

Meeting of:	EXTRAORDINARY MEETING OF SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 2
Date of Meeting:	6 DECEMBER 2023
Report Title:	THE LEARNING DISABILITY TRANSFORMATION PROGRAMME
Report Owner / Corporate Director:	CORPORATE DIRECTOR, SOCIAL SERVICES & WELLBEING
Responsible Officer:	JACKIE DAVIES HEAD OF ADULT SOCIAL CARE
Policy Framework and Procedure Rules:	There is no effect upon the policy framework and procedure rules.
Executive Summary:	The purpose of this report is to outline the current position of the Learning Disability Service in Adult Social Care, alongside the proposed response; being the implementation of a new Learning Disability Transformation Programme.

1. Purpose of Report

- 1.1 The purpose of the report is to outline to Subject Overview and Scrutiny Committee 2 a proposed Learning Disability Transformation Programme in Bridgend County Borough Council's (the Council's) Adult Social Services Care. The report will detail the rationale, details of the program and projected benefits.

2. Background

- 2.1 Ten years ago, in 2013, Bridgend County Borough Council (BCBC) commissioned Alder Advice to co-produce an "Assessment of Opportunities to Improve the Cost Effectiveness of Learning Disability Services" with the Community Learning Disability Team (CLDT) staff and senior social services managers, including staff from Practice, Commissioning, and Housing. The aim of the 2013 project was to identify how individuals with learning disabilities could be supported to have as good a quality of life as possible given their individual potential and within the care and support resources available.
- 2.2 Within the findings of the Alder review, both strengths to build on and excellent practice were acknowledged. Building on the existing direction of travel, the project recommended embedding the Progression Approach from practice through the commissioning within BCBC.

- 2.3 The Progression Approach represents good practice in the delivery of services to individuals with a learning disability. It was used as the basis for Welsh Government's "Transforming Learning Disability Services in Wales" programme. "Progression" is a long-term person-centered developmental approach that aligns well with BCBC's aspirations. It seeks to help each individual achieve their aspirations for independence. Underpinning this ethos is the goal of enabling each person to be as independent as possible and to optimise care and support costs.
- 2.4 In the last 10 years there has been significant changing context for Adult Social Care as a consequence of global, national, regional and local factors. These include the impact of the COVID-19 pandemic on vulnerable people, particularly the impact of lockdowns on how people want to live their lives. In addition, the cost-of-living crisis has impacted disproportionately on the most vulnerable. BCBC is part of a different regional partnership arrangement in Cwm Taf Morgannwg, whilst specialist learning disability services are managed by the Swansea Bay University Health Board. There are also new local partnerships, for example in the area of supported employment. More detail is set out below.
- 2.5 Legislative change, with the introduction of the Social Services and Well-being (Wales) Act 2014, also now places greater emphasis on:
- **Prevention and early intervention** – Increasing preventative services within the community to minimise the escalation of critical need so people stay as independent as possible.
 - **Supporting well-being** – Enabling people to achieve their own well-being and measuring the success of care and support.
 - **Giving people a voice and control** – Putting the individual and their needs at the centre of their care. Giving them a voice in, and control over, how they are supported to achieve agreed outcomes.
 - **Co-productive approaches** – Enabling people to be more involved in the design and delivery of how they are supported.

Further changes since 2013 include:

- 2.6 **Changes to the profile of average caseloads.** This is due to the increased average complexity of needs of people supported and changes to mental capacity, Deprivation of liberty safeguards (DoLS), and Court of Protection scope and requirements.

Within BCBC, although there has been an evidenced increase in both demand and complexity, the permanent staffing resources within the CLDT and the Child Disability and Transition Team (CDTT) has remained the same. As a result, agency practitioners have been engaged to manage pressures in core aspects of practice such as Deprivation of Liberty Safeguards (DoLS) and Court of Protection.

- 2.7 In 2014, a report by a House of Lords select committee, concluded that the DoLS legislation was "not fit for purpose"; specifically, the DoLS were not being used when they should be, leaving individuals without legal safeguards and care providers vulnerable to legal challenge. This was swiftly followed by a decision of the Supreme Court (known as "Cheshire West") which gave a significantly wider interpretation of deprivation of liberty than had been previously applied. This resulted in a considerable increase in DoLS referrals to local authorities and demands to the public

purse, as well as consequential delays in DoLS assessments and reviews taking place, and an increasing backlog.

- 2.8 The DoLS can only be used if the person will be deprived of their liberty in a care home or hospital. In other settings the Court of Protection must authorise a deprivation of liberty (known as non-standard authorisation).
- 2.9 Currently there is a total of 123 people in learning disability services that reside in shared lives, supported living, or live at home with family, who have significant restrictions in their everyday lives and therefore require a Court of Protection application. Under the current DoLS system these people need to be reviewed every year and a new application submitted to the Court of Protection two months prior to the expiry date of the last Court Authorisation.
- 2.10 These Court of Protection applications need to be built into the existing assessment and care management process within the Community Learning Disability Team, by social workers who know individuals and their families well, and who have established positive relationships with over the years because of the complexity and the need to co-ordinate the application and gather all relevant information together to submit to the Court via the Council's legal services.
- 2.11 The extensive Court of Protection application process includes an updated care plan, capacity assessment, statement from a parent or guardian, application, plus a social work statement. As this work cannot be undertaken by assistant social workers, at present the demand is managed through the contracting of agency practitioners.
- 2.12 Specific to transition, new arrangements based in Children's Services were set up in 2017 (in pilot form and later confirmed). Since then, the CDTT has supported people until stable adult care and support arrangements are established, or up to age 25.
- 2.13 Changes to Local Health Boards and boundaries have meant new relationships have needed to be formed. In February 2019, Cwm Taf Morgannwg (CTM) University Health Board (UHB), became responsible for commissioning health services for adults with learning disabilities. It replaced Abertawe Bro Morgannwg UHB, commissioning clinical services for Bridgend from Swansea Bay UHB.
- 2.14 The COVID pandemic and related lockdowns severely affected how people with learning disabilities were supported and working relationships between different professional groups changed. Recovery from this "system shock" is still in progress with ambition to progress a national 'reset' programme within health and social care.
- 2.15 The adult social work review is a large-scale transformational programme that focuses on the design and implementation of a new social work operating model for Adult Social Care. The project methodology has seen the deep dive of 21 social work teams to ensure any proposals are evidenced based.
- 2.16 There has been a decline in outcomes post pandemic. Prior to the pandemic, there had been marked progress towards applying the Progression Approach when supporting individuals managed by the Community Learning Disability Team. This approach included advancing practice towards taking a strengths-based approach which focused on furthering independence and achieving outcomes, which in return

reduced the over reliance of commissioned services, therefore creating financial efficiencies.

- 2.17 As the service resets following the Covid 19 pandemic, there is now an opportunity to revive and strengthen the achievements previously accomplished when embedding the Progression Approach. Positively, although the 2023 Alder report states the progress made between 2013 and the COVID Pandemic has been diluted, the report evidences the strong appetite amongst practitioners to rebuild on previous progress achieved and to reinvigorate the practice approach within the Community Learning Disability Team.
- 2.18 The Cwm Taf Morgannwg Regional Partnership Board (RPB) has undertaken a comprehensive assessment of the needs of the population - the Population Needs Assessment (PNA) 2022-2027. The PNA identifies regional priorities for people with learning disabilities. 10 priorities relate to family/friendships/peer support, community integration, daytime opportunities, transport, supported and independent living, advocacy/rights, communication and information sharing, healthcare, respite care, and life transitions. These priorities have influenced the transformation plan being proposed in this report.
- 2.19 The RPB has also a Market Stability Report (2022) to understand the state of the social care market. This report identifies a major gap for individuals with learning disabilities being the lack of opportunities to engage in services within their communities. The report also evidences a projected increase in mental health concerns for people with a learning disability and a lack of specialist mental health support for people with a learning disability.

The degree of change has presented an opportunity to pause and reflect on:

- Where BCBC's learning disability services are now?
- Where BCBC's learning disability services aspire to get to?
- How to achieve its aspirations?

To help with this, Alder Advice were commissioned to carry out a new Opportunity Assessment based on the current situation. The findings of the updated Opportunity Assessment have been applied to inform the Adult Social Care's Learning Disability Transformation Plan.

3. Current situation / proposal

- 3.1 The latest budget position is that the Learning Disability Budget for 2022-23 over spent by £3.61m (19%). This level of over spending is not sustainable.

3.2 Evidence base to support transformation

The transformation noted within this report, has been considered in accordance with:

- Deep dive of the CLDT (Social Work Review Project)
- Deep dive of the CDTT (Social Work Review Project)
- Learning Disability: Improving Lives Programme (Welsh Government) 2018

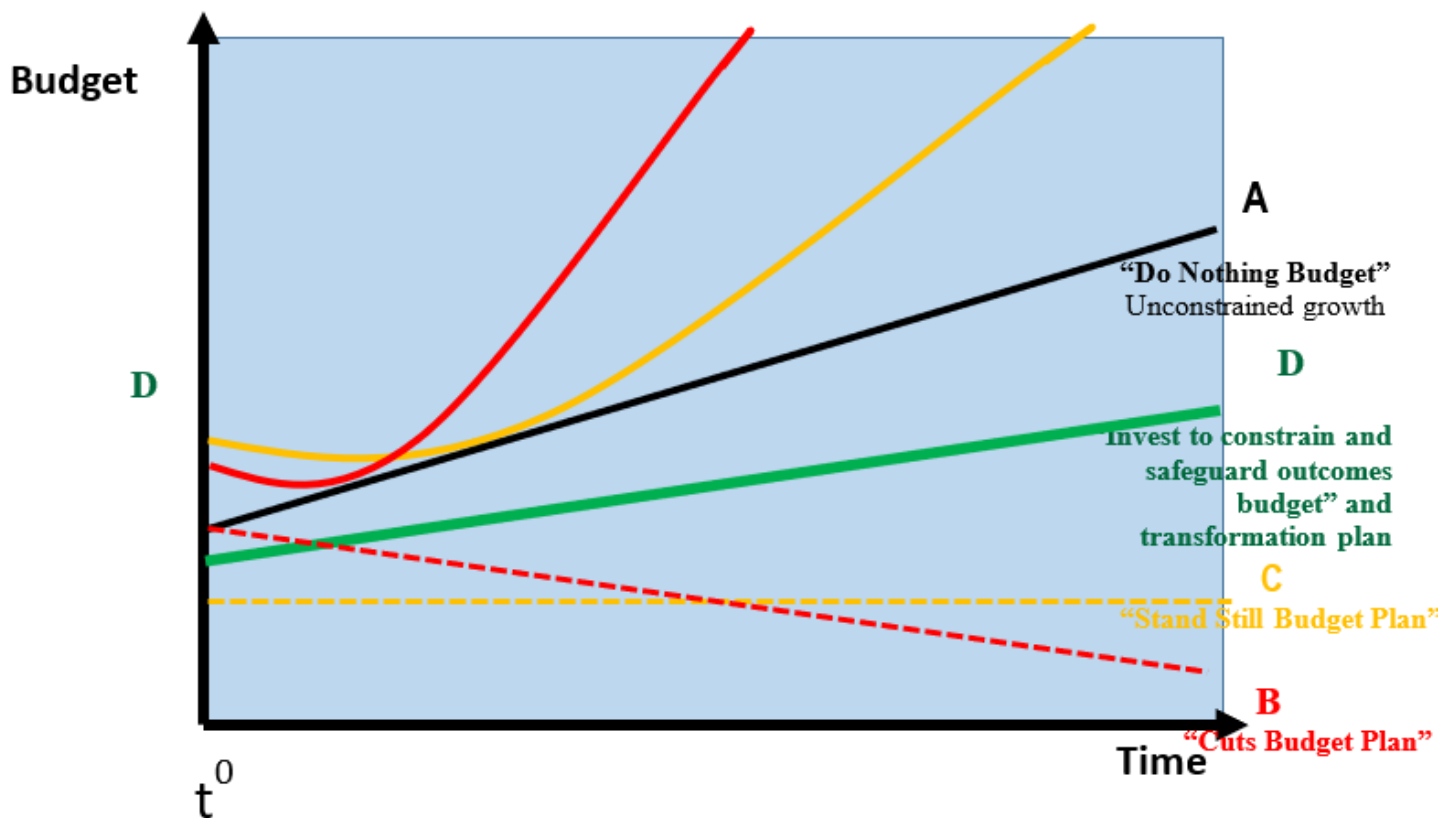
- Historical Assessment of Opportunities to Improve the Cost Effectiveness of Learning Disability Services (2013)
- New Assessment of Opportunities (AO) to Improve the Cost Effectiveness of Learning Disability Services (2023)
- Day services prospectus 2021
- Learning disability service development plan from 2019-2022
- Social work review terms of reference - February 2022
- Population Needs Assessment 2022-2027
- Market Stability Report (2022)

3.3 Expenditure for learning disability services in BCBC is considered at 'tipping point'. The learning disability budget for 2022-23 had an over spend £3.61m or 19%. This included one off income of £838k in the form of additional grant from Welsh Government, which is unlikely to be repeated in future years. The service recognises that this is an unsustainable position, and we need a transformation plan for future years.

3.4 The table below illustrates a breakdown of the expenditure and overspend for 2022-23.

Area of spend	Budget	Spend	Variance
Residential Care	2,469,242	3,290,888	821,646
Supported & Other Accommodation	538,430	522,552	-15,878
Direct Payments	2,794,352	3,101,532	307,180
Internal Homecare	2,633,163	3,641,623	1,008,460
External homecare	6,774,856	7,592,005	817,149
Day care	3,408,113	4,038,074	629,961
Other services	116,617	81,361	-35,256
Assessment & Care Management	534,446	672,600	138,154
TOTAL ADULT LEARNING DISABILITIES	19,269,219	22,940,635	<u>3,671,416</u>

3.5 Illustrated below is the financial projection based on the varying service and financial option for the learning disability service.



- 3.6 Doing nothing, i.e., continuing with current practice and service arrangements, risks allowing future spending to continue to rise in line with current trends (A). This is not an affordable option. Equally, aiming to cut budgets (B) or to keep them at the current level (C) could have unintended negative long-term financial consequences (B/C) and may impact adversely on the outcomes achieved /quality of life of adults with learning disabilities.
- 3.7 In keeping with the principles set within the Progression Approach, Adult Social Care's practice model and the Social Service and Wellbeing (Wales) Act 2014, the preferred option is an "Invest to Constrain Budget" (D). Option D optimises expenditure if supported by a Learning Disability Transformation Plan, as detailed later.
- 3.8 It is imperative that innovative and transformative approaches are rapidly considered and implemented to bring the budget back under control, while ensuring care and support for people with learning disabilities remains safe and focused on supporting people to achieve good, overall wellbeing outcomes.
- 3.9 **Suggested response: The Learning Disability Transformation Programme**
- 3.10 In response to the current position, it is recommended that a medium scale transformation programme leads targeted work streams focused on improvement opportunities which will be designed to build on existing strengths.

3.11 The main opportunities are to:

- Reduce overservicing that appears to have emerged in recent years.
- Enable professional practice to more consistently use the Progression Approach and the newly introduced practice model, Outcome Focused Strengths Based Practice.
- Develop local day opportunities to better meet the varying degrees of complexities of the local population. This relates to the modernisation of current day services and significantly strengthening community integration and supported employment pathways for people with learning disabilities.
- Improve operational, monitoring, and planning systems and processes to support the delivery of care and support in line with the Progressive Approach. This includes a brokerage for specialist, complex placements.

3.12 Leading the transformation will be the Adult Social Care's Social Work Lead Officer. Senior leaders and experts from the existing workforce will be assigned to relevant work streams. However, although it will be feasible to progress elements of the programme of change through existing resources, the AO recommends that we need to "Invest to Constrain Budget" (D). Option D should be seen as being necessary to "optimise" the budget, so that spending is as "cost effective" as possible.

3.13 **Western Bay's 'Commissioning for Complex Needs Programme'**

3.14 The Learning Disability Transformation Plan has been modelled on the evidenced success of Western Bay's regional 'Commissioning for Complex Needs Programme'. Established in 2013, the principal aim of the Commissioning for Complex Needs Programme was to address any irregularities in the quality of commissioned care across the previous Abertawe Bro Morgannwg University Health Board (ABMU) region.

3.15 This methodology of the transformation programme encourages progression, which empowers people to support themselves, become less reliant on services in the longer term, meaning cashable savings are also realised. Reviewing existing and devising new packages of care for individuals both in residential or supported living placements whose needs are complex. The aim of each review is to ensure that the individual receives services that enable them to live as independently as possible.

3.16 The results of undertaking such a programme are significant:

Between 2013 and 2018, across the ABMU region, the programme achieved:

- Total Savings of £3,920,588.
- £2,511,100 annual cashable savings.
- £1,398,682 annual avoidance savings through the brokerage service and through avoidance of uplift to current costs.
- Between Sept 2014 and March 2016, the programme achieved the target of £1.3 million, even after taking into consideration that the full complement of staff was not achieved until May 2015.
- Between April 2016 and March 2017, the programme exceeded the target of £1m and saved £1,310,256
- Between April 2017 and March 2018, the programme exceeded the target of £1m and saved £1,288,94

3.17 Through adopting the methodology of the Western Bay's 'Commissioning for Complex Needs Programme' the ambition is that BCBC's Learning Disability Transformation Plan will achieve a 5% reduction across certain areas of the Adult Social Care Learning Disability budget. Utilising this approach supports BCBC to provide proof of concept that will enable an invest to save approach going forward. Further details relating to financial implications are noted in section 8.

3.18 The high-level programme structure and work streams are noted in the appendix of this report. Potential benefits from each workstream have also been noted.

3.19 **Project benefits of each workstream**

3.20 **Outcome Focused Assessment**

- There will be a reduction in the commissioning of 2:1 and 1:1 hours. This will be achieved through reassessed rightsizing packages of care where individuals have progressed.
- A focus on waking nights, through utilising technology such as Just Checking, will reduce the use of wakeful night-time staffing. Where individuals are displaying progression, wakeful night-time support will be reassessed for suitability towards a least restrictive option such as sleeping night support.
- There will be scrutiny over new requests for high costed packages of care. The co-working of the outcome focused assessors alongside existing practitioners will support upskilling practitioners in ensuring all requests of changes to packages of care are assessed utilising the outcome focused methodology.

3.21 **Specialist broker**

- There will be a reduction in the use of specialist residential care through the comprehensive analysis of request for such placements. The broker will ensure that where providers can provide the required level of support in a least restrictive environment, this is the sourced accommodation option.
- There will be a fairer market when seeking specialist placements. This is achieved through seeking and utilising all suitable providers when sourcing placements.
- Placements sourced will be right priced through scrutiny and negotiation of presented costings.

3.22 **Enhancing day opportunities**

- There will be a local offer to individuals which will enable choice which is proportionate to need.
- There will be a reduction in seeking specialist residential placements or intensive day support due to the transformed day opportunities offering suitable support for highly complex individuals, in addition to a step down option.
- There will be a new approach to early support planning with a focus on maximising, where appropriate existing community resources.

3.23 **Continuing Health Care (CHC) specialist function**

- We will ensure all individuals who are displaying triggers towards meeting CHC will have their rights upheld, through ensuring the CHC process is actioned.
- The CHC specialist will assess all complex CHC cases whilst co working, with existing practitioners and standard CHC cases. The CHC specialist will provide mentoring and coaching, upskilling staff on all aspects of the CHC process.

3.24 In the current financial year, we have an opportunity to use funds from the Regional Integration Fund (RIF) to deliver aspects of this transformation plan. £130,000 of RIF funding will finance 3 Senior Social Work Practitioners and 1 specialist complex care broker. The recruitment of these posts is underway and we anticipate staff to be in post from December 2023. Therefore, progress and efficiencies achieved by these posts would offer proof of concept towards the future model.

4. **Equality implications (including Socio-economic Duty and Welsh Language)**

4.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

5. **Well-being of Future Generations implications and connection to Corporate Well-being Objectives**

5.1 This report assists in the achievement of the following corporate well-being objective/objectives under the Well-being of Future Generations (Wales) Act 2015:

- **Helping people and communities to be more healthy and resilient** - Taking steps to reduce or prevent people from becoming over reliant and dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy, and independent lives.
- **Smarter use of resources** – Ensure that all resources (financial, physical, ecological, human, and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.
- **Long Term** – Learning Disability Services in Adult Social Care will enhance its practice model of strengths based and outcome-focused practice, therefore in keeping with the requirements of the Social Services and Wellbeing (Wales) Act 2014, and more appropriate for the longer-term.
- **Collaboration** – The service model is predicated on close collaboration between the service provider, social work teams, wider stakeholders and communities, and the individuals themselves.

6. Climate Change Implications

6.1 There are no climate change implications as a result of this report.

7. Safeguarding and Corporate Parent Implications

7.1 There are no specific safeguarding or corporate parent implications as a result of this report.

8. Financial Implications

8.1 The Alder report states that expenditure for learning disability services in BCBC is considered at 'tipping point', with its current financial position and projection being 'unsustainable' should there be no change in course.

8.2 The learning disability budget for 2022-23 had an over spend of £3.61m. This overspend is inclusive of one-off income of £838k in the form of additional grant from Welsh Government which is unlikely to be repeated in future years. The learning disability budget for 2023-2024 is £22,227,004 and the projected over spend at quarter 2 was £3,064,000.

8.3 Through adopting the successful methodology evidenced by the work of Western Bay's 'Commissioning for Complex Needs Programme the service anticipates that a full year cashable savings and cost avoidance would be achieved of £870,000. Within the current financial year this would equate to £195,000.

8.4 The Outcome Focused assessment process requires reassessments which are delivered in line with the Progression model. The methodology identifies overservicing and the potential and strengths of individuals to maximise their progression.

8.5 Within this workstream, it is projected that between December 2023 and March 2024, with a staffing resource of 3 social work practitioners the following will be achieved:

- The completion of 40 outcome focused assessments directed within the highest costed external supported living commissioned provider.
- It is expected that this workstream will achieve, in this area, a cost saving of 10% of the current weekly spend (£92,000), resulting in full year savings of approx. £480,000.
- The completion of 4 outcome focused assessments directed to the highest costed learning disability and mental health residential placements.
- It is expected that this workstream will achieve a cost saving of 10% of the current weekly spend (£8,700), resulting in a full year savings of approx. £45,000.
- The completion of 2 outcome focused assessments directed to the two highest costed independent domiciliary packages within learning disability services.
- It is expected that this workstream will achieve a cost saving of 10% of the current weekly spend (£28,000), resulting in a full year saving of approx £145,000.

8.6 In total, the outcome focused assessment workstream is aiming to achieve cost savings across the highest costed areas of expenditure, a total of £670,000 (full year savings).

- 8.7 In addition to the outcome focused assessments, a new specialist brokerage process has been launched.
- 8.8 The Regional Integration Fund offers an opportunity to utilise £130,000 to finance 3 Senior Social Work Practitioners and 1 specialist complex care broker to deliver aspects of the Transformation Plan. The posts will offer proof of concept towards the future model for the 4 months that the posts are in place.

9. Recommendation

- 9.1 It is recommended that the Subject Overview and Scrutiny Committee 2 note and consider the contents of this report; and provide comments on the future direction of the Learning Disability Transformation Programme

Background documents: None