

CABINET MEETING

Agenda Item 135

Brighton & Hove City Council

Subject:	Review of Learning Disability Services Governance Arrangements		
Date of Meeting:	18 December 2008		
Report of:	Joy Hollister		
Contact Officer:	Name:	Joy Hollister	Tel: 29-5035
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Key Decision:	No		
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report is in response to the Green party amendment regarding constitutional arrangements tabled at Council in April 2008. This report considers the arrangements for the future Governance of Learning Disability services.
- 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 Cabinet are asked to agree the recommendations from Governance committee that -

2.1.1 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.

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

6. FINANCIAL & OTHER IMPLICATIONS:

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.

6.1 Financial Implications:

There are no financial implications arising from the recommendations in this report.

Finance Officer Consulted: Anne Silley Date: 5.11.08

6.2 Legal Implications:

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

6.3 Equalities Implications:

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

6.4 Sustainability Implications:

There are no direct sustainability implications arising from this report

6.5 Crime & Disorder Implications:

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

6.6 Risk and Opportunity Management Implications:

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

6.7 Corporate / Citywide Implications:

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

7. EVALUATION OF ANY ALTERNATIVE OPTION(S):

7.1 Not applicable.

8. REASONS FOR REPORT RECOMMENDATIONS

8.1 Current arrangements are working well and there is therefore no need for change to delegations at this point.

SUPPORTING DOCUMENTATION

Appendices:

A) Extract from the proceedings of the Governance Committee held on 18th November 2008.

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

**EXTRACT FROM THE PROCEEDINGS OF THE GOVERNANCE COMMITTEE
HELD ON THE 18 NOVEMBER 2008**

Subject:	Review of Learning Disability Services Governance Arrangements		
Date of Meeting:	18 December 2008		
Report of:	Director of Strategy and Governance		
Key Decision:	No		
Contact Officer:	Name: Mark Wall	Tel: 29-1006	
	E-mail: mark.wall@brighton-hove.gov.uk		
Wards Affected:	All		

FOR GENERAL RELEASE

GOVERNANCE COMMITTEE

4.00pm 18 NOVEMBER 2008

**COUNCIL CHAMBER
HOVE TOWN HALL**

MINUTES

Present: Councillor Ann Norman (Chairman); Councillor Simpson (Deputy Chairman), Councillors Mrs Brown, Mrs Cobb, Elgood, Mears, Mitchell (OS), Oxley, Taylor and West.

***43. REVIEW OF LEARNING DISABILITY SERVICES GOVERNANCE ARRANGEMENTS**

- 43.1 The Committee considered a report of the Director of Adult Social Care & Housing, concerning the arrangements for the future governance of Learning Disability Services (for copy see minute book).
- 43.2 The Director of Adult Social Care & Housing introduced the report and drew the committee's attention to the recommendations which proposed that the responsibility for the Learning Disability Services should remain with the Director for Social Services and the Cabinet Member for Housing. She noted that the review had been undertaken as a result of the decision taken by the Council at its meeting in April, when it had approved the new constitution and Members had agreed to the 6-month review of the areas of responsibility.

- 43.3 Councillor Taylor stated that he had been unsure as to why the report had been brought forward and suggested that it should have referred to the amendment that had been moved at the council meeting. He had not had the opportunity to discuss the proposals with his Group and suggested that the item should be deferred to the next meeting.
- 43.4 The Chairman stated that the council had agreed to the 6-month review and that the Committee had also agreed to receive a report as part of its work programme which was agreed in July. She did not therefore see the need to defer the matter.
- 43.5 Councillor Taylor noted the comments and stated that in having put the amendment forward to the council, he would have expected to have been consulted on the matter before the report was brought to the Committee. He therefore felt that a deferral would be appropriate.
- 43.6 The Director of Strategy & Governance stated that the council had asked for the review, which had been undertaken and was being reported to Members accordingly. As part of this process Members of the Committee were being asked to consider the matter and give their views before reaching a decision.
- 43.7 Councillor Oxley stated that he did not see the need to defer the matter as the report was before the Committee in accordance with the council's instructions and had recommendations from the professional officers.
- 43.8 **RESOLVED –**
- (1) That the Cabinet be recommended to agree 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) That the Cabinet be recommended to agree that the Executive functions should 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.

Note: Councillors Elgood, Taylor and West wished their names recorded as having abstained from voting in respect of resolution (2) above.