

SCRUTINY COMMISSION FOR HEALTH ISSUES	Agenda Item No. 9
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Report of the Executive Director of Adult Social Services

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LEARNING DISABILITY SERVICES

1. PURPOSE

- 1.1 This report updates the Commission on progress made in implementing the recommendations of the national “Six Lives” Report, detailing the service improvements that have been developed in the last year and outlining on-going work around annual health checks and other developments for people with learning disabilities. The report also describes the process for transferring these services to the City Council.

2. RECOMMENDATION

- 2.1 That the Commission notes the content of the report and asks any questions in order to provide assurance around the safety and quality of learning disability services.
- 2.2 That the Commission notes the work underway to transfer learning disability services to the City Council in April 2011 and the further review work planned.

3. LINKS TO SUSTAINABLE COMMUNITY STRATEGY

- 3.1 Support for vulnerable people including those with a learning disability is a key dimension of the sustainable community strategy. Developments are focused on safeguarding and promoting good health, independence and well-being which are all priorities in Peterborough.

4. BACKGROUND

- 4.1 The title ‘Six Lives’ relates to a report by Mencap entitled ‘Death by Indifference’ (2007) which outlined case studies of six people with learning disabilities whom Mencap asserted unnecessarily died as a result of receiving worse healthcare than people without this condition. Mencap referred the six cases to the Ombudsman which led to an independent inquiry into access to healthcare for people with a learning disability chaired by Sir Jonathan Michael and the publication of the ‘Healthcare for All’ Report. The joint report of the health and local government Ombudsmen is known as the “Six Lives” report.
- 4.2 The report identified significant failings in the provision of general healthcare services for people with learning disabilities. A key recommendation of the report was that commissioners, such as NHS Peterborough, should be satisfied that similar situations could not happen within their commissioned services. The Ombudsman recommended in this report that all statutory commissioning bodies of learning disability services should ensure that they have effective systems in place to:
- address inequalities of care that could arise for patients with a learning disability condition; and
 - make sure that patients with a learning disability are safe in the services provided.

- 4.3 In response to this report, in March 2010, the Care Quality Commission (CQC) published a set of six indicators for all NHS organisations to ensure equality of access to healthcare. All NHS organisations were required to review their performance against these key indicators. The NHS Peterborough Board and the Peterborough Learning Disability Partnership Board have both received reports reviewing performance and providing assurances.
- 4.4 On 14 October 2010, the Department of Health published a 'Six Lives Progress Report'. The report identified that all local authorities and health organisations had put in place plans to address the two recommendations within the Healthcare for All Report. However, many had done so after the date by which the Ombudsmen said they should have been completed by.
- 4.5 The progress report found that whilst all health and social care organisations had done lots of good work on improving health and social care services for people with learning disabilities, there were a number of long standing problems which will take time to improve. Importantly, in terms of improving health and social care pathways, it identified that where good practice was identified this was not always part of everyday work and the good work stopped when the staff who developed this good practice left the organisation.
- 4.6 The progress report highlighted the factors that contributed to making a positive difference to improving health and social care services for people with learning disabilities, these being:
- leadership
 - effective engagement with people with leaning disabilities and their families in reviewing and planning services
 - annual health checks by GPs
 - liaison nurses and health facilitators in acute services
 - reasonable adjustments to services such as easy read literature, and longer appointment times with health professionals
- 4.7 In conclusion the progress report identified two main areas where there remain concerns, these being:
- the capacity of, and consent by, people with learning disabilities in relation to the decisions made about their healthcare; and
 - the understanding of the particular needs of people with a learning disability by health staff who provide generic health services to people with a learning disability

5. PROGRESS TO DATE

- 5.1 Over the last year there has been considerable effort put into improving the healthcare services available to people with learning disabilities. NHS Peterborough has successfully addressed the issues of leadership and effective engagement with people with learning disabilities and their families in reviewing and planning services. Considerable progress has been made on working with clinicians and partner organisations to improve the experience of healthcare by people with learning disabilities although it is acknowledged that more work is needed to ensure that improvements are consistent and effective across Peterborough. The areas where work is needed are discussed in more detail below. In considering the failings identified in the Healthcare for All Report and subsequent Six Lives Progress Report, NHS Peterborough has taken the following steps to ensure that these should not arise in the health services that we commission. Finally, in this section, we identify a number of service improvements that have been developed in the last year.
- 5.2 Strategic leadership and partnership arrangements
- 5.2.1 NHS Peterborough has taken leadership of the local health economy by setting clear strategic goals and operational plans with a significant focus on improving access to health and social care, including for those people with learning disabilities.

- 5.2.2 NHS Peterborough has appointed a lead Non-executive Director, Malcolm Burch, to represent the interests of vulnerable people on the Board. In addition, Dr Panday has been appointed as the clinical lead for learning disabilities and mental health.
- 5.2.3 A successful Learning Disabilities Partnership Board (LDPB) continues which has an open membership with a range of key professional stakeholders and strong representation of people with learning disabilities, their carers and the local voluntary and community sectors. Self advocates form a strong element of the LDPB. The LDPB is co-chaired by a self advocate and the Assistant Director for Mental Health and Learning Disabilities. A link between the Partnership Board and the NHS Peterborough Board is provided by Cllr Diane Lamb, who is the Peterborough City Council Cabinet Member for Health and Adult Social Care.
- 5.2.4 The Partnership Board has established a Health Sub-group to focus on improving the health and social care available to people with learning disabilities. Dr Panday has agreed to chair the Health Sub-group. As one of its priorities, the Health Sub-group will oversee the delivery of the Learning Disability Directed Enhanced Service, the purpose of which is to ensure people with a learning disability receive an annual health check. We are working with all GPs in Peterborough to ensure that this target is met.
- 5.3 Complying with 'Health Care for All'
- 5.3.1 NHS Peterborough has sought assurances from the three NHS provider organisations from which it commissions services that they are complying with the recommendations of the 'Health Care for All' report and that their performance is satisfactory, measured against the CQC key indicators. In seeking this assurance each organisation, (Peterborough and Stamford Hospital NHS Foundation Trust, Cambridgeshire and Peterborough Foundation Trust and Peterborough Community Services), was required to submit an action plan that had been approved by its Board.
- 5.3.2 Each organisation has submitted an action plan and these have been reviewed and will be monitored as part of the contract monitoring and the Annual Learning Disability Health Self Assessment.
- 5.3.3 The other key service area concerned with the healthcare of people with learning disabilities is GPs. Progress in this area is discussed below.
- 5.4 Annual health checks and the Learning Disability Enhanced Service
- 5.4.1 One of the key areas that respondents to the Six Lives Progress Report identified as making a positive difference was annual health checks. To promote the provision of annual health checks for people with a learning disability a Directed Enhanced Service (DES) was commenced on 1 April 2009 and will run until 31 March 2011.
- 5.4.2 The DES requires GPs to register those people with a learning disability in their practice who are on the local authority learning disability register, and to undertake an annual health check. A payment is made to the GP for both registering a patient and undertaking the health check. A training programme, which involved self advocates, was run during 2009 to support GP practices to undertake the health checks.
- 5.4.3 In 2009/10, 28 out of 29 GP practices agreed to participate in the Directed Enhanced Service with 14 returning data to NHS Peterborough. 291 (66%) of people with a learning disability were identified and registered leading to 125 people (43%) receiving a health check. Reporting from GPs was only required at the end of the financial year and, as such, it was difficult to performance manage this work stream.
- 5.4.4 In 2010/11, the number of GP practices agreeing to participate in the Directed Enhanced Services has reduced to 23. However, data is now submitted by GP practices on a quarterly basis which allows performance to be tracked and an action plan is in place to encourage those

GPs who have declined to participate to re-engage and support those who have agreed to participate to undertake the health checks.

5.4.5 The LDPB Health Sub-group has identified, as one of its key priorities, the need to support NHS Peterborough to engage with GP practices to encourage participation in the DES. The NHS Peterborough Board is supporting this.

5.5 Annual Self Assessment of health services provided to people with learning disability

5.5.1 Alongside these specific initiatives to improve the healthcare provided to people with learning disabilities, NHS Peterborough is required by the Department of Health to complete an annual Performance and Self Assessment of health services for people with learning disabilities. This self assessment is undertaken in partnership with a range of stakeholders, self advocates and carers. The self assessment is validated by NHS East of England at a validation meeting attended by senior NHS officers and representatives from the Learning Disability Partnership Board.

5.5.2 The key national objectives are that:

- Plans are in place to meet the needs of people who no longer require in-patient care.
- Health inequalities faced by people with learning disabilities are addressed.
- People with learning disabilities, who are in services commissioned or provided by the NHS, are safe.

5.5.3 The three key priorities for the health self assessment for 2010/11 have been identified as:

- To recognise and register all individuals with learning disabilities with primary care. This priority is being taken forward through the Directed Enhanced Service (see 5.4).
- To ensure people with learning disabilities and their families and/or supporters are supported and empowered to fully contribute to the planning, prioritisation and delivery of health services generally. This priority is being taken forward through the involvement of people with a learning disability in the development of Health Action Plans through the NHS Peterborough Long Term Conditions Pathway work stream, and Patient Passports which are being piloted by Peterborough and Stamford Hospital NHS Foundation Trust in partnership with the LDPB Health Sub-group.
- To develop a whole systems approach to address the needs of people with autistic spectrum disorder. This priority is being taken forward through the establishment of an Autism sub-group of the LDPB which will support NHS Peterborough implement the recommendations of the National Autism Strategy.

5.5.4 As part of the annual self assessment, the Department of Health has requested all PCTs to ensure that the Mental Capacity Act is being effectively implemented in relation to people with a learning disability. An audit of 10 cases, where the Mental Capacity Act has been implemented, will be undertaken for each PCT commissioned health and social care organisation, Cambridgeshire and Peterborough Foundation Trust, Peterborough Community Services and Peterborough and Stamford Hospital NHS Foundation Trust.

5.6 Service Improvements

5.6.1 An example of the sort of positive action that has been prompted by the detailed consideration of the 'Six Lives Report' is that Peterborough and Stamford Hospital NHS Foundation Trust has appointed a Disability Advisor to support the Trust to provide personalised health care for those people with a learning disability accessing their services. The Disability Advisor also attends the Learning Disability Partnership Board (LDPB) and is a key member of the LDPB Health Sub-group.

5.6.2 Another initiative has been that to ensure generic health services are easily available and accessible for people with disabilities, including learning disabilities, the NHS Peterborough Clinical Governance Team is developing an audit process to access services against this objective.

- 5.6.3 An innovative service to support people who require support when in the community has been developed called 'Stay Safe'. The initiative is a partnership between NHS Peterborough and retail outlets in the city centre and townships where participating shops will display a 'stay safe' sticker in their window which will signify to people with a learning disability who are distressed that they can approach staff in the shop for assistance. The assistance provided by the staff within the shop is limited to telephoning the person's nominated contact, which is displayed on their 'Stay Safe' membership card and providing a place for the person to stay until help arrives. To ensure the service is used correctly, self advocates are required to undertake an induction session run by Peterborough Council for Voluntary Service.
- 5.6.4 A Learning Disability Service Review was undertaken in 2009 and the recommendations of the report are informing future commissioning of services for people with a learning disability. The resulting Learning Disabilities Efficiency Programme addresses the cost issues around learning disability services whilst identifying opportunities for service improvement. Two services recommended within the review have been commissioned during 2010/11 – an Intensive Community Support Service to support people in the community within Peterborough and an extension to the Adult Placement Scheme. PCS is currently implementing these initiatives.

5.7 Safeguarding

- 5.7.1 A key requirement of 'Healthcare for All' is to ensure people are safe when using health and social care services and a crucial element of our response to the report has been to review existing policies and practices and to ensure that the service improvements discussed above strengthen and enhance our work on safeguarding vulnerable adults.
- 5.7.2 So the general principle underlying our work on learning disability services is that the needs of the individual are properly identified and, in close co-operation with the individual, their carers and supporters, individual personal development and support plans are in place that protect the interests of the individual. Critical to the success of such safeguarding arrangements is the active engagement of the range of agencies and individuals that have a role to play in supporting the individual. The Peterborough Adult Safeguarding Board oversees these arrangements.
- 5.7.3 In order to ensure that all partner organisations and agencies understand their roles and responsibilities for safeguarding adults, protocols are in place to monitor safeguarding alerts raised for people with learning disabilities through the NHS Peterborough Safeguarding Manager (Commissioning) reviewing, on a monthly basis, safeguarding cases entered onto the social care service user database (RAISE). This system identifies cases by the client group, such as learning disabilities, and the Safeguarding Manager is able to identify any trends within the cases reported.
- 5.7.4 The Safeguarding Manager (Commissioning) is also responsible for ensuring all NHS Peterborough providers have training in place to ensure their staff have adequate knowledge of safeguarding. A safeguarding standard is being developed for inclusion within all NHS Peterborough service contracts.
- 5.7.5 The LDPB Health Sub-group will, as part of its terms of reference, have a scrutiny function in relation to safeguarding to support the Safeguarding Manager to champion the safeguarding standards, identify any barriers to the system working well, identify best practice and review how operational front line practices are meeting individual service users' needs.

6. **LEARNING DISABILITY SERVICE TRANSFER**

- 6.1 NHS Peterborough and the City Council have agreed in principle to transfer learning disability services to the City Council from April 2011.
- 6.2 A project group has been established and meets fortnightly to ensure the necessary pace to the work. NHS Peterborough (NHSP), the City Council (PCC) and Peterborough Community Services (PCS) are all represented on the group including key support services – human resources, finance and legal.

6.3 Project management capacity has been provided by PCC – a project manager is supporting the group and maintaining the project plan and documentation.

6.4 The project covers the following areas:

- Core service delivery.
- Human resources.
- Information technology.
- Location.
- Communications.
- Legal.
- Finance.
- Project management.

6.5 Milestones are in the main on track with the following matters to note:

- Services will transfer as integrated teams.
- Day services, employment services and the adult placement service will also transfer.
- The staff transfer will be under TUPE (Transfer of Undertakings, Protection of Employees regulations).
- Appropriate support staff/resources will also transfer.
- It is proposed the team be located in the town hall.
- Regular meetings with staff are taking place.
- Project management capacity is currently stretched and is being enhanced.
- A review of funding has been completed and financial negotiations will take place between the City Council and NHS Peterborough.
- An equality impact assessment has been used.
- A formal staff consultation by NHS Peterborough is currently underway.
- A new Section 75 agreement between PCC and NHSP will be drawn up.

7. CONCLUSION

7.1 This report provides information in order that the Commission can be assured that significant progress has been made on improving the healthcare of people with learning disabilities and that their interests continue to be safeguarded. This report has identified areas where more work is needed to ensure that the local health economy complies with national advice and guidance in this important responsibility. The report also outlines the proposed transfer of the service to the City Council in April 2011.

8. NEXT STEPS

8.1 Work will continue to implement the plans set out in this document.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

None