



COUNCIL CABINET 21 FEBRUARY 2006

Report of the Cabinet Member for Adult Services

FUTURE ARRANGEMENTS FOR THE MANAGEMENT AND DELIVERY OF SERVICES TO PEOPLE WITH LEARNING DISABILITIES IN DERBYSHIRE AND DERBY – RESPONSE TO CONSULTATION

SUMMARY

- 1.1 A public consultation has just been completed on the future arrangements for the management and delivery of services to people with learning disabilities in Derbyshire and Derby.
- 1.2 The response to the consultation indicates broad support for the principle of further integration of services. However, a number of themes or key challenges have emerged from the consultation which require further work.
- 1.3 Subject to any issues raised at the meeting, I support the following recommendation.

RECOMMENDATIONS

- 2.1 To approve in principle the proposed further integration of services for people with learning disabilities.
- 2.2 To bring a further report to Cabinet in March 2006 to confirm and clarify arrangements for pooled budgets, detailed organisation frameworks and structures and confirming consultation with staff.

REASON FOR RECOMMENDATIONS

- 3.1 Further integration as outlined in this report is a long-established commitment of all the partner organisations and is in accord with Government policy.
- 3.2 The balance of the feedback is generally positive about further integration.
- 3.3 The development of more integrated services will provide more effective support to people with learning disabilities.

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SUPPORTING INFORMATION

- 1.1 At its meeting on 6 September 2005 Cabinet approved a public consultation process about the integration of Local Authority and Specialist NHS services for people with learning disabilities.
- 1.2 The proposal for the management and delivery of services for people with learning disabilities in Derbyshire and Derby outlined in the public consultation document recommended a transfer of the NHS specialist / dedicated learning disability health services functions provided by Chesterfield Primary Care Trust and Derbyshire Mental Health Services NHS Trust to Derbyshire County Council Social Services and to Derby City Council Social Services.
- 1.3 The proposed transfer of responsibility for health services would be effected under the provision of S.31 of the Health Act 1999 which provides for the exercise by Local Authorities of certain prescribed health-related functions and the establishment of pooled budgets. Derbyshire County Council and Derby City Council already provide the lead management function for the commissioning of health and social care services and this unified strategic lead commissioning would be further developed and formalized by these proposals.
- 1.4 Public consultation was conducted from the week commencing 12 September 2005 and ending on 30 November 2005. In addition to inviting written comments resulting in more than 133 completed questionnaires and 110 letters, documents and records of meetings being received, a total of 63 meetings were conducted. The purpose of the consultation was to seek the widest possible range of views from people and organisations with an interest in the social care and health services involved.

- 1.5 The attached document (Appendix 2) reports on the consultation and evaluates the proposed changes as explained by the consultation documents in the light of the comments received and the preparatory work completed during the same period. Further appendices provide the detailed analysis of the issues raised taking in turn each of the benefits referred to in the consultation document. All the questionnaires, letters and documents received can be made available to Members on a confidential basis (as the material contains information relating to individuals assisted by the services involved) by arrangement prior to the Cabinet meeting.
- 1.6 The Derbyshire County Council Cabinet, Derby City Council Cabinet and the Boards of Chesterfield Primary Care Trust and Derbyshire Mental Health Services NHS Trust in principle agreed to the proposed transfer of services as the preferred option for further service improvement subject to consideration of the issues raised through the consultation. This reflected the long-term objectives of those bodies to integrate specialist/dedicated learning disability health services with social care services led by local government. It also reflected the proposed transfer of responsibility for the provision of Mental Health Social Care Services to the Derbyshire Mental Health Services (NHS) Trust that is currently the subject of a separate exercise.
- 1.7 The themes that have emerged from the consultation and parallel work preparatory to a decision can be expressed as **six key challenges**:
1. There is broad support for the principle of further integration of services and recognition of the need for service improvements. Is structural change needed?
 2. Do the Councils have the expertise and track record needed?
 3. Will the proposed change diminish for NHS professions their role and ability to practice?
 4. How does the development of separate services for Derby City and Derbyshire result in overall service improvement?
 5. Is the pace of change too fast and has the consultation resulted in a reasonable cross section of views being obtained?
 6. How will the practical barriers to integration be managed and resolved?

These six challenges are elaborated in the evaluation report and have been addressed through the analysis of the proposed changes in the light of the comments received.

- 1.8 The overall assessment completed by the Project Management Team concludes that the proposed changes are feasible, will achieve the aims set out in the consultation document and can be delivered. There is confidence that the key organisational frameworks needed to support a sustainable change in the manner proposed are available and are capable of being put in place.

There are however continuing uncertainties. This, together with the message from the consultation that people perceive significant challenges, including the pace of change as being too fast, indicate the need for further work ahead of final decisions to implement in full the changes proposed.

1.9 Based on the considerations outlined in the evaluation report, and after taking into account the wide range of comments received, the Project Management Team consider that the proposed changes as set out in the consultation document represent the best available option for service improvement. The basis for this decision is explained in the evaluation report and a proposed timetable for action leading to further decisions and implementation is set out in section 8 of the document.

1.10 The recommendations of the Project Management Team are as follows:

- (a) The objective of establishing a fully integrated specialist/dedicated learning disability social care and health service provided by the two Councils is confirmed as the preferred option.
- (b) Work should continue to secure the establishment of a pooled budget for commissioning of all social care and learning disability services under S.31 Health Act 1999. The objective should remain to establish this by 1 April 2006 and the feasibility of this should be further evaluated and reported to Boards/Cabinets by the beginning of March 2006.
- (c) Further preparatory work should be carried out to confirm organisational structures, and to make satisfactory governance arrangements that will be required to implement a fully integrated service. Progress should be reported in March 2006.
- (d) Consultation with staff affected by the proposed transfer of services should commence as soon as possible and when officers are satisfied with the documents required to support this. The results of this consultation should be reported during July 2006 to allow a final decision to be taken as to whether to proceed with the proposed changes. If approved, implementation would take place from October 2006.
- (e) Post consultation discussions with stakeholder groups should continue to explore the proposed changes in order to assist with shaping the development of the service.
- (f) Detailed work is continued to support the organisational development of the existing partnerships.

OTHER OPTIONS CONSIDERED

2. The preferred option is explained in the consultation document. A thorough analysis of the feedback has occurred, which has led to the recommendations within this report being proposed.

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Background papers:	None
List of appendices:	<p>Appendix 1 Implications</p> <p>Appendix 2 Evaluation of the proposed changes following the completion of stakeholder / public consultation and parallel preparatory work – 18 January 2006</p> <p>Appendix 2.2 Analysis of proposed changes – based on the consultation document and the intended benefits to:</p> <p style="padding-left: 40px;">2.2.1 People with learning disabilities and family carers</p> <p style="padding-left: 40px;">2.2.2 Staff</p> <p style="padding-left: 40px;">2.2.3 Partners in the Local Health Community</p> <p>Appendix 2.3 Schedule of letters and documents received and meetings held.</p> <p>Appendix 2.4 Report prepared by Derbyshire Advocacy Service and Peak and Dales Advocacy Forum outlining findings from 24 meetings held across Derbyshire and Derby City with people with learning difficulties and the meeting held on 12.12.05.</p> <p>Appendix 2.5 Derbyshire Carers Association letter and notes of meetings held on 24.11.05 and 9.12.05.</p> <p>Appendix 2.6 Summary analysis of comments received from correspondence, documents and meetings.</p> <p>Appendix 2.7 Summary analysis of questionnaires received.</p> <p>Appendix 2.8 Project Management Team members and people contributing to the analysis of comments received.</p> <p>Appendix 2.9 Consultations already undertaken (Extract from the full consultation document Section 3 page 10).</p> <p>Appendix 2.10 External commentary - Dr Jon Glasby, Health Services Management Centre, Birmingham University and external independent expert to the Project Management Team (19.12.05)</p>

IMPLICATIONS

Financial

- 1.1 The pooled budget arrangements would be developed under Section 31 of the Health Act 1999.
- 1.2 It is most likely that a “shadow” or “virtual” pooled budget will be recommended from April 2006 with a fully pooled budget from April 2007. However, as already stated, this will be subject to a further report.

Legal

- 2.1 Solicitors from both Councils and the NHS have been closely involved in the shaping of the reports describing the feedback to ensure that the processes used are robust.
- 2.2 Legal advice will continue to be sought on key issues as necessary, including the preparation of the consultation document on staff transfers.
- 2.3 Agreements with the local Health Services will include the requirements that the statutory responsibilities of all the relevant authorities are met.

Personnel

- 3.1 A significant amount of the feedback has come directly from NHS staff. The evaluation report answers many of the points raised but also identifies key issues which require clarification.
- 3.2 Arrangements are in place to ensure that all the issues raised are addressed with staff side representatives through regular meetings of all the relevant Trade Unions and professional bodies with members of the Project Management Team.
- 3.3 The employment status of Council employees will be unaffected by these changes. However, the Project Management Team is ensuring that the implications for Council employees are fully considered as the integration of services moves forward.

Equalities impact

4. The development of more integrated services will provide more effective support to people with learning disabilities in the community.

Corporate Themes and Priorities

5. This accords with the Council’s objectives of **healthy, safe and independent communities** and furthers the priority of **modernising social care, including adult home care**.