



Report of the Director of Adult Social Services

Executive Board

Date: 8 February 2008

Subject: Consultation Paper - Valuing People Now : From Progress to Transformation

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

EXECUTIVE SUMMARY

This report provides information for Executive Board regarding the publication of a recent document from the Department of Health entitled Valuing People Now – From Progress to Transformation. The document follows on from earlier Valuing People documents which sought to promote equal citizenship for people with learning disabilities. The latest document acknowledges that whilst much progress has been made since the first report in 2001, this progress has been inconsistent in some areas and perhaps not at the pace originally envisaged. The document contains a large number of proposals which will impact on a wide range of people and organisations including the Council itself. The government has allowed a period of consultation to take place and will issue a final report in the summer of 2008.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to advise Executive Board of the publication of a recent document which contains detailed proposals to improve the lives of those with learning disabilities and that of their families and carers over the next three years.
- 1.2 The white paper 'Valuing People' issued in 2001 set out the Government's vision for people with a learning disability, across a range of services based on four key principles of rights, independence, choice, and inclusion. The scope of the white paper covered a range of issues including health, housing and employment.
- 1.3 The latest document 'Valuing People Now', which was published on December 4th follows on from the earlier 2001 document and acknowledges that whilst things have

improved for some people, there are many who have not enjoyed the benefits intended.

- 1.4 This new document proposes a large number of actions which impact on a range of stakeholders, including the Council itself. Responses to the document have been requested by 28th March (extended from the original date of 11th March) with a final document due to be issued by the Department of Health in the summer of 2008.

2.0 Background Information

- 2.1 In 2001 the Government published Valuing People : A new strategy for Learning Disability for the 21st century which was the first major policy document in relation to learning disabilities for 30 years. The document identified four key principles being :

- Legal & civil rights
- Independence
- Choice
- Inclusion

- 2.2 In 2005 a review of the progress in achieving the principles of valuing people was published, under the heading of Valuing People – the story so far. This document identified that progress had been made in a number of areas , e.g. that people were being listened to more , and that the supporting people programme had enabled more people to live independently. On the other hand the report also noted that progress in relation to securing paid work and good quality healthcare for people with learning disabilities was less evident and there were concerns that some people with high support needs and those from minority communities had not seen the same levels of progress.

- 2.3 This latest document (described as a refresh) identifies the action which the Government feel is required in order to ensure that people have real choice and control over the services and support they need , and that mainstream public services become more inclusive for people with learning difficulties.

- 2.4 The documents proposals have implications for a wide range of stakeholders as follows :

- People with learning disabilities in the city , their families and carers
- Commissioners of services for people with learning difficulties i.e. the Council and the PCT
- Providers of services to people with learning difficulties i.e. The Council, Leeds Partnership Foundation Trust , various voluntary sector and independent sector organisations
- Organisations that represent and/or act as advocates for those with learning difficulties e.g. the Learning disability partnership board

- 2.5 In considering this new document it should be noted that there are number of factors which have contributed to an increase in expenditure at a national level on services to people with learning disabilities. One such factor is demographic as there has been a rise in the number of people with learning disabilities due to both medical advances and preventative care meaning that more children with complex and multiple needs are surviving to become adults. In addition more adults are living longer as mortality rates decline. A second important factor relates to changed expectations and societal conditions which mean that families and carers would like to secure arrangements for their children which are more in keeping with that experienced by the population at large. In addition as more people with learning disabilities live longer, this creates more pressure on elderly parents and carers.

2.6 It is also worth noting that in the same week that the Valuing People document was published a separate report was issued by the Healthcare Commission following their audit of specialist in patient healthcare services for people with learning disabilities. The report highlighted concerns about current practices and concluded that substantial changes are needed to services for people with learning difficulties if standards expected in the 21st century are to be met. Whilst the focus of this audit was on services commissioned by the NHS, its messages in relation to standards of care and protection of vulnerable citizens are more widely applicable.

3.0 Valuing People Now – what it contains

3.1 The latest document describes action to improve the life of people with learning disabilities for the period 2008 to 2011 in three main sections as follows:

The big priorities
The wider agenda
Making it happen

3.2 **The big priorities** : In relation to this section of the document four priority areas are identified :

- **Personalisation:** this is described as people having real choice and control over their lives and services . Thus the government would like to see a move away from traditional service provision by promoting individual budgets, a greater focus on person centered planning and a higher take up of direct payments.
- **What people do during the day:** this priority is about achieving greater inclusion for people with learning disabilities including paid employment, and in this respect the document argues for more joined up working between adult social services and the employment and education sectors. This priority reinforces the message about moving away from traditional day services and focusing on increasing the number of people with learning disabilities (and particularly young people) who are in paid employment.
- **Better health:** the document states that whilst most people with learning disabilities have poorer health than the rest of the population , access to NHS for them can be poor and often problematic. As a result the report is seeking the NHS to provide full and equal access for people with learning disabilities.
- **Access to housing:** the document points out that most people with a learning disability do not have their own home and that over half of adults continue to live with their families into middle age and beyond. In response to this , Councils are expected to concentrate on promoting access to and increasing the numbers of people who live in their own homes or have assured tenancies in rented accommodation. A new PSA indicator is to be introduced to measure progress on this issue.

3.3 **The wider agenda:** The second major section of the report considers what is described as the wider agenda and makes detailed recommendations in relation to strengthening the infrastructure around people with learning difficulties by way of six themes as described below :

- **Advocacy & Rights:** the original Valuing People document stressed the importance of inclusion for people with learning disabilities in all aspects of their lives . This latest document seeks to build on this by placing emphasis on ensuring that individuals voices are heard and that their rights are respected . A number of actions are proposed to achieve this including introducing a new learning disability advocacy development programme incorporating leadership development for national and regional self-advocate leaders

- **Partnership with families:** whilst the important role played by families has been recognised in previous reports , this document acknowledges that life for many family carers remains difficult (and can be even more so for families from minority ethnic communities) . Further actions to support families are proposed including the establishment of a standing commission on carers and local training to support the expert carer programme.
 - **Including everyone:** the document identifies that despite lives improving for many people with learning disabilities , some groups of people are missing out . The particular groups identified as disadvantaged in this context are those with the most complex needs , people from minority ethnic communities , people on the autistic spectrum and people in prison. It is proposed that , amongst other things, that local planning of Valuing People Now should start with people with the most complex support needs.
 - **People as Citizens:** four themes are highlighted under this heading being taking action to prevent hate crime against people with learning disabilities , improving the accessibility of transport , promoting personal relationships and supporting parents with a learning disability.
 - **Making the transition to adulthood a positive experience:** the transition from childrens to adults services is reported by people themselves as being a time of significant concern and one in which those directly involved can feel excluded from decisions that are being made about them. This can lead to segregation rather than integration. The document thus confirms that a focus on young people moving into adulthood is an important part of valuing people .
 - **Improving the workforce:** the personalisation agenda brings with it a different requirement in terms of service delivery and thus in the job content and skill needs of the whole social care workforce. Training and development of the workforce will be needed, including emphasis on appropriate qualifications if the aims of valuing people are to be realized.
- 3.4 **Making it happen:** The third section of the report deals with what is described as the biggest challenge which is about ensuring that the people who the actions have been designed to help actually benefit from such changes , in other words bringing the whole agenda alive. The actions expected in this section are detailed under three themes being :
- **Providing the right national & local leadership and support:** the document restates the support mechanisms that have been put in place at a national level and confirms that whilst continued support is essential (and will continue for a further 3 years) , it is also appropriate to consider changes to the support framework. At a local level the important contribution of Learning Disability Partnership Boards is acknowledged . It is however argued that these boards can become more effective by reviewing their membership , through more formal consultation and reporting arrangements and by being more closely involved in certain spending decisions.
 - **Better Commissioning:** the document highlights the important role of commissioning in terms of ensuring the best outcomes for people and proposes three areas which need attention . Firstly in terms of responsibility for commissioning , the report proposes that the budgets and commissioning responsibility currently with the PCT in relation to learning disabilities will transfer to the Council if possible from 2009/10. In relation to resources , the document identifies increased spending on people with learning disabilities (mainly due to demographic factors but also because of rising expectations) and suggests that

commissioners should make the best use of existing resources which includes obtaining better information on needs and a much greater emphasis on individualised services. The third area described as local services for local people seeks to ensure that people are not routinely placed away from home when a more local solution could be found.

- **Getting better at checking what we are doing:** the document describes current mechanisms for providing appropriate information on learning disabilities including reference to audit and inspection regimes. Concerns are raised that there are weaknesses in current arrangements (referring to poor performance and abuse in some areas) and thus a number of actions are proposed to improve the situation including an enhanced role for learning disability partnership boards in measuring and reporting on performance.

4 Implications for the Council

- 4.1 This section of the report looks at the impact key aspects of the proposals will have on the Council's responsibilities in relation to people with learning disabilities. As far as Council priorities are concerned many of the issues raised can be seen to contribute to the Strategic outcome of Improving Health and Well being. In relation to the 2007/08 financial year, the Council will spend around £38.5m on learning disability services of which £13.8m will relate to staffing. Joint Commissioning arrangements exist for adults with learning difficulties and thus in addition to the funding provided through the Council, the PCT will contribute an estimated £14.8m to service provision.

The Council provides day centre activities to around 880 service users from 8 bases across the city, which involves a significant transport operation on a daily basis. The Council also provides residential and respite services in 3 registered Care homes to 117 service users, and enables 324 people to live independently through supported living arrangements. In addition to in-house service provision, arrangements are in place for services to be provided to over 900 service users by a range of voluntary and independent organisations including services to 133 users by way of specialist units outside of the city.

- 4.2 **Commissioning and Contracting responsibilities :** Section 16 of the document is devoted to commissioning, and as described above contains some important proposals including a major organisational change in relation to the transfer of the PCT's commissioning responsibilities to the Council from a date to be confirmed but which could be as early as 2009/10. The document requires Councils and PCT's to agree an appropriate funding transfer to reflect this change in responsibility which it suggests should be based on 2007/08 spend. This proposal whilst offering new commissioning opportunities for the Council also brings with it a significant transfer of financial risk especially in the light of continuing demographic pressures in this area. The document also requires the Council to achieve what might be described as smarter commissioning through a combination of utilising better information and tools to inform commissioning decisions, and to release funding by obtaining better value for money from the arrangements it puts in place which will include reduced usage of block contracts.

Finally the Council will be expected to change the focus of commissioning from that which supports a traditional service model to one which provides more opportunities to suit the needs of the individual, including those with more challenging and complex needs. Emphasis will need to be placed on providing sufficient support for individuals to make their own purchasing decisions and to build in more flexible monitoring of

service arrangements which are put in place. This change in focus could have significant implications for all providers of services to people with learning disabilities not least the Council itself.

- 4.3 **Access to Services** : the document emphasises the importance of person centred approaches to support and care planning which will require the Council to ensure that people with learning disabilities receive appropriate support and advocacy so that their needs can be fully understood. This will be particularly important for those with the most challenging needs , as well as those whose cultural , religious or other beliefs may lead them to feel reluctance in approaching the Council for support . In addition the document demands a shift in focus from what is currently available to support an individual, to what can be made available to support the individual . This will have implications for the future content of individual care and support plans. In addition it will necessitate imaginative thinking, new models of service delivery and strong partnership working in order to deliver.

Thus instead of offering services based around traveling to and attendance at a Council day centre , a person could instead be encouraged to determine their own support plan from their home and be given a budget to achieve it. This could in turn lead to a combination of : the employment of their own personal assistant/s, the purchasing of services from a number of voluntary / independent organisations , the use of mainstream activities at community leisure centres , attendance at a college or education establishment with a view to securing an appropriate qualification , access to paid or voluntary employment all of which combined would aim to achieve a more normal daily life as part of and from within the community in which the individual lives.

- 4.4 **Purchasing services** : There is an expectation that the use of direct payments and individual budgets will not only be encouraged but will be actively taken up by a significant proportion of those who are eligible to do so. This expectation has the potential to significantly change the balance of purchasing decisions towards the individual . This means that the individual will need to be seen and supported as a consumer of services they have chosen to buy , as opposed to a recipient of services that the Council or other organisations have decided to provide for them.
- 4.5 **Provision of services** : As indicated above in this report the Council is itself a significant provider of services to people with learning disabilities through the provision of both residential & respite accommodation, supported living services and day activities. In relation to accommodation the document would like to see people with learning disabilities living independently, having the same housing choices and living in the same types of accommodation as the rest of the population. The Councils independent living project is a major step forward in providing a range of purpose built accommodation to replace the more traditional hostel type model. In addition to rented accommodation the document also wishes to see more opportunities for people with learning disabilities to have an equity stake in their own properties. Opportunities for shared ownership are being explored as part of the independent living project.

In relation to day opportunities , the document suggests that Councils need to develop new service models which support people having more integrated and better lives in the community . Person centred planning is cited as being instrumental in achieving this goal as is a change away from organising activities during the day, to a greater emphasis on providing training opportunities and meaningful employment for people with learning disabilities. The document clearly sees a shift away from segregated, provision during the day to more tailored services which the individual (and their

family & carers) will have greater control of. These proposals have the potential to radically change the demand for and the look and feel of day service activity although it is recognized that there will still be a residual requirement for some element of day respite services .

The requirement for new approaches to person centred planning , housing , training, transport and employment for people with learning disabilities can only be achieved through close working with both colleagues in other Council directorates and also partners in the Health , voluntary and independent sectors. These proposals will in some cases require new markets / suppliers becoming available to respond to different types of need. In addition because the proposals are demanding there will be a need to ensure that the Council makes best use of the resources that are available, including maximising external funding opportunities such as the independent living fund. From an in-house provider perspective there will be a need to review staffing requirements in the light of potentially very different service models, and also to assist staff to adapt to the changes by providing appropriate learning and development support.

4.6 **Response to the proposals** : Learning Disability Partnership Boards were introduced in the 2001 Valuing People White Paper in every English local authority and are responsible for providing effective local co-ordination of strategic planning and development of learning disability services. The Partnership Boards include representation from a range of stakeholders including people with a learning disability, family members and carers , and representatives from public, private, community and voluntary sector organisations. Council officers provide support to the board and are represented on it. The Leeds Learning Disability Partnership Board is considered the most appropriate body to provide a response to these new proposals in Leeds and it is recommended that input to their response is prepared on behalf of the Council by the Director of Adult Social Care in consultation with the Executive Member for Adult Social Care.

4.7 **Other Issues** : achievement of the expectations detailed in the document will be demanding and require that the Council has a fully coordinated approach to the provision of services for people with learning disabilities. With this in mind additional leadership capacity has been created in the Adult Social Services directorate through the secondment of a Chief Officer from the Resources Directorate to undertake the role of interim Chief Learning Disabilities Officer. In view of the significance of the potential changes identified in the document it is recommended that members are regularly updated by this Chief Officer on progress made in relation to this agenda through further reports and by holding briefing sessions as appropriate.

5.0 Implications For Council Policy And Governance

5.1 The issues raised in this report have significant implications for the Councils Health and Wellbeing strategic outcomes. The proposed actions are designed to ensure there is a significant improvement in the lives of people with learning disabilities in the city. Many of the outcomes referred to in the report cannot be delivered in isolation by the Director of Adult Social Services and thus will require close working with other Council directorates e.g. in relation to Housing issues, and for a variety of issues with other partner organisations across the City.

6.0 Legal and Resource Implications

6.1 The consultation document proposes a significant change in the transfer of some commissioning responsibilities in relation to people with learning disabilities which currently rest with the PCT to the Council. There will be the need to agree the transfer

of resources to match this transfer of responsibility which it is suggested will be based on 2007/08 expenditure. In relation to legal issues the consultation document proposes a number of actions which it is felt will enable public sector organisations (including the Council), to better meet their duties under the Disability Discrimination Act and the Race Relations Act .

7.0 Conclusions

- 7.1 Valuing People Now – From Progress to Transformation builds on the vision set out in the 2001 white paper, Valuing People. The document outlines the government’s priorities for people with learning difficulties over the next three years and responds to the concern that progress in achieving the aims of the 2001 report have not been fast enough or comprehensive enough.
- 7.2 The new document emphasises the requirement for services to be designed around the individual thus enabling adults with learning disabilities to have “choice and control” over their lives, with maximum use of personalised budgets and direct payments.
- 7.3 The proposals set a challenging agenda for the Council to respond to. The two areas which are likely to have the greatest impact on the Council are firstly the transfer of commissioning responsibilities from the PCT to the Council which provides a major opportunity in terms of the Council’s ability to determine service design and delivery but also introduces significant risks in terms of financial liability for the commissioning those services. Secondly the need to rethink the commissioning and provision of day activities including a greater emphasis on supporting individuals to determine and secure their own specific needs which could include paid employment and / or access to mainstream community based activities with help from personal assistants. These latter changes will in turn impact on the skills required by and the job roles of , employees involved in providing services to people with learning disabilities.
- 7.4 The changes proposed in the document are demanding and from the Councils perspective will be lead by the recently seconded Chief Learning Disabilities Officer who will have a responsibility for ensuring that members are appropriately engaged and updated on progress made. Consultation on the proposal ends on the 28 March and a final report is to be produced by the Department of Health in the summer.

8.0 Recommendations

8.1 Members are requested to note :

- a) the publication of the Valuing People Now document and the wide ranging proposals its makes in relation to improving the lives of people with learning disabilities
- b) the implications for the Council as detailed in section 4 of this report , particularly in relation to the transfer of commissioning responsibilities from the PCT and in relation to the provision of more individualised and community based service provision for people with learning disabilities
- c) that a consultation response will be prepared by the Leeds Learning Disability Partnership Board
- d) that a final report is planned to be issued by the Department of Health in the summer