
Meeting	Safeguarding Overview and Scrutiny Committee
Date	27 November 2013
Subject	Quality & Safeguarding: Progress Report on Local Response to Winterbourne View
Report of	Cabinet Member for Adults
Summary of Report	In July 2013, every local area was required to undertake a stocktake on progress made locally in response to the Winterbourne View Concordat, published by the Department of Health in December 2012. This required a number of actions from local health and social care economies. This report provides an update on the local action in response to the concordat and stocktake.

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Status (public or exempt)	Public
Wards Affected	All
Key Decision	N/A
Reason for urgency / exemption from call-in	N/A
Function of	Overview and Scrutiny
Enclosures	Appendix 1 - Winterbourne View Concordat Appendix 2 - Barnet Stocktake – Winterbourne View Appendix 3 - Barnet Winterbourne view action plan. Appendix 4 - National Review Barnet Feedback Appendix 5 – Stocktake letter (31 st May 2013) Temmy Fasegha- Joint Commissioner Mental Health & Learning Disability
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1.0 RECOMMENDATIONS

- 1.1 That the Safeguarding Overview and Scrutiny Committee note and comment on the actions taking place locally to ensure delivery against the Winterbourne View requirements, published in December 2012.
- 1.2 That Safeguarding Overview and Scrutiny Committee note the outcome of the stocktake exercise following the letter from the Minister for Care Services dated 31st May 2013, which called for Safeguarding Overview and Scrutiny to take a leadership role in ensuring that the commitments made in the Winterbourne View Concordat are achieved.

2.0 RELEVANT PREVIOUS DECISIONS

- 2.1 Health and Well-being Board (HWBB) - 19th September 2013, Winterbourne View Stocktake, Agenda Item 6.

3.0 CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Safeguarding is a key priority for the Council and partners and is reflected in strategic partnership goals including the Corporate Plan 2013 - 14, Health and Well-being Strategy, Sustainable Community Strategy and Commissioning Strategy.
- 3.2 Safeguarding adults from avoidable harm or abuse underpins everything we do and is the responsibility of everyone who works for or with the London Borough of Barnet.

4.0 RISK MANAGEMENT ISSUES

- 4.1 A failure to keep adults at risk of abuse safe from avoidable harm represents not only a significant risk to residents but also to the reputation of the Council, NHS Barnet Clinical Commissioning Group (CCG) and care providers. Although safeguarding must be the concern of all agencies working with vulnerable adults, the Local Authority is the lead agency and is responsible for the co-ordination of the multi-agency safeguarding board.
- 4.2 Barnet's Safeguarding Overview and Scrutiny Committee has a key leadership role to play in ensuring that the commitments made in the Winterbourne View Concordat are achieved.

5.0 EQUALITIES AND DIVERSITY ISSUES

- 5.1 Barnet's Joint Strategic Needs Assessment shows that people with learning disabilities are one of the most excluded groups in the community. They are much more likely to be socially excluded and to have significant health risks and major health problems including obesity, diabetes, heart and respiratory diseases. The number of young people with complex disabilities in the local population is rising, meaning that safeguards and quality assurance of care services for this group of people will remain highly important.

6.0 USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

6.1 The Integrated Community Learning Disability Service (CLDS), comprising health and social care professionals from the Council's Adults and Communities delivery unit, Central London Community Health Trust and Barnet, Enfield and Haringey Mental Health Trust; and the NHS Barnet CCG Continuing Health Care Team are responsible for coordinating and reviewing care plans of people with learning disabilities in social care and health placements. The Adults and Communities Supply Management Team and the NHS North and East London Commissioning Support Unit have responsibility for co-ordinating contract monitoring arrangements including quality monitoring of Council and NHS contracted services respectively. These teams are funded from existing budgets in their respective organisations.

7.0 LEGAL ISSUES

7.1 The Concordat is not a statutory document but sets out the values and actions to which various bodies, including Directors of Adult Social Services, have committed. A failure to subsequently adhere to those commitments without sufficient reason can be a point of legal challenge by anyone affected.

8.0 CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

8.1 Council Constitution, Overview and Scrutiny Procedure Rules – the Safeguarding Overview and Scrutiny Committee has responsibility to scrutinise the Council and its partners in the discharge of statutory duties in relation to Safeguarding.

9.0 BACKGROUND INFORMATION

9.1 The Concordat

9.1.1 The Concordat, attached as appendix 1, set out some key actions for local implementation. This includes:

- Clinical Commissioning Groups to maintain a register of people with Learning Disabilities (LD) and autism who are in receipt of NHS funded packages of care.
- Completing multi-disciplinary reviews of people with LD and autism who are in receipt of NHS funded packages of care in hospital settings by the end of June 2013.
- Moving people to other local care settings by June 2014.

9.2 Progress to date

9.2.1 There are currently 77 people on the LD register of people in receipt of NHS funded packages, of which 16 are in hospital settings and therefore fall within the scope of the concordat. Of these 16 people:

- 16 have been reviewed
- 13 have move-on plans

9.2.2 Move on plans for the other remaining 3 people are being developed subject to the individual clinical need. Between the months of June and October 2013, one person was admitted and two people were successfully discharged into an alternative community service. Provided all the actions proceed according to plan, we anticipate that the 77 people above will be moved by the national deadline of June 2014. However, this may alter if individual circumstances change. 8 of the individuals who have been reviewed are subject to Court of Protection and any plans for move on will need to be agreed and negotiated with the Official Solicitor.

9.2.3 There is a project group made up of care coordinators from the Integrated LD service and commissioners overseeing progress with the move on plans. Progress reports have been presented to the Adults and Community Delivery Unit's Senior Management Team and the Clinical Risk and Quality Committee of the CCG in June and July respectively and to the Health and Well Being Board in September.

9.3 The Stocktake

9.3.1 The Stocktake document was circulated to the HWBB in July and is also attached as appendix 2 to this report. The stocktake was signed off, as required, by the Council and CCG. The stocktake was presented to the Barnet Learning Disability Partnership Board on 17 September; the stocktake draws heavily on Barnet's Winterbourne View action plan. Feedback from the Health and Well-Being Board and Learning Disability Partnership Board was positive and it was recognised that robust systems were in place to progress the action plan. The Council received very positive feedback from the Winterbourne Stocktake national report following its submission in July 2013 with only two areas identified for some further development:

- Very strong detail on leadership and partnership.
- Good understanding of what needs to be done and how it will be supported.
- Case Management; strong good professional oversight.
- Strong and supportive safeguarding approach.
- Excellent joint commissioning to develop alternative services.
- Strong work on transition – may need to extend to children's services.
- Need for continued market development.

9.4 Commissioning

9.4.1 The stocktake highlights the need for the development of local care and support options for younger adults with complex needs. This is relevant to people placed in NHS settings but also the growing number of younger adults with complex needs. A scoping exercise will be carried out by Children's Services, Adult and Communities Delivery Unit and Barnet CCG to develop project proposals for planning for the future for young people with complex needs who are likely to require service interventions as they become adults.

9.5 Monitoring the care system

9.5.1 Part of the learning from the Winterbourne View scandal is that health and social care commissioners need to ensure that their systems for monitoring care quality are robust. This relates to individual care plans, care providers and the wider care system. This report has described the quality monitoring roles of the specific care and contracting teams in relation to this client group. It has also set out the role of the Safeguarding Board and the multi-agency safeguarding procedures in keeping people safe. In addition it should be noted that the Council works closely with the Care Quality Commission to identify and act in situations where there are concerns about social care providers locally and there are local multi-agency systems for raising concerns about providers. The Council's quality and purchasing team undertakes unannounced monitoring visits of contracted social care providers and there is a programme of unannounced CQC inspections nationally. In addition, NHS England is establishing regional Quality Surveillance Groups which will review both qualitative and quantitative data on health care providers, in order to facilitate early action where there are quality concerns. NHS Barnet CCG has a quality and safety programme which includes requiring providers to demonstrate their response to the Francis enquiry.

9.6 Confidential Inquiry & 2012/13 Joint Health and Social Care Self-assessment Framework

9.6.1 The 2012/13 Learning Disability Joint Health and Social Care Self-assessment Framework (SAF) was launched in June. This was followed by the publication of two Department of Health reports into the findings of the confidential review into premature deaths of people with learning disabilities, '*Six Lives- Progress Report on Healthcare for People with Learning Disabilities*' and '*Government response to the Confidential Inquiry into premature deaths of people with learning disabilities*'. The 2012/13 SAF has been updated to provide further assurance about how health and care services are ensuring the safety of people with learning disabilities.

9.6.2 All areas are required to complete the SAF and involve people and their carers as well as stakeholders in the evaluation process. Getting ready meetings with focus groups took place to get people's views, followed by an event hosted by the Barnet Learning Disability Partnership Board on 4 October 2013. The completed SAF is due for submission on 30 November.

9.7 The Barnet Learning Disability Partnership Board (LDPB), a multi-agency partnership bringing together people with learning disabilities (LD) and autism, family carers and professionals from the Council, NHS, voluntary sector and other services has played an important role in fostering a partnership approach to keeping people safe and in the development of learning disability commissioning priorities. The LDPB is co-chaired by a person with a learning disability. Five members of the LDPB are people with learning disabilities. The Partnership has supported the set up of the Learning Disability Parliament which is a key mechanism for engaging and consulting with people with learning disabilities in Barnet. MPs of the Barnet LD parliament have an open invitation to attend the LDPB as participant observers. The Board has active sub-groups of both family carers and people with learning disabilities who are full members of the board. The LDPB has taken an active interest in the Winterbourne View agenda and has scrutinised reports on this.

- 9.8 Barnet Safeguarding Adults Board (BSAB) provides an inter-agency framework for coordinating actions in respect of safeguarding with representation from the Council, CCG, NHS Trusts, the voluntary sector, the Police and service users. The Adult and Communities Director, in her role of Statutory Director of Adult Social Services, involves Safeguarding Overview and Scrutiny partner organisations in completing aspects of the review of local progress on meeting the Concordat where this is relevant / necessary.
- 9.9 The BSAB has taken a close interest in issues arising from Winterbourne View and has received regular reports on the numbers of people with learning disabilities placed in hospital settings. The Board hosted a learning event for local service users, providers and commissioners on Winterbourne View, with the author of the Winterbourne View Serious Case Review as the key speaker. The BSAB has reviewed local provision to establish if care settings such as Winterbourne view exist locally. The Board scrutinises local NHS care quality and safeguarding activity in all settings relating to people with learning disabilities.

10.0 LIST OF BACKGROUND PAPERS

- 10.1 Appendix 1 - Winterbourne View Concordat
- 10.2 Appendix 2 - Barnet Stocktake – Winterbourne View
- 10.3 Appendix 3 - Barnet Winterbourne view action plan.
- 10.4 Appendix 4 - Stocktake of Progress
- 10.5 Appendix 5 – Stocktake letter (31st May 2013)

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