sources of funding to meet the costs of those placements. This model needs to be developed to track cases and determine the impacts of any future movements of clients within the Borough. Some important points to note are: - Any financial model created will of course reflect the cost of individuals placed in the Borough in specialist settings or in Community based

		<p>settings.</p> <ul style="list-style-type: none"> - It is recognised that where placements from other Local Authorities remain in Borough then there is a requirement for those authorities to fund those placements in accordance with Ordinary Residence rules. There is also a recognition that should those individuals become Ordinarily resident and cared for in a Community setting in Telford & Wrekin, liability to pay for care will at some point become the responsibility of the Public Agencies in the Borough. <p>The Council is currently facing significant pressure on its revenue budget for purchasing care. A significant contributor to this pressure has been the impact of the PCT's review of Continuing Healthcare. Further financial pressure on Council budgets will result in significant changes to the availability and possibilities afforded to clients within the local care economy and this needs to be carefully considered when funding decisions are being made.</p>
LEGAL ISSUES	Yes	<p>On 10 December 2012 the Department of Health published its final report into the events at Winterbourne View hospital and, in a Concordat with key partners, set out a programme of action to transform services. A progress report on these actions will be published by December 2013.</p> <p>https://www.gov.uk/government/publications/winterbourne-view-hospital-department-of-health-review-and-response</p> <p>NHS England and the Local Government Association have set up</p>

		<p>The Winterbourne View Joint Improvement Programme to provide leadership and support to transform services locally, building on current good practice. http://www.local.gov.uk/adult-social-care/-/journal_content/56/10180/3912043/ARTICLE</p> <p>The Department of Health guidance “Ordinary Residence: Guidance on the identification of the ordinary residence of people in need of community care services, England” was last updated on 12 April 2013. https://www.gov.uk/government/publications/identifying-the-ordinary-residence-of-people-in-need-of-community-care-services</p>
EQUALITY & DIVERSITY	Yes	It is expected that there will be a beneficial overall impact for people with learning disability, autism and behaviour that can challenge
IMPACT ON SPECIFIC WARDS	No	No ward-specific impact
PATIENTS & PUBLIC ENGAGEMENT	Yes	Updates on the project are regularly delivered to the Learning Disability Partnership Board. An engagement day to involve a range of stakeholders is planned for Tuesday 4.2.14
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	

PART B) – ADDITIONAL INFORMATION

5. INFORMATION

Background and Context

5.1 In general the local authority takes the lead in the area of Learning Disability, although the NHS, through the Clinical Commissioning Group is responsible for commissioning Continuing Healthcare or specialist placements, as is NHS England for the most complex needs.

5.2 Telford and Wrekin undertook a significant review of services for people with learning disability and challenging behaviour in 2008, following the publication of '*Services for People with Learning Disabilities and Challenging Behaviour or Mental Health Needs*' (Department of Health, 2007). This review led to the (then PCT) decommissioning an in-patient service from the South Staffordshire and Shropshire NHS Foundation Trust (SSSFT) and commissioning two new services:

- Residential/respite/emergency community based service for people with learning disabilities and challenging behaviour, including autism.
- Re-commissioning the SSSFT to develop a community based Challenging Behaviour service to support other providers or family carers in situ, minimising and reducing the need for in-patient services.

5.3 This approach has been highly regarded by a range of external organisations. Currently, a further review and evaluation of the service is taking place. The review will take account of all matters relating to Winterbourne View and inform future commissioning intentions for both authorities.

Winterbourne View

5.4 Locally the Winterbourne Review Group started life in late summer 2012. This followed the publication of initial reports in the wake of the scandalous events at a private hospital for people with learning disabilities near Bristol. Initially it was established as a Task & Finish group in Telford & Wrekin. The group's aim was:

- to take stock of the local position with regard to out of area placements, and
- to plan the way forward locally in response to the many challenges which arose for health and social care agencies from the revelations about Winterbourne View.

5.5 Since similar work was being done in Shropshire, there were strong arguments for collaborating across the Telford and Shropshire localities and pooling such resources as were available. A joint group has therefore been

meeting since December 2012, with agreed terms of reference, and representation from the following organisations:

- Telford & Wrekin Council
- Shropshire Council
- Telford and Wrekin CCG
- Shropshire CCG
- South Staffordshire and Shropshire Healthcare Foundation Trust
- Shropshire Partners in Care
- Taking Part
- Healthwatch

5.6 The Winterbourne View Group has subsequently transformed into a Programme Board and reports to the Shropshire and Telford & Wrekin Safeguarding Adults Board. The group is seeking to construct an effective response on behalf of agencies in our locality to rethink our approach to the care of people with learning disabilities, and especially to abandon the practice of placing people in faraway locations, where the risks posed by infrequent monitoring, sporadic oversight and loss of contact are greatest.

5.7 Among the difficulties which the group has inevitably faced is that of inconsistent and varied attendance as the group's membership has evolved, the challenge of transcending the organisational nature, language and approach of the constituent agencies who make up the group, and the multiplicity of guidance items which have been emanated from a range of sources since the work began. We have also become painfully aware of the limitations of trying to move forward without administrative support and are appreciative of the support provided by the CCG.

Work on the draft Action Plan

5.8 The Department of Health's publication in December 2012 of '*Transforming Care – a national response to Winterbourne View Hospital*' in its final form, together with the '*Concordat – programme for action*', provided impetus and focus to the work of the group. It set out a clear time-tabled agenda for the changes which the Department required of the range of public agencies engaged in the care of people with learning disability.

5.9 The initial task for the Review Group was to identify from the 63 action points set out in the Concordat:

- those which will require a specific response from local agencies,
- those which apply to national bodies, but which will have a direct local impact, and
- those which are to be noted.

5.10 A provisional draft action plan was drawn up at review group meetings on 7th March, 16th April 2013 and 15th August. It is set for completion on 3rd

October. In its final form it will incorporate all the requirements from the first two of the above points, and pay particular attention to the following thematic areas:

- Developing and maintaining accurate records for all external placements
- The development of a 'repatriation' pathway and protocol for joint working, based on a presumption against external placement,
- Conditions for making out-of-locality placements in the future, for example, linked to a specific clinical treatment and time limited,
- Specifications on the frequency of direct contact including care plan reviews with people placed out-of-locality,
- Development of effective quality monitoring/contract compliance arrangements for the remaining external placements,
- Monitoring the quality and implementation of behaviour management systems, including the use of physical restraint,
- Assurance of access to independent advocacy provision for all in area, and those 'out of area', and
- Development of commissioning strategies based on local provision.

5.11 The particular circumstances of Winterbourne View have drawn a sharp focus on placements which are distant from the commissioning authority area. However the conduct of this and related pieces of work will undoubtedly have implications for commissioning, quality assurance and safeguarding work in placement settings closer to home. The question has frequently been raised '*What assurance do we have that there is not a Winterbourne View in our locality*'? The implementation of the completed action plan needs to result in an increased and genuine assurance that this question can be answered positively and confidently for the Telford locality, although 100% assurance cannot be given at present.

5.12 Satisfactory progress is being made locally against the requirements, largely through the construction of a comprehensive action plan, with the input of all stakeholders. This will be submitted to the Board at a future meeting, along with details of progress in the specific areas where this is required, notably

- Numbers of people with learning disabilities or autism who have mental health conditions or behaviour that challenges in NHS-funded care (wholly or part funded) or other large scale accommodation.
- Numbers of people with a named lead health and social care professional
- Numbers of people have had a joint review which reflects the guidance contained in toolkit 'Checking for Quality Reviews and Care Plans'?

The Stock-Take

5.13 Each local authority was required to submit a stock-take on 5th July 2013, which set out the local position with regard to progress made and organisational capacity to meet specified requirements. Separate reports were prepared for Telford and Shropshire, but there was nevertheless a high degree of multi-agency collaboration from across the locality in the production of both items.

The final submission (attached herewith) was countersigned by the chair of this Board, a senior leader within the CCG and the Council's Managing Director.

Considerations for the future

5.14 The Programme Board has also assumed responsibility for overseeing progress in respect of two additional major requirements which will be made of local health and social care economies during the next few months, which relate to adults with learning disability, notably:

- Responding to the Joint Health and Social Care Self Assessment (2013)
- Responding to the confidential inquiry into premature deaths of people with learning disabilities – CIPOLD (Bristol University, 2013),

5.15 Separate sub-groups are now in place to work on these issues. The Programme Board as a whole reports quarterly to the Safeguarding Adults Board, on progress on each theme. For Telford & Wrekin however, it is however assumed that the progress of work in this area overall will be reported to and monitored by this Health and Wellbeing Board.

6. PREVIOUS MINUTES

None

7. BACKGROUND PAPERS

None formally, but the Concordat published by the Department of Health in the wake of the Serious Case Review and a number of enquiry reports provided a clear summary of the expectations on a wide range of agencies in the wake of Winterbourne View.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/213217/Concordat.pdf

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