

8 September 2014**Agenda Item: 5****REPORT OF THE DEPUTY DIRECTOR FOR ADULT SOCIAL CARE, HEALTH
AND PUBLIC PROTECTION****WINTERBOURNE PROJECT UPDATE REPORT****Purpose of the Report**

1. To inform Committee members of the progress made towards the local response to the Department of Health report, 'Transforming Care; A National Response to Winterbourne View Hospital' with a view to commission suitable care and accommodate for people placed in hospital settings. Also to seek Committee support for the Council's draft strategy to address the needs of people whose behaviour services find challenging and to delay the implementation of any pooled budget around this work until 2015/16.

Information and Advice

2. In December 2012 the Department of Health (DH) report Transforming Care: 'A National Response to Winterbourne View Hospital' was published. The report identified a range of actions required at a national and local level to drive up the quality of support provided to people with learning disabilities, particularly those that are identified as having behaviour services find challenging so they can receive high quality healthcare and be supported to live in the community. At the same time a national Concordat Programme of Action was published backed up by a joint improvement programme led by the Local Government Association (LGA) and NHS England.

Progress in Nottinghamshire

3. In April/May 2013, 28 people were assessed as being ready to leave hospital by June 2014
4. So far 17 people have moved out:
 - 4 of these people have moved to a new residential service where they will live until their supported living is built – expected to be November 2014.
 - 7 people have moved directly into supported living services.
 - 6 people have moved into residential care
5. There are 11 people originally thought would be ready to move but have not done so. This is due to:

- 3 people not being given Ministry of Justice permission to leave yet
 - 6 people are still undergoing treatment.
 - 1 person did move out but then went straight back to hospital because he did not want to leave. The Department is still working with him to help him move again.
 - 1 person's placement did not work out as they visited the service for an overnight stay before moving in and did not get on with the other people living there. We are now looking at other options for this person.
6. The Department is continuing to work with all of the people still in hospital to make sure there is the right accommodation and support ready for them when they are ready to leave. This is an on-going programme and there are up to another 30 people who may be ready to leave hospital in the next two years.

Reducing hospital admissions/length of stay going forward

7. A strategy has been drafted to address the needs of people who challenge services going forward, to reduce hospital admissions and reduce the length of stay should admission be required has been written (appendix attached). This strategy is intended to be a working document which will be reviewed and updated regularly. An action plan will be produced each year to target specific areas. The Winterbourne project board continues to meet and the project manager post has been funded until March 2015.

Financial implications

8. Pooled budget arrangements are still being discussed between Nottinghamshire County Council and the six Nottinghamshire and Bassetlaw Clinical Commissioning Groups (CCG). However, the pooling may not happen in 2014/15 due to new issues being identified.
9. The Department of Health's 'Responsible Commissioner guidance' in was published in August 2013. The guidance has highlighted the differing responsibilities between health and social care for people who are discharged with after care from hospital under section 117 of the Mental Health Act. The differences depend on where they live when discharged and where they were living when originally admitted to hospital. For example, if someone goes to live in Derbyshire but was originally sectioned in Nottinghamshire, Nottinghamshire County Council (NCC) would be responsible for their social care but it would be Derbyshire CCG responsibility for their healthcare.
10. Secondly, the recently published Care Act appears to change the responsibilities of the local authorities regarding funding people subject to after care under section 117. Previously it was the responsibility of the authority they were living in, regardless of which authority had commissioned their housing and support. The Care Act suggests that 'ordinary residence' is applied which means the placing authority would maintain responsibility for funding even after a person had been admitted to hospital under the Mental health Act. This would potentially also have the effect of funding responsibilities not being aligned across local health and social care budgets.

11. Close monitoring of the effect of these two Council policies will be undertaken over the next financial year. This will be to inform the relative risks posed to the Council and each Clinical Commissioning Group (CCG) in terms of an agreement about future funding for a pooled budget. This will also give the department the opportunity for two years' financial data, giving a better idea of possible funding pressures in the future.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATION/S

It is recommended that Committee:

- 1) notes the content of the report and progress being made to commission suitable care and accommodation for people currently placed in hospital settings
- 2) agrees to delay the implementation of any pooled budget around this work until 2015/16 when further information will be presented to the committee
- 3) note the work so far on the draft strategy.. Any financial impacts of the strategy identified when annual action plans are developed, will be brought as a separate report.

Constitutional Comments (LM 15/08/14)

13. The Adult and Social Care Committee has delegated authority within the Constitution to approve the recommendations in the report'.

Financial Comments (PF 15.08.14)

14. The costs of Winterbourne placements are fully funded from an Earmarked Grant in 2014/15 and it is currently expected that this will fund the service into 2015/16. The future funding mechanism for this service is still to be formally resolved as identified in paragraph 8.

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Background Papers and Published Documents

None.

Electoral Division(s) and Member(s) Affected

All.