

# Governance Committee

# Agenda Item 43

Brighton & Hove City Council

**Subject:** Review of Learning Disability Services Governance Arrangements

**Date of Meeting:** 2008

**Report of:** Director of Adult Social Care & Housing

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**Key Decision:** N/a

**Wards Affected:** All

## FOR GENERAL RELEASE

### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report considers the arrangements for the future Governance of Learning Disability services as agreed following Council in April 2008.
- 1.2 Learning Disability Services for adults in Brighton & Hove provide services and support to over 700 people with learning disabilities and their families in the city.
- 1.3 The service is currently made up of 2 distinct areas:
  - a. Learning Disability Community Support Services which include: Community Learning Disability Team (CLDT) providing specialist assessments, treatment, setting up and reviewing of care packages and discharging the Councils Safeguarding responsibilities for people with learning disabilities in the city. This integrated service is provided by a multidisciplinary team made up of Social Workers, Care Managers, Community Nurses, Physiotherapists, Occupational Therapist, Speech and Language Therapists, Psychology and Psychiatry. The Healthcare staff in this service are employed by Sussex Partnership NHS Trust. Also included are the directly provided Community Support Services - 5 Learning Disability Day Services and a residential Short Break Service.
  - b. Learning Disability Accommodation Services are managed as part of the Homeless and Social Inclusion Section of Housing Strategy and provide a range of registered and non registered accommodation with support on 17 sites across the city for 68 people with learning disabilities, a floating support service and our registered Adult Placement Scheme.
- 1.4 The Council discharges its statutory duties to people with learning disabilities and their families as required under the NHS and Community Care Act 1990 and relevant legislation that preceded this through its Learning Disability Services. Since the introduction of the Children Act 2004 the statutory accountability for

delivery of all adult social services functions lies with the Director of Adult Social Services (DASS). This accountability is wide ranging and includes;

- Assessment of local need and ensuring availability and delivery of a full range of adult social services.
- Professional leadership, including workforce planning.
- Leading the implementation of standards.
- Managing cultural change.
- Promoting local access and driving partnership working.
- Delivering a whole systems approach to supporting communities.
- Promotion of social inclusion and wellbeing.

1.5 In Governance terms the council meets its obligations through the Executive. The Executive in turn executes its responsibilities through the Cabinet system. Learning Disability decisions are, in the main, executed by the Cabinet member for Housing unless the decision is one falling under the section 75 agreement where decisions are taken by the Joint Commissioning Board (JCB). The JCB includes both the Cabinet member for Housing and the Cabinet Member for Adult Social Care and Health. The Scrutiny function is overseen by the Overview and Scrutiny Commission who oversee the work of the Adult Social Care and Housing Scrutiny Committee.

1.6 'Our Health, Our Care, Our Say' White Paper 2006 clearly endorses the integrated approach across health and the local authority to providing services for people with longer term conditions.

1.7 In line with the 'Personalisation' of adult social care services as outlined in the National 'Putting People First' concordat published in 2007 learning disability services are actively working towards the personalisation agenda and are piloting the use of Individualised Budgets. Learning Disability services are engaged in the modernising agenda for adult social care both as part of the Personalisation Board and operational sub groups and as part of its own Learning Disability Modernisation Project Board.

1.8 Formal consultation is exercised through the Learning Disability Partnership Board. Membership is taken from a wide range of stakeholders to include the voluntary sector, service users and carers. Since the introduction of the Cabinet system in 2008 the Board is co chaired by the Cabinet Member for Housing.

## **2. RECOMMENDATIONS**

2.1 The committee recommends to the Cabinet that Learning Disability services remain the responsibility of the Director of Adult Social Care and Housing in order to execute the statutory responsibilities of the DASS.

2.2 To recommend to Cabinet that the Executive functions remain as they are currently set out in the constitution, thus ensuring continuity of leadership and minimising further change for those stakeholders on the Learning Disability Partnership Board.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 In 2002 via a Section 31 Agreement using Health Act Flexibilities South Downs Health NHS Trust became the lead organisation for all Learning Disability Services in the City. This arrangement continued until 2006. When with the formation of Sussex Partnership Trust new arrangements were required.
- 3.2 In April 2006 Brighton and Hove City Council took on lead organisation responsibilities and the direct management of the learning disability services (excluding psychiatry and psychology) was provided via Housing Strategy Division of the Adult Social Care and Housing Directorate. This arrangement is still in place.
- 3.3 Prior to May 2008 (when the new Cabinet Governance arrangements were put in place) reports requiring formal decisions were taken through Adult Social Care Committee and the Joint Commissioning Board when required.
- 3.4 In addition to this the Learning Disability Partnership Board was Co Chaired by the lead member for Adult Social Care who chaired the Adults Social Care Committee.
- 3.5 From May 2008 onwards all Cabinet Member decisions for Learning Disability Services have been made via the Cabinet Member Housing and the Joint Commissioning Board when required.
- 3.6 In addition to this from May 2008 onwards the Learning Disability Partnership Board had been co chaired by the Lead Member for Housing. Prior to this arrangement the Partnership Board was co chaired by the lead member for Adult Social Care and Health.

### **4. ACCOMMODATION SERVICES – DEVELOPMENT AND IMPROVEMENT:**

- 4.1 The 'provider' functions of the Learning Disabilities Service were transferred to the management of Housing Needs and Social Inclusion in August 2006. This included 19 accommodation service units, the Adult Placement Scheme and the Community Support Team.
- 4.2 The Accommodation Service management structure was remodelled in 2007. This has streamlined managerial decision-making; devolved areas of responsibility toward the point of service delivery; made better use of resources and yielded significantly increased value.
- 4.3 The current structure provides a coherent provider/commissioning split. The commissioning function remains with the Community Learning Disability Team under the Manager of the Integrated Learning Disability Service. As outlined in the report the arrangements are working effectively and therefore no need to change the current delegations.
- 4.4 The service works in partnership with colleagues in the Learning Disability Service and Adult Social Care. It contributes to the development of multi-agency policy in the following fora:

- Learning Disability Services Governance Group
- Safeguarding Adults Forum
- Provider Forum

### **Performance culture**

- 4.5 The need to establish a strong performance culture with an expectation of continuous improvement was an acknowledged factor informing current management arrangements.
- 4.6 Changing practices and attitudes was also seen as a necessary prelude to steering the service through the transformation agenda

### **Health & Safety**

- 4.7 Improved awareness and management of Health and Safety issues has led to improved performance with respect to Safety Management System (SMS) compliance. Since December 2007 this improvement has been sustained over three audit points:
- December 2007 = average compliance 32%
  - April 2008 = average compliance 42%
  - August 2008 = average compliance 56%
- 4.8 The Service has put in place a programme of actions to ensure full compliance with its responsibilities under The Regulatory Reform (Fire Safety) Order 2005.
- 4.9 Since June 2008 a series of twenty-one service level risk assessments have been implemented across all services.
- 4.10 The Quality Assurance and Risk Manager for Housing Needs & Social Inclusion has instigated a series of internal audits of service SMS to ensure that health and safety continues to be managed effectively. Compliance with SMS is now monitored through the new quarterly Quality Assurance and Risk Management Audit Programme (QARMAP). Progress and recommendations are subject to regular scrutiny at Service Management Team meetings.
- 4.11 QARMAP audits compliment other current assurance processes i.e. Regulation 26 inspections and Supporting People annual contract reviews.

### **Service Development**

- 4.12 All services now complete a monthly Quality Assurance Return that measures performance against a series of indicators agreed with the Learning Disability Commissioner and reported at Divisional level. Over the last year the following improved performance has been evidenced in the following areas:
- Person Centred Plans
  - Health Action Plans

- Support Planning
- Risk Assessments

- 4.13 The development of a new service at 11 Hawkhurst Road represents a significant improvement to the range of accommodation services available to adults with a learning disability. Collaborative work with Downland Housing Association to develop the service, together with that at 11a Hawkhurst Road, was completed to deadline.
- 4.14 Licence agreements for adult placement service users have been put in place, enabling increased access to welfare and housing benefits: this has made a significant contribution to the financial recovery process. It has also increased the financial stability of service users.
- 4.15 Accommodation Services are now networked to the council IT system, improving lines of communication significantly and access to corporate initiatives, values and services.
- 4.16 Services have been successfully restructured into three distinct areas: Registered Care, Supported Accommodation & Move On Services. This has helped to clarify a pathway for the movement of service users to greater independence.
- 4.17 The Community Support Team has been judged as operating at performance level B against 5 of the Supporting People core objectives (a review of the sixth objective to a level B is imminently expected). This is a significant improvement on the last review. The service has also been judged as providing value for money with an hourly rate below both the Brighton & Hove and regional averages.
- 4.18 All the Registered Care Services are now rated as 'Good' by the Commission for Social Care Inspection. This is the first time this has been achieved across all of the Learning Disability Accommodation Services.
- 4.19 The service has made a significant contribution to joint developmental initiatives with colleagues from Adult Social Care in the following areas:
- Fire Safety Focus Group
  - Food Safety Focus Group
  - Management of Service User finances

### **Financial Recovery**

- 4.20 The service as a whole successfully delivered a £186,000 Financial Recovery Plan target for 2006/07.
- 4.21 Last year (2007/08) a saving of £1.4 million was achieved, representing a significantly improved financial performance. Overall, the service was £28,000 overspent for the financial year against a savings target of £2.2 million.

## **Staff development**

- 4.22 All Accommodation Service teams completed their 08/09 Team Development Plans within timescales, allowing the production of a comprehensive service development plan that has been shared with Learning and Development. This helped to inform the Workforce Development Programme for Learning Disability Services 2008/09. Learning Disability services workforce development is a key part of the overarching workforce strategy for the personalisation of adult social care.

## **Service Users**

- 4.23 A reshaped and clarified Quality Performance Framework has allowed services to achieve greater focus on service user needs and commissioning objectives: clear targets are now set through performance indicators and delivery on Person Centred Plans, Health Action Plans and Outcome Reviews have all improved as a result.
- 4.24 Closer links with officers in Housing Strategy increases the range of accommodation available to adults with a learning disability within the city.

## **Conclusion**

- 4.25 The transfer of Accommodation Services to Housing Needs and Social Inclusion involved a number of challenging objectives. A service more responsive to changing needs and more able to deliver solutions has resulted:
- Improved financial self-regulation has meant better budgetary control
  - Improved management systems have led to the development of more challenging team plans and objectives. This, in turn, has lifted performance as indicated in Quality Assurance Returns.
  - Improved awareness and management of Health & Safety has led to improved compliance with SMS objectives.

The service is now well positioned to meet future Commissioning Strategy objectives whilst delivering *Value for Money*.

## **5. CONSULTATION**

- 5.1 Cabinet member for Adult Social care and Health, Cabinet member for Housing, Health Partners.

## **6. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications

- 6.1 Financial governance is achieved through the council's Targeted Budget Management process and finance reports to the Joint Commissioning Board. In order to deliver within budget strategies and contribute towards Value for Money

financial recovery plans are in place as outlined in paragraphs 4.20-4.21, achievement against these are monitored monthly.

*Finance Officer Consulted: Anne Silley*

*Date: 5.11.08*

#### Legal Implications

- 6.2 The current arrangements and the analysis of the position in the body of the report are entirely consistent with legal and constitutional requirements. As Learning Disabilities is an executive function, any changes have to be approved by the Leader or Cabinet.

*Lawyer Consulted: Abraham Ghebre-Ghiorghis*

*Date: 31.10.08*

#### Equalities Implications

- 6.3 The learning disability services have recently completed an equalities impact assessment.

#### Sustainability Implications

- 6.4 There are no direct sustainability implications arising from this report

#### Crime & Disorder Implications

- 6.5 There are no direct crime and disorder implications arising from this report.

#### Risk and Opportunity Management Implications

- 6.6 There are no direct risks or opportunity implications arising from this report.

#### Corporate / Citywide Implications

- 6.7 Learning Disability services are provided across the City – there are no other implications than contained in this report.

### **SUPPORTING DOCUMENTATION**

#### **Appendices:**

**Documents In Members' Rooms:** None

#### **Background Documents**

1. Valuing People White Paper 2001 & Valuing People Now 2008.
2. 'Putting People First' 2007
3. 'Our Health Our Care Our Say' 2006
4. Local Government Briefing Note 39 2008 Transfer of Funding for Social Care Provision for adults with learning disabilities

