



Report of : The Director of Adult Social Services

Board : Executive Board

Date: 1st April 2009

Subject: Valuing People Now – Introduction of a National and Local strategy for people with learning disabilities.

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 on the publication of Valuing People Now¹, a national 3 year strategy for people with learning disabilities and the development of a learning disability strategy for Leeds.²

Valuing People Now is based on a vision set out in Valuing People in 2001.³ “that all people with a learning disability are people first with the right to lead their lives like any others, with the same opportunities and responsibilities, and to be treated with the same dignity and respect.” The national strategy focuses on what needs to be done at all levels and “across Government” to make the vision a reality. Accompanying the document the Government have also published a delivery plan⁴, which sets out the governance structure and actions required over the next 3 years. The strategy and delivery plan are closely aligned to the transformation agenda for Adult Social Care as set out in Putting People First.⁵

A key requirement contained in the National strategy and supported by Statutory Guidance, is for the transfer of responsibility for the value of any residual commissioning for social care services undertaken by Primary Care Trusts in relation to people with learning disabilities from the NHS to Local Authorities, this report deals with the implications of this for arrangements in Leeds.

A learning disability strategy and action plan⁶ for Leeds has been developed by the Leeds Learning Disability Partnership Executive in conjunction with the Leeds Learning Disability Partnership Board. The local strategy and actions were generated through consultation and closely match the recommendations made in the Valuing People Now national strategy.

Subject to the agreement of the Executive Board, the local strategy will be produced in a range of formats to ensure that it is as accessible as possible and will be launched in late Spring 2009.

¹ Valuing People Now: Dept. of Health 19 Jan 2009

² Leeds Learning Disability Strategy Feb 2009

³ Valuing People: Dept. of Health 2001

⁴ Valuing People Now: The Delivery Plan. Dept. of Health 19 Jan 2009

⁵ Putting People First: Health and Social Care Act 2008

⁶ Leeds Learning Disability Strategy: Action Plan Feb 2009

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to advise Members of the Executive Board of the publication of recent national policy documents and the development of associated local strategies both of which contain detailed proposals to improve the lives of people with learning disabilities and 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 Valuing People documents include a new three year strategy for people with learning disabilities, a delivery plan and a response to an earlier national consultation document, which was issued in December 2007. The new documents acknowledge that whilst progress has been made in relation to improving the lives of people with learning disabilities, this has not happened quickly enough, it has not benefited everyone and that a range of organisations have responsibility for delivering the intended improvements.

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. In December 2007 the government issued a consultation document “Valuing People Now from progress to transformation” and invited comments from a range of people and organisations with consultation ending in March 2008.
- 2.4 Valuing People Now responds to the detailed national consultation and identifies the actions, which the Government feels 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 responsive to the needs of people with learning disabilities.
- 2.5 The Leeds Learning Disability Strategy has been developed through extensive local consultation (Appendix C, Leeds Strategy – “Putting People at the Centre”) and is

based on national and local priorities and what local people have told us is important to them.

- 2.6 In common with the national picture, the proposals contained in the local strategy have wide ranging implications across the full spectrum of individuals and organisations e.g.:
- People with learning disabilities in the city , their families and carers
 - Commissioners of services for people with learning disabilities
 - Providers of services to people with learning difficulties i.e. The Council, Leeds Partnership Foundation Trust, various community, voluntary and independent sector organisations
 - Organisations that represent and/or act as advocates for those with learning difficulties e.g. the Learning Disability Partnership Board
- 2.7 Attached to this report as appendices are the executive summary of the Valuing People Now strategy, the website address to access the Valuing People Now delivery plan, the Leeds Learning Disability Strategy and the Leeds Learning Disability Strategy Action Plan Overview.

3.0 Valuing People Now – summary

- 3.1. The new strategy is a 136 page document containing forewords by the Secretary of State, the Minister for Care Services, and the National Director for Learning Disabilities.

The document contains an executive summary which is attached to this report, and 5 chapters covering the following subjects:-

- (1) Including everyone
- (2) Personalisation
- (3) Having a life
- (4) People as citizens
- (5) Making it happen

- 3.2. The national strategy (which is also reflected in 'Putting People at the Centre') require contributions from across all government departments in relation to delivering improved outcomes for people with learning disabilities and also the active involvement of people themselves, their families and carers and those who advocate on their behalf.

- 3.3. The national strategy seeks to be an inclusive one and particularly in relation to those who it describes as 'least often heard and most often excluded', which includes:-

- people with more complex needs
- people from BME backgrounds
- people with autistic spectrum conditions
- offenders in custody and in the community

- 3.4. The National strategy reinforces the need to develop more personalised services for people with learning disabilities, which it is argued, will offer them greater choice and control over how they live their lives in the future. The intention is that a greater number of people with learning disabilities will arrange and procure their own tailored support needs.

- 3.5. The document places great importance on improving health services for people with learning disabilities, 'People with learning disabilities are entitled to be treated with the same dignity and respect as any other member of the community'. The government acknowledges that some people with learning disabilities have suffered abuse and neglect whilst in the care of health professionals and in response to earlier concerns have agreed to establish a confidential inquiry to investigate the premature death of people with learning disabilities.
- 3.6. In relation to Housing, the priority is to increase the housing options available to people with learning disabilities so that less people need to live in residential care establishments. In addition there is an intention to ensure that housing strategies and policies are inclusive of people with learning disabilities.
- 3.7. In relation to what people do during the day, the document states that people with learning disabilities want to lead ordinary lives and do the things that most people take for granted. The transition period as young people become adults is seen as key period and the need to increase the number of people with learning disabilities in employment is seen a priority area.
- 3.8. A governance structure for delivering the improvements is detailed in the report, and based around a National Learning Disability Programme Board, Regional Learning Disability Programme Boards and the local Learning Disability Partnership Executive.
- 3.9. The National strategy details a number of key policy objectives to improve the lives of people with learning disabilities and their carers over the next three years.

In relation to the 2009/10 financial year, the key priorities are:-

- (1) to raise awareness of Valuing People Now across national and local government, private and voluntary sectors and within wider society.
 - (2) to have an effective Learning Disability Partnership Board operating in every local authority area.
 - (3) to secure access to, and improvements in, healthcare, with Strategic Health Authorities and PCTs responsible for and leading this work.
 - (4) to increase the range of housing options for people with learning disabilities and their families, including closure of NHS campuses.
 - (5) to ensure that the personalisation agenda is embedded within all local authority services and developments for people with learning disabilities and their family carers, and is underpinned by person centred planning.
 - (6) to increase employment opportunities for people with learning disabilities.
- 3.10. Whilst the Government has made funds available to promote the overall transformation of adult social care services (the social care reform grant), this strategy does not bring with it any associated funding. It is argued that the actions required do not require new initiatives, but the adoption and implementation of best practice standards..
- 3.11 The Association of Directors of Adult Social Services have observed that there is an increasing number of people with learning disabilities and this has an impact on

demand for services. Thus the number of people with learning disabilities is estimated to increase by approximately 50% by 2021, with a greater proportion of older people and those with complex needs. This growing demand is likely to have a major impact on the ability to deliver all that is expected in this document.

4 Implications for the Council

- 4.1. Valuing People Now and the Leeds Learning Disability Strategy – ‘Putting people at the Centre’, needs the full range of service providers and agencies across all sectors to fulfill a range of responsibilities to people with learning disabilities. Achieving the recommendations in both strategies is not just a challenge for the wider Health and Social Care community but for ‘universal’ services such as housing, education and leisure. Ensuring that the needs and wishes of people with learning disabilities are incorporated into the plans of organisations will become an increasing requirement and a key activity in the years ahead. The local demographic implications of the national trend highlighted in section 3.11 will become the focus of continuing work on the Joint Strategic Needs Analysis for Leeds, recognizing that both universal and specialist services in the City will need to use such information to better plan their service responses for this growing population.
- 4.2. Adult Social Care provides day care activities to around 880 people with learning disabilities from 8 bases across the city, which involves a significant transport operation on a daily basis. A strategy for transforming day services⁷ has recently been approved by Executive Board. This local strategy will see a service transformed from large traditional centres to more personalized services utilizing community buildings in more local settings. The strategy approved by Executive Board is fully supported by Valuing People Now and the Leeds Learning Disability Strategy.
- 4.3. Adult Social Care also provide residential and respite services in 3 registered care homes to 117 service users, and enables 324 people to live independently through supported living arrangements. These services are already undergoing a period of major transformation, which will support the delivery of Valuing People Now. Traditional hostels are being replaced by modern purpose built accommodation under the Independent Living Project. The same project is also providing improved facilities for respite care for people with learning disabilities.
- 4.4. Valuing People Now places clear responsibilities on our partner organisations, particularly NHS Leeds (Leeds PCT). Most people with learning disabilities have poorer health than the rest of the population and are more likely to die at a younger age.
- 4.5. The Leeds Learning Disability Strategy has been developed in partnership with NHS Leeds. Key national and local priorities are achieving full inclusion of people with learning disabilities in its mainstream work on reducing health inequalities and ensuring that locally we have high quality evidence-based specialist health services.
- 4.6. Valuing People Now identifies a greater role for Learning Disability Partnership Boards. The Leeds Partnership Board was established as required by Valuing People in 2001 by means of the establishment of a formal Section 31 Health Act agreement (now Section 75 Health Act). The Board has an independent chair and a co chair with a learning disability, and a wide membership drawn from commissioners and providers and from people with learning disabilities and carers.

⁷ Executive Board Report – Transforming Day Opportunities 2009

- 4.7 In 2006, following the publication of a report by the Council's auditors into the governance arrangements of the Leeds Partnership, a clear separation was created between the Partnership Board and an Executive. In Leeds therefore the Learning Disability Partnership Executive has formal accountability for decision making. The Council will have a key role in ensuring that the Partnership Board and Executive can fulfill expectations, particularly in ensuring that there is appropriate cross Council representation in the work of the Board to ensure the real and meaningful involvement of 'universal' services.

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 will require close working between Council directorates e.g. in relation to Housing issues, and with a range of other partner organisations across the City.

6.0 Legal and Resource Implications

- 6.1 Valuing People Now sets out a number of actions which it proposes will enable public sector organisations (including the Council), better meet their duties under the Disability Discrimination Act and the Race Relations Act.
- 6.2. It is argued that since the strategy is focused on improved performance of existing measures rather than new deliverables, no new funding is attached to the implementation of the strategy. However, it is indicated that consideration will be given to the impact of learning disability demographics for the next Comprehensive Spending Review.
- 6.3 A significant requirement of Valuing People Now is that residual responsibility for the commissioning of social care services should transfer from NHS bodies to the Local Authority to commence in the 2009/10 financial year.⁸ In Leeds, since the creation of the partnership board in 2001, NHS Leeds and Social Care Services have operated a pooled budget arrangement using the Section 31 (now 75) Health Act flexibilities as the governance vehicle. The pooled budget has been used to purchase all elements of specialist health (including payments in relation to the Continuing Health Care needs of individuals) and social care provision to people with learning disabilities. The contributions to the pooled fund arrangements have been subject to analysis and various elements identified which, under the guidance, should be included in the transfer of responsibilities to the Local Authority.
- 6.4 These negotiations are complex and at the time of submission of this report no agreement has been reached on the precise amount of the NHS Leeds commissioning budget which we agree should transfer. It is recognised that this requirement poses some financial risks for both NHS Leeds and the Local Authority which officers from both organisations are currently seeking to minimise.
- 6.5 The adoption of this risk sharing approach is important as the Department of Health have committed to maintain the current value of transferred funds within the funding allocation to NHS Leeds for the next two years, with the intention that from the start

⁸ Valuing People Now; Transfer of the responsibility for the commissioning of social care for adults with a learning disability from the NHS to local government and transfer of the appropriate funding. (DH 2008).

of the 2011/12 financial year an equivalent amount will transfer directly to the Local Authority.

- 6.6 The guidance does not guarantee a precise match, it is theoretically possible that the Department of Health could determine not to pass on the full, agreed value associated with such transfer arrangements to Local Authorities at the end of the transition period. An Annex to the S75 Health Act Pooled Fund agreement is under negotiation, setting out the terms of this transfer and the detailed principles on which future risks associated with the transfer into the pool will be shared between the partners.
- 6.7 It is proposed a further report be brought to Executive Board following agreement with NHS Leeds on the transfer arrangements, setting out in greater detail the terms of that agreement, the inherent risks and the mitigation strategy.

7.0 Conclusions

- 7.1. The Valuing People Now Strategy and accompanying delivery plan outline a large number of actions intended to improve the lives of people with learning disabilities, the families and carers. The personalisation agenda will be a key driver for change in this strategy.
- 7.2. Achievement of the desired actions will require close working both across the Council and between organisations across the City. Inclusion is seen as a high priority in the strategy and in particular people in groups which have not benefited from changes introduced so far.
- 7.3. There will be challenges for the Council's commissioning function in relation to improved services for those people who do not wish to take up self directed support options, and for those that do the provision of support mechanisms to enable individual choice and control to happen on a large scale.
- 7.4. The Council's learning disability community support service is already in the process of change to be able to deliver improved services in accordance with the new strategy. Examples of this work can be seen through the Independent Living Project and the vision for transforming existing day service provision.
- 7.5. Whilst the agenda for change detailed in the strategy is a challenging one, no new funds are being made available to assist organisations in delivering this strategy.

8.0 Recommendations

8.1 Members are requested to note:

a) the publication of the latest Valuing People Now documents and the wide ranging proposals they make in relation to improving the lives of people with learning disabilities.

b) the implications for the Council, particularly in relation to the requirements for all organisations to meet the requirements of Valuing People Now.

8.2 Members are further requested to agree and approve

c) the Leeds Learning Disability Strategy “Putting People at the Centre” and Overview Action Plan as the local mechanism to support the local delivery of the requirements associated with Valuing People Now

8.3 Members seek a further report detailing the agreements reached on

d) the requirement to transfer remaining commissioning responsibility from NHS Leeds (Leeds PCT) to the Leeds City Council from the commencement of the 2009/10 financial year in the terms set out in section 6 of this report for the continuing greater benefit of people with learning disabilities.

Background documents referred to in this report:

Valuing People - A new strategy for learning disability in the 21st century (2001)

Valuing People - the Story so Far (2005)

Valuing People Now from progress to transformation (2007)

Valuing People Now - a new three strategy for people with learning disabilities (2009)

Executive Board Report - transforming day opportunities for people with people with learning disabilities (2009)

Appendices:

A - Valuing People Now - Executive Summary

B - Link to Valuing People Now Delivery Plan (website address below)

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_093378

C - Leeds Learning Disability Strategy “Putting People at the Centre”

D - Leeds Learning Disability Overview Action Plan