



Derby City Council

## Health and Wellbeing Board 11 July 2013

Report of the Strategic Director for Adults,  
Health and Housing.

# ITEM 9

## Winterbourne View Workstream

### SUMMARY

- 1.1 The Department of Health Review, Transforming Care - "A National Response to Winterbourne View Hospital" and the associated "Winterbourne View Review: Concordat: A Programme of Action" were published in December 2012.
- 1.2 In response to the recommendations, the Derby and Derbyshire Learning Disability Joint Commissioning Group has developed an action plan, appointed programme leads and is the process of completing a "stocktake" of progress for the Local Government Association and the NHS Commissioning Board. This report provides a summary of the work that is currently on-going to support the national improvement programme and return the 7 Derby City individuals back home from their current out of area in Assessment and Treatment Units within independent sector (non NHS) hospitals back to Derby.

### RECOMMENDATION

- 2.1 To note the contents of the report and the details reported to the Local Government Association and NHS Commissioning Board in the "stocktake" of the 5<sup>th</sup> July 2013, included at Appendix 2.

### REASON FOR RECOMMENDATION

- 3.1 Following the publication of the Department of Health Review, Transforming Care - "A National Response to Winterbourne View Hospital" and the associated "Winterbourne View Review: Concordat: A Programme of Action", the Local Government Association (LGA) and the NHS Commissioning Board (NHS CB) have established a two-year joint improvement programme that is expected to drive local leadership and transformation of the approach to supporting people with behaviour that challenges and those with complex needs. A series of commitments have been made that require local action planning and implementation across Local Authorities and the NHS so that a range of improvement activity takes place, including returning people currently living in independent hospitals back to their home communities. In a recent letter to Local Authorities and Chairs of Health & Wellbeing Boards, the Minister of State for Care and Support emphasised the importance of this national improvement programme in raising standards and safety for people with complex needs, and set out the expectation that partners show leadership at a local level to make this happen. A national initial "stocktake" has been completed for submission to the LGA and NHS

Commissioning Board and provides an opportunity for the Health & Wellbeing Board is to monitor the progress being made locally.

## SUPPORTING INFORMATION

- 4.1 The Department of Health Review, Transforming Care - “A National Response to Winterbourne View Hospital” and the associated “Winterbourne View Review: Concordat: A Programme of Action” were published in December 2012. The key recommendations are:
- Health and Social Care commissioners will review all current hospital placements and support everyone inappropriately placed in hospital to move to community-based support as quickly as possible as and no later than 1 June 2014;
  - Every area will put in place a locally agreed joint plan for high quality care and support services for people of all ages with challenging behaviour that accords with the model of good care;
  - Areas should consider supporting this with pooled budget arrangements with local commissioners offering justification where this is not done;
  - Improvements are required in the overall quality and safety of care;
  - Accountability and corporate responsibility for the quality of care will be strengthened;
  - Regulation and inspection of providers will be tightened;
  - Future planning for this cohort of people should start from childhood.
- 4.2 In response to the recommendations, the Derby and Derbyshire Joint Commissioning Board, which has Local Authority and CCG representation, established a specific Winterbourne Implementation Group in March 2013 to ensure the recommendations are delivered. The group meets monthly and its membership includes Public Health, the GP clinical lead for learning disability, operational and commissioner representatives from Derbyshire and Derby City Councils and Hardwick CCG (who are leading the local CCG response on behalf of all Derbyshire CCGs). Under the guidance of the JCG a register of all individuals whom local CCGs are responsible for, and who are being treated/ detained in independent hospitals, has been established by Hardwick CCG.
- 4.3 A non-recurrent investment for Derbyshire County and Derby City Councils’ was obtained from the former Strategic Health Authority in March 2013 to support the programme. This has been used to recruit a programme lead on the commissioning led activity and an operational lead to coordinate reviews and support planning for the 18 people living in independent hospitals that Derbyshire CCGs have responsibility for, of whom 7 originate from Derby City. The 7 individuals from Derby were placed by NHS commissioners in Assessment and Treatment Units out of area some time ago. An overarching programme plan has been drafted and is being monitored by the Joint Commissioning Board , drawing on the local experience of previous hospital closure programmes.
- 4.4 Other work streams contained within the programme include the establishment and support for a new Clinical Reference Group and conducting an audit of local advocacy services to ensure they are fit for purpose.

- 4.5 The “stocktake” that is included as Appendix 2 reports that local partners are on track to complete all individual joint assessments by the end of June 2013, a key milestone in the national Winterbourne View improvement programme. The information gathered from reviews will be used to will be used to design a 'gold standard' care pathway that meets all expected requirements and can be used to access appropriate support for individuals locally.

## OTHER OPTIONS CONSIDERED

- 5.1 Failure to respond to the national improvement programme following the Winterbourne View scandal is simply not an option. The Department of Health is requiring CCGs to work in partnership with Local Authorities and the current Minister for Care and Support has written to Local Authorities, CCG and Health & Wellbeing Boards to emphasise the importance of coordinating a local response to the issues raised by the Winterbourne View National Review.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	<i>Olu Idowu (awaiting comments)</i> <i>Toni Nash (awaiting comments)</i> Not required Not required Brian Frisby, Director of Younger Adults and Housing
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Kirsty Everson, Head of Integrated Commissioning 01332 642743 kirsty.everson@derby.gov.uk None Appendix 1 – Implications Appendix 2 – Stocktake submitted to the LGA and the NHS Commissioning Board

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 There are 7 people from Derby currently being supported in independent hospitals, funded entirely by the NHS. Once support plans are in place for those people inappropriately placed and who may return to Derby, a detailed financial plan will need to be established with Hardwick CCG (on behalf of Southern Derbyshire CCG) to determine whether individuals are eligible for continuing health care resources, or whether there is a case for joint funding with the Local Authority. Where individuals have previously accessed continuing health care, the Council will seek to ensure that this funding streamed where appropriate is maintained once people leave their current settings. This could result in a pressure to the Council unless a longer term funding agreement can be reached with the CCG, such as has been in place with previous campus hospital re-provisions.

**Legal**

- 2.1 As part of the Winterbourne View improvement programme, joint social care and health reviews are a key element of the work programme. The Council will need to determine whether individuals are eligible for assistance under social care legislation, applying the local Fair Access to Care Services policy. Where individuals are deemed to have needs that meet the criteria for “continuing health care” funding, the CCG will need to continue to provide resources to individuals regardless of the type of care or support they may require. The legislation does provide a power for the NHS and Local Authorities to jointly support individuals and due regard to these powers will be taken into account once all assessments and support plans are finalised.

**Personnel**

- 3.1 Not applicable

**Equalities Impact**

- 4.1 Not applicable

**Health and Safety**

- 5.1 Not applicable

**Environmental Sustainability**

- 6.1 Not applicable

**Property and Asset Management**

- 7.1 Not applicable

## **Risk Management**

- 8.1 All support plans for individuals being dealt with under these arrangements will need to ensure that there is a balance struck between appropriate risk taking and the wider duty to protect individuals and the public, given some of the complexities of individual's support needs. In September 2011, the Council approved a Risk Enablement Policy in relation to Self Directed Support and this will be drawn upon for guidance in drawing up support plans.

## **Corporate objectives and priorities for change**

- 9.1 The Derby Plan is the overarching partnership strategy for the city. The Derby Plan has six key ambitions, which are to ensure that all people in Derby will enjoy...

- A thriving sustainable economy
- Achieving their learning potential
- Good health and wellbeing
- Being safe and feeling safe
- A strong community
- An active cultural life.

The work associated with the Winterbourne View improvement programme will ensure that individuals from Derby are supported to return home and enabled to live safely with good health and wellbeing in their own communities. All individuals affected by this work have been treated/ detained by the NHS in hospitals away from Derby from some time.