

## **Cabinet Committee of Performance Improvement**

Meeting to be held on 18<sup>th</sup> April 2018

### **Report of the Director of Adult Social Care Transformation**

Electoral Division affected: All
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### **Transforming Care Programme for People with Learning Disabilities & Autism**

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#### **Executive Summary**

Overview of the progress of the Transforming Care Programme for People with Learning Disabilities & Autism and the County Council's contribution to the programme. An update on the funding position taken by the County Council in relation to discharges and progress on a pooled budget arrangement.

#### **Recommendation**

The Cabinet Committee on Performance Improvement is recommended to note:

- (i) the progress on discharges of people with Learning Disabilities & Autism;
- (ii) the funding position taken by the County Council in relation to the non-funding of discharges.
- (iii) the progress made so far in developing a pooled budget with partner organisations for people with Learning Disabilities & Autism.

#### **Background and Advice**

The *Transforming Care* Programme originates from the abuse scandal at Winterbourne View in 2011 highlighted by the BBC Panorama programme. In October 2015 a national plan, '*Building the Right Support*' was published by NHS England. The Local Government Association, and the Association of Directors of Adult Social Services supported the plan which publicly committed to a programme of review of inappropriate and outmoded in-patient facilities with the aim of establishing stronger support in the community. Transforming Care Partnerships are working to implement transformational change building a new generation of

community-based services. Lancashire, Blackburn with Darwen and Blackpool and latterly South Cumbria Councils and partner Clinical Commissioning Groups form the Pan-Lancashire Transforming Care Partnership. In 2015, it was selected as one of the original 6 Fast Track areas for the programme due to the high number of residents with Learning Disabilities and/or Autism living in hospitals as if they were 'homes' rather than in the community.

Lancashire County Council has always fully supported the aims of the NHS Transforming Care programme to significantly re-shape services for people with Learning Disabilities and/or Autism to ensure that more services are provided in the community and closer to home rather than in hospital settings. The Council supported the establishment of the 6 Fast Track areas in England. The Council is committed to contributing alongside other local authorities and NHS partners to work together to ensure that the programme delivers successfully on its vision and purpose. The Director of Adult Social Care Transformation, Ian Crabtree, is the Deputy Senior Responsible Officer for the Transforming Care Programme and progress is monitored by a Transforming Care Programme Steering Group.

There has been some limited financial support offered through the Fast Track programme. However, *Transforming Care* remains a complex programme and needs dedicated and effective resources to manage this long term. The bigger long term financial risk is in relation to the lifetime costs of supporting these individuals in the community in Lancashire. Good, safe, community services for this group are expensive, and the Council was and still is being asked to fund a part share or the full costs of these new services without any increase in our budget for this. The Government's view was that this would represent a saving to NHS Partners with the costs shifted to local authorities.

### **Funding Position & development of a Pooled Budget**

In December 2015 and January 2016 the former Chief Executive informed NHS England, Clinical Commissioning Groups and the Transforming Care Programme Steering Group of the County Council's intention to no longer contribute to funding the costs of services for those individual discharged from learning disabilities inpatient facilities as part of the Transforming Care Programme resettlement programme until there was clear, legally binding commitment from the NHS to fund the full lifetime costs of services for those awaiting discharge through a newly developed pooled budget. It stated that the current resource for the care of these people sits within the NHS. This has resulted in inpatient cases being discharged into the community, under Section 117 aftercare, fully funded by Clinical Commissioning Groups without prejudice while the pooled budget was developed. This position has drawn national attention. There was a national Funding Transfer Agreement agreed November 2017 to support the transfer of funds from NHS England to NHS partners Clinical Commissioning Groups/Transforming Care Programmes. The discussion nationally is that this refers to transfers of monies between NHS organisations. The issue on dowry transfer to local authorities nationally refers only to people who have been in patient for over 5 years but would not apply to those people less than the 5 years. Nationally, the Transforming Care Finance Leads do not set a figure (£125k per person is often referred to) and state that this should be about local conversations/decisions at Transforming Care

Programme level. There is no intention to set one. Memorandum of Understanding are tending to suggest an approach that sees the total bed cost released being transferred, with the Local Authority and/or Clinical Commissioning Group picking up any additional cost or any 'savings' placed in a virtual pooled budget. From discussions on a national level there is no evidence yet that the dowries are actually happening and that the money is transferring. In part, this is because of the real confusion about the mechanics around the specialised commissioning money transferring into Pooled Budget arrangements. Lancashire and South Cumbria Transforming Care Programme have 49 in-patients with lengths of stay over 4 years out of a total of 97 in-patients. 14 in-patients with lengths of stay over 5 years+ have been discharged in 2016-18.

In terms of the development of a Pooled budget for Learning Disabilities and Autism, it was intended that this would be a pan Lancashire & South Cumbria pooled budget with a commissioning structure to operate the pool. This will ensure the full potential of the opportunity of pooling circa £200 million of NHS and Local Authority finances and realising the benefit of the bigger Learning Disabilities and Autism population, helping to reduce the overall cost to the system by better joined up commissioning and delivery of services. The Pooled Budget would operate for adults with learning disabilities and autism age 18+ at this stage. All statutory stakeholders had previously signed a Memorandum of Understanding to develop a Pooled Budget Pan-Lancashire for Learning Disabilities and Autism across the Local Authorities, Clinical Commissioning Groups and NHS England. However, Blackpool Council and Blackburn with Darwen Council indicated their preference is to develop a pooled budget arrangement on their own authority footprints and not a Pan-Lancashire one.

A set of financial principles have been developed within the Transforming Care finance sub-group meetings and have been shared widely with Partners. Lancashire was initially seen as leading nationally in the progress towards integrated health, including Clinical Commissioning Groups and NHS England, and social care budgets and the pooled budget is still seen as an exemplar to build further health and social care integration upon. The development of this has been slower than we would have hoped for and we have expressed our concerns regarding the lack of financial information that has been forthcoming from the Clinical Commissioning Groups and NHS England. Learning Disabilities and Autism is one of the work streams for the Lancashire and South Cumbria Sustainability & Transformation Plan.

Commissioners have been working with Sustainability and Transformation Plan colleagues to better understand and articulate a case for change with regard to the commissioning of Learning Disabilities and Autism Services. A paper is being produced by Commissioners and will be presented to the Sustainability and Transformation Plan Joint Committee of Clinical Commissioning Groups in the near future which will detail the case for better integration in commissioning across the Local Authority and NHS partners to include Learning Disabilities and Autism.

## **Discharge Progress**

Lancashire County Council Social Workers are fully contributing to the planning and successful resettlement of people from hospital services and up until this quarter (ending March 2018) the discharge trajectory set by NHS England was 89 – there

are 97 individuals in hospital (February 2018) therefore the trajectory set will be missed. This is the first quarter where the trajectory has been missed. These numbers include those admitted to hospital and are not a true reflection of the success of the programme which has discharged 50 of the original cohort of 107 individuals who were in hospital at the start of the programme in April 2016. Original predictions looked at indicative costs for each individual we know about are currently in a range from £80,000 per annum to over £350,000 per annum per individual. Not all will be eligible for any dowry figure. Lancashire and South Cumbria Transforming Care Programme have 49 in-patients with lengths of stay over 4 years out of a total of 97 in-patients. 14 in-patients with lengths of stay over 5 years+ have been discharged in 2016-18. 48 in-patients will not be eligible for a dowry highlighting the potential scale of the financial position facing the County Council.

No discharges have been held up due to the funding position taken by the Council.

Given the NHS investment in Calderstones Hospital at Whalley, now referred to as Mersey Care Whalley, a range of good community alternatives have not been invested in to the same extent and therefore not available in Lancashire. This means people may have limited choices such as to move to expensive single person arrangements or to an alternative campus provision. Lancashire County Council commissioning has taken the lead on and have developed a framework called a Flexible Agreement for specialist supporting living providers for the resettlement programme and continue to lead on the commissioning and procurement of community packages of care using this framework. Lancashire County Council award the contract and currently the Clinical Commissioning Groups pay. The framework is supporting the Transforming Care Programme to improve the quality of the providers selected to support individuals who were previously in-patients, commissioning new models of care for individuals which create efficiencies, by commissioning for more than one individual, alongside delivering quality care and support which focuses on developing individuals' independence and safe access to their community.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

Legal

The non-funding of discharges could be challenged legally where people discharged have a social care need.

Financial

The current arrangement whereby Lancashire County Council are not funding discharges means that in the short term there is no additional pressure on the County Council finances, however any change to this arrangement without the correct flow of funds could result in a future financial risk to the Authority.

### **List of Background Papers**

Paper	Date	Contact/Tel
Building the Right Support (NHS England)	October 2015	Ian Crabtree/ 01772 530658

Reason for inclusion in Part II, if appropriate

N/A