

**TO: HEATH AND WELLBEING BOARD
4 JULY 2013**

**WINTERBOURNE VIEW STOCKTAKE
Director of Adult Social Care, Health & Housing**

1 PURPOSE OF REPORT

- 1.1 To note the completed stocktake report of progress against key Winterbourne View Concordat commitments produced by the Local Government Association.

2 RECOMMENDATIONS

- 2.1 **For the Health and Wellbeing Board to approve the stocktake.**
- 2.2 **For the Health and Well Being Board to approve the submission of Review Project report (appendix 3) with the stocktake as an example of innovative practice.**
- 2.3 **For the Learning Disabilities Partnership Board to provide a further update to the Health and Well Being Board following the development of the joint Learning Disabilities Strategy.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 The stocktake is required by the Local Government Association by 5th July 2013. See appendix 2.
- 3.2 Norman Lamb, Minister of State for Care and Support has identified Health and Wellbeing Boards as having a pivotal local leadership role in delivering the commitments made in the Winterbourne View Concordat. See appendix 1.
- 3.3 Reporting to the Health and Wellbeing Board will help with the need for a continuous drive to develop and improve services for people with learning disabilities.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Not to submit. However, Norman Lamb has said that failing councils and NHS clinical Commissioning groups would be "*named and shamed*" in the progress report on the government's programme to improve care for people with learning disabilities or autism and "challenging behaviour".

5 SUPPORTING INFORMATION

- 5.1 Winterbourne View Hospital was an assessment and treatment centre for people with learning disabilities that have challenging behaviour. In May 2011, a Panorama programme was broadcast detailing abuse of people at the centre. Following this 11 staff at the centre were convicted and sentenced for abuse in the criminal court.

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- 5.2 The Department of Health also completed an in-depth review of what went wrong, the lessons that must be learnt and the actions that must be taken to prevent abuse from happening again, following the airing of the programme.
- 5.3 “Transforming care: A national response to Winterbourne View Hospital *Department of Health Review: Final Report*” was published in December 2012.
- 5.4 The review found that, as well as problems within the centre, there were systemic failings. Many of the people at the treatment centre were there following a crisis and the majority (73%) were admitted under Mental Health Act powers. They had been placed there away from their local area, stayed there for long periods of time (on average 19 months, but for some people, more than three years) and for 10 people they continued to remain there after their period of detention ended. There were high recorded instances of restraint. The warning signs of abuse were missed by multiple agencies including NHS Accident and Emergency Services, Police, the Local Authority safeguarding team in which the hospital was situated and the Care Quality Commission (CQC).
- 5.5 The report identified failings in the development and provision of locally based community services in line with good practice, case management and commissioning. It also identified failings in the monitoring of the centre. The report addressed these issues and recommended 63 actions.
- 5.6 There is a requirement in the report for local authorities and clinical commissioning groups (CCGs) to work together “*to ensure that vulnerable people, particularly those with learning disabilities and autism, receive safe, appropriate, high quality care*”. Also that plans should include children and people approaching adulthood.
- 5.7 Key actions for Bracknell Forest Council and Bracknell and Ascot CCG are:
- From 1st April, National Health Service Commissioning Board (NHSCB) will make it clear to CCGs in their handover and legacy arrangements what is expected of them in maintaining local registers and reviewing individual’s care with the local authority including who should be the first point of contact for each individual.
 - From 1st April 2013, the NHSCB will hold CCGs to account for their progress in transforming the way they commission services for people with learning disabilities/autism and challenging behaviours.
 - From April 2013, the strong presumption will be in favour of pooled budget arrangements with local commissioners offering justification where this is not done. The NHSCB, Association of Directors for Adult Social Services (ADASS) and Association of Directors of Children’s Services (ADCS) will promote and facilitate joint commissioning arrangements.
 - From April 2013, the NHSCB will ensure that CCGs work with local authorities to ensure that vulnerable people, particularly those with learning disabilities and autism receive safe, appropriate and high quality care. The presumption should always be for services to be local and that people remain in their communities.
 - From April 2013, health and social care commissioners should use contracts to hold providers to account for the quality and safety of the services they provide.
 - From April 2013, directors, management and leaders of organisations providing NHS or local authority funded services to ensure that systems and processes are in place to provide assurance that essential requirements are being met and that they have governance systems in place to ensure they deliver high quality and appropriate care.

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- By 1st June 2013, health and social care commissioners, working with service providers, people who use services and families will review the care of all people in learning disability or autism inpatient beds and agree a personal care plan for each individual based around their and their families' needs and agreed outcomes.
- By April 2014, CCGs and local authorities will set out a joint strategic plan to commission the range of local health, housing and care support services to meet the needs of people with challenging behaviour in their area. '*This could potentially be undertaken through the health and wellbeing board and could be considered as part of the local Joint Strategic Needs Assessment and Joint Health and Wellbeing Strategy processes*'.
- No later than 1st June 2014, health and social care commissioners should put plans into action as soon as possible and all individuals should be receiving personalised care and support in appropriate community settings.

5.8 Before Transforming Care: A national response to Winterbourne View Hospital *Department of Health Review: Final Report* was published December 2012, Bracknell Forest Council and the Bracknell and Ascot CCG (through the Community team for people with learning disability: CTPLD) had started a review of all 44 people who were placed out of area. This was completed in March 2013, before the 1st June 2013 deadline. The outcome of the review project is in appendix 3.

5.9 Alongside the information gathered from this project Bracknell Forest Learning Disability Partnership Board have commissioned a consultation as part of developing a new joint Learning Disability Strategy 2014-2019 (for adults and young people approaching adulthood) with Bracknell Forest Council and Bracknell and Ascot CCG to ensure continuous plans are in place to make sure people's needs are being met in a way that is meaningful for them.

5.10 Additionally a Winterbourne View Project Group has been established across Berkshire with representation from all 6 unitary local authorities, the federated CCGs and other partners to work together to ensure recommendations from Transforming Care: A national response to Winterbourne View Hospital are followed up.

6 **ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

6.1 The report complies with the request by the LGA and Norman Lamb, to undertake a stocktake.

Borough Treasurer

6.2 The Borough Treasurer is satisfied that there are no direct financial implications arising out of this report. The costs of undertaking the stocktake are met from within existing resources.

Equalities Impact Assessment

6.3 The differential impact on services in respect of people with learning disabilities, challenging behaviour and autism is considered and taken into account when commissioning services. Services provided are inclusive of ethnicity, gender, disability needs etc: all are considered during the assessment process for each

individual. The LD service aims to deliver a person centred service for all people that is tailored to individual needs. Partaking in the stocktake is important to review progress in relation to Transforming Care: A national response to Winterbourne View Hospital and for forward planning.

Strategic Risk Management Issues

- 6.4 The local authority and CCG has a duty to commission support services to individuals who meet the eligibility criteria for services. The local authority and CCG therefore needs to ensure that there are adequate and suitable resources available to meet its obligations and respond to the requirements of Transforming Care: A national response to Winterbourne View Hospital and the Government's Personalisation agenda: In response the Learning Disability undertook a review of all people living out of area, is supporting the consultation as part of working towards a new learning disability strategy, and completed the stocktake. This is to ensure and allow future priorities, actions and requirements to be identified.

Head of Safeguarding (Adults)

- 6.5 The safeguarding team has been involved in the development of local plans in response to Winterbourne View. All recommendations are contained within the 'stocktake' report.

7 CONSULTATION

Principal Groups Consulted

- 7.1 Bracknell Learning Disability Service
Bracknell Learning Disability Partnership Board
Berkshire Winterbourne Project Group

Method of Consultation

- 7.2 Discussion and interviews

Representations Received

- 7.3 All representations have been incorporated into the stocktake

Background Papers

Appendix 1 - Letter from Norman Lamb
Appendix 2 – Letter from Local Government Association
Appendix 3 – Review project
Appendix 4 – Stocktake

Contact for further information

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