

LOCAL AUTHORITY CIRCULAR

LAC (DH)(2008)5

For action by: The Chief Executive (councils listed at Annex A)
The Director of Social Services
The Chief Finance Officer

For information: Chief Executives – Primary Care Trusts
Finance Directors – Primary Care Trusts
Chief Executives – Strategic Health Authorities

July 2008

Gateway Reference: 10162

LEARNING DISABILITY - CAMPUS CLOSURE PROGRAMME REVENUE GRANT: 2008-2011

SUMMARY

1. This circular provides guidance to the local authorities listed at **Annex A** who are being awarded ring-fenced revenue funding from the learning disability campus closure programme during the financial years 2008/2009; 2009/10 and 2010/11.

ACTION

2. Local authorities and their primary care trust (PCT) partners are asked to note the allocations of the grant listed at **Annex A**, the arrangements for its payment and to observe and adhere to the conditions set out in this circular and the associated legal determination attached at **APPENDIX I**.

BACKGROUND

3. The 2007 Comprehensive Spending Review provided ring-fenced funding of £96 million (£14m in 2008/09; £31m in 2009/10 and £51m in 2010/11) for local authorities with campus accommodation at 1 April 2001. LASSL(DH)(2007)2 refers. The grant will provide additional revenue to support the transition and other related revenue costs incurred as a result of people with learning disabilities moving from campuses to housing in the community.
4. The revenue grant has not been distributed to all local authorities because we know that the spread of campuses has not been even across the country. Neither would it have been equitable to allocate this additional revenue only to

those areas where campus accommodation remains, and who have been late in undertaking reprovion, whilst ignoring those areas who took action to close campuses as early as 2001.

5. The grant has been targeted on local authorities where campuses are currently or have previously been located. Data to allow such targeted allocation has been collected during March and April 2008 through a census of all local authorities (see Gateway Reference: 9337). The census outcome forms the basis of the allocation of this ring-fenced grant in 2008/9, 2009/10 and 2010/11.
6. The census asked for the number of people in campuses, and those in assessment and treatment unit for upward of 18 months who met the definition of 'campus', at 1 April 2001. This date was chosen because the 2001 White Paper *Valuing People: A new Strategy for Learning Disability for the 21st Century* and LAC(2001)23 gave the first clear expectation from Government that people in the old long-stay hospitals or in campus accommodation should move to housing in the community.
7. This revenue grant is in addition to the £175 million capital that is being made available for three years from 2007/8 to 2009/10, to help meet the Government's objective to move people with learning difficulties from campuses to more appropriate accommodation in the community. The White Paper 2006 *Our Health, Our Care, Our Say* said that NHS residential accommodation (NHS campuses) should be closed by 2010 and the capital is being used to support the campus reprovion programme in response to bids by PCTs. The third and final bidding round will be held later in the year for 2009/10. Further information can be found on:
http://www.dh.gov.uk/en/Publicationsandstatistics/Lettersandcirculars/Dearcolleaqueletters/DH_080921.

USE OF FUNDING

8. The specific purpose of the revenue grant is to provide time-limited funding to local authorities for expenditure on transition and other revenue costs for people with learning difficulties who have left or are leaving campus accommodation. This will include:
 - (i) person centred planning including working with families
 - (ii) care management
 - (iii) project management including housing related work
 - (iv) support for health action planning
 - (v) workforce training and development
 - (vi) support and advocacy
 - (vii) support for more inclusive community based activities
 - (viii) support to help people get into employment.
9. There will be local authorities who no longer have people living in campuses. In these cases, the revenue will be used for other ongoing support for those people who have left campuses since 1 April 2001 including:

- (i) person centred planning including working with families
- (ii) care management
- (iii) housing options where people want further changes
- (iv) support for health action planning
- (v) support and advocacy and the development of advocacy services
- (vi) support for more inclusive community based activities
- (vii) support to help people get into employment.

The revenue grant may not be used to fund capital costs.

10. The grant award is recoverable to the extent that it is not used for the purposes for which it is given, and the right is reserved to discontinue the grant before it is paid in full. The full conditions governing the use of the grant are set out in the determination attached at **APPENDIX I**.

PAYMENT OF THE GRANT AND CERTIFICATION ARRANGEMENTS

11. Local authorities will be paid their grant award (please see **Annex A** for details of each council's award) as a single payment in June, or as soon after as is practicable, for the 2008/9, 2009/10 and 2010/11 financial years.
12. Local authorities will be required to submit a statement of expenditure at the end of each financial year signed by the Chief Executive or designated officer, of the local authority. Local authorities will not be subject to auditor certification of their grant spend.

AUTHORITY TO PAY THE GRANT

13. Payment of the learning disability campus closure programme revenue grant is being made under section 31 of the Local Government Act 2003.

CANCELLATION OF THIS CIRCULAR

14. This circular should be cancelled on 1 April 2012.

ENQUIRIES

15. Enquiries about this circular or the administration of the grant should be made to:

Pam Nixon
Department of Health
Social Care, Local Government and Care Partnerships Directorate
Learning Disability Delivery Programme
Room 125 Wellington House
133-155 Waterloo Road
London SE1 8UG
Email: pam.nixon@dh.gsi.gov.uk

APPENDIX I

DETERMINATION UNDER SECTION 31 OF THE LOCAL GOVERNMENT ACT 2003 IN RESPECT OF THE LEARNING DISABILITY CAMPUS CLOSURE PROGRAMME REVENUE GRANT FOR 2008/2009, 2009/2010 AND 2010/2011

Introduction

1. This Determination is made by the Secretary of State for Health (“the Secretary of State”) under section 31 of the Local Government Act 2003¹ (“the 2003 Act”). It specifies grants that the Secretary of State proposes to pay to certain local authorities in England pursuant to that section (“the grant monies”).

2. This Determination specifies the local authorities to which the grant monies are to be paid, the purpose of paying the grant monies, the amount which the Secretary of State proposes to pay each of the authorities concerned and the manner of payment. It also specifies the conditions on which the grant monies are paid.

Treasury Consent

3. Before making this Determination, the Secretary of State obtained the consent of the Treasury in accordance with section 31(6) of the 2003 Act.

Purpose of the grant

4. Pursuant to section 31 of the 2003 Act, the Secretary of State hereby determines that the grant monies shall be paid towards revenue expenditure incurred or to be incurred by local authorities in the financial years 2008/2009, 2009/2010 and 2010/2011 in respect of a learning disability campus closure programme.

Interpretation

5. In this grant determination –

(a) “Campus” means a service that:

- (i) is NHS provided long-term care in conjunction with NHS ownership/management of housing (where residents do not have an independent landlord and housing rights i.e. rights under the law relating to housing or landlord and tenant law);
- (ii) is commissioned by the NHS;
- (iii) includes persons who were included by local authorities in the completed census form, attached to the local authority social services letter LASSL(DH)(2007)2, as persons with learning disabilities who met the

¹ 2003 c.26.

definition of campus who were commissioned by a partner PCT(s) at 1st April 2001;

(iv) includes persons who have been in assessment and treatment units more than 18 months between 1st April 2001 and 29th February 2008 who are not compulsorily detained (under the Mental Health Act 1983) or undergoing a recognised and validated treatment programme;

(v) includes persons who have been in assessment and treatment units more than 12 months on or after 1st March 2008 who are not compulsorily detained (under the Mental Health Act 1983) or undergoing a recognised and validated treatment programme;

(vi) excludes the following persons:

- (1) persons living in long-stay hospitals at 1st April 2001,
- (2) persons receiving independent health care,
- (3) persons in units registered as social care;

where persons living in such accommodation are technically and legally NHS patients².

- (b) “Capital expenditure” has the same meaning as specified in section 16(1) of the 2003 Act;
- (c) “Financial year” means a period of twelve months ending with 31st March”;
- (d) “independent healthcare” means health care provided by any private, voluntary, not for profit or independent healthcare establishment, service, agency, practice or business;
- (e) “Learning disability” includes the presence of:
 - (i) a significantly reduced ability to understand new or complex information, to learn new skills (impaired intelligence), with;
 - (ii) a reduced ability to cope independently (impaired social functioning);
 - (iii) which started before adulthood, with a lasting effect on development;
- (f) “Learning Disability Campus Closure Programme” means a programme of action for re-housing persons living in accommodation meeting the definition of campus at paragraph 5(a) above.
- (g) “National Health Service body” means any of the following:
 - (i) a Primary Care Trust established or continued under section 18 of the National Health Service Act 2006³ (“the 2006 Act”);
 - (ii) a National Health Service Trust within the meaning of the 2006 Act;

² The following cases would not be enough on their own to exclude persons or services from the campus definition:

- (i) The properties being small houses in a dispersed setting
- (ii) An NHS discharge process having been followed

³ 2006 c.41.

(iii) a National Health Service Foundation Trust within the meaning of the 2006 Act; and

(h) "Revenue expenditure" means expenditure on transition and other revenue costs in respect of a Learning Disability Campus Closure Programme, including:

- (i) person centred planning including working with families
- (ii) care management
- (iii) project management including housing related work
- (iv) support for health action planning
- (v) workforce training and development
- (vi) support and advocacy and the development of advocacy services
- (vii) housing options where people want further changes
- (viii) support for community based activities which are more inclusive of the persons participating in the activities
- (ix) support to help persons take up employment.

Amounts payable to local authorities

6. Pursuant to section 31(1) and (3) of the 2003 Act, the Secretary of State hereby determines that the local authorities to which grant monies are to be paid are those authorities listed in column 1 of Annex A, and the amount of each grant is the corresponding amount set out in columns 2, 3 and 4 of that Annex.

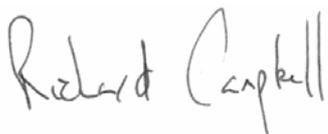
Payment of grant monies

7. The grant monies shall be payable in a single payment on or before 1st June in the financial year to which the payment relates or as soon after that date as reasonably practicable.

Grant conditions

8. Pursuant to section 31(4) and (5) of the 2003 Act, the Secretary of State hereby specifies, as the conditions imposed on the payment of the grant monies, the conditions set out in Annex B.

Signed by authority of the Secretary of State



10 July 2008

**ALLOCATIONS FOR THE LEARNING DISABILITY CAMPUS CLOSURE
PROGRAMME REVENUE GRANT 2008 – 2011***

1	2	3	4
Local Authorities	2008/2009	2009/2010	2010/2011
County Councils	£	£	£
Bedfordshire **	594,370	1,316,105	2,165,205
Buckinghamshire	287,494	636,594	1,047,300
Cambridgeshire	45,224	100,138	164,744
Cheshire **	74,296	164,513	270,651
Cornwall	713,890	1,580,757	2,600,600
Derbyshire	106,599	236,041	388,325
Devon	22,612	50,069	82,372
Dorset	297,185	658,053	1,082,603
Durham	83,987	185,971	305,953
Essex	646,054	1,430,549	2,353,484
Gloucestershire	310,106	686,664	1,129,672
Hampshire	888,325	1,967,005	3,236,041
Hertfordshire	129,211	286,110	470,697
Kent	700,969	1,552,146	2,553,530
Lancashire	3,230	7,153	11,767
Leicestershire	80,757	178,819	294,186
Lincolnshire	636,364	1,409,091	2,318,182
Norfolk	429,626	951,315	1,565,067
North Yorkshire	41,994	92,986	152,976
Northamptonshire	251,961	557,914	917,859
Northumberland	32,303	71,527	117,674
Nottinghamshire	239,040	529,303	870,789
Oxfordshire	12,921	28,611	47,070
Shropshire	19,382	42,916	70,605
Staffordshire	148,593	329,026	541,301
Suffolk	436,087	965,621	1,588,602
Surrey	788,186	1,745,270	2,871,251
Warwickshire	106,599	236,041	388,325
West Sussex	439,317	972,773	1,600,369
Wiltshire	64,605	143,055	235,348
Worcestershire	67,836	150,208	247,116

London Boroughs

Barnet	58,145	128,749	211,814
Bexley	3,230	7,153	11,767
Brent	67,836	150,208	247,116
Bromley	394,093	872,635	1,435,625
Camden	19,382	42,916	70,605
Croydon	203,507	450,623	741,347
Ealing	22,612	50,069	82,372
Harrow	12,921	28,611	47,070
Hillingdon	32,303	71,527	117,674
Hounslow	51,684	114,444	188,279
Kensington and Chelsea	25,842	57,222	94,139
Lambeth	19,382	42,916	70,605
Merton	80,757	178,819	294,186
Newham	9,691	21,458	35,302
Redbridge	3,230	7,153	11,767
Richmond upon Thames	41,994	92,986	152,976
Sutton	213,198	472,081	776,650
Tower Hamlets	6,461	14,305	23,535
Waltham Forest	35,533	78,680	129,442
Wandsworth	83,987	185,971	305,953
Westminster	38,763	85,833	141,209

Metropolitan Borough Councils

Barnsley	113,060	250,346	411,860
Birmingham	142,132	314,721	517,766
Bolton	3,230	7,153	11,767
Bradford	113,060	250,346	411,860
Coventry	16,151	35,764	58,837
Doncaster	3,230	7,153	11,767
Dudley	19,382	42,916	70,605
Gateshead	87,217	193,124	317,720
Leeds	284,264	629,442	1,035,533
Newcastle	41,994	92,986	152,976
North Tyneside	16,151	35,764	58,837
Rotherham	38,763	85,833	141,209
Sandwell	148,593	329,026	541,301
Sheffield	41,994	92,986	152,976
Solihull	51,684	114,444	188,279
South Tyneside	6,461	14,305	23,535
Sunderland	167,974	371,943	611,906
Wakefield	58,145	128,749	211,814

Walsall	239,040	529,303	870,789
Wigan	35,533	78,680	129,442
Wolverhampton	58,145	128,749	211,814
Unitary Authorities			
Bath and North East Somerset	22,612	50,069	82,372
Bournemouth	206,737	457,776	753,115
Bristol	58,145	128,749	211,814
Darlington	35,533	78,680	129,442
Derby	96,908	214,582	353,023
East Riding of Yorkshire	38,763	85,833	141,209
Halton	25,842	57,222	94,139
Hartlepool	22,612	50,069	82,372
Isle of Wight	29,072	64,375	105,907
Kingston Upon Hull	12,921	28,611	47,070
Leicester	232,580	514,998	847,254
Luton	54,915	121,597	200,046
Medway	19,382	42,916	70,605
Middlesbrough	6,461	14,305	23,535
Milton Keynes	45,224	100,138	164,744
North Lincolnshire	22,612	50,069	82,372
North Somerset	9,691	21,458	35,302
Nottingham	67,836	150,208	247,116
Peterborough	248,731	550,761	906,091
Poole	167,974	371,943	611,906
Portsmouth	64,605	143,055	235,348
Reading	25,842	57,222	94,139
Redcar & Cleveland	6,461	14,305	23,535
South Gloucestershire	16,151	35,764	58,837
Southampton	251,961	557,914	917,859
Southend	38,763	85,833	141,209
Stockton on Tees	35,533	78,680	129,442
Stoke-on-Trent	145,362	321,874	529,534
Swindon	38,763	85,833	141,209
Telford & Wrekin	9,691	21,458	35,302
Warrington	3,230	7,153	11,767
Windsor and Maidenhead	6,461	14,305	23,535
York	122,750	271,804	447,162
TOTAL GRANT ALLOCATED	14,000,000	31,000,000	51,000,000

* This allocation is based on census returns at 10 April 2008

** Allocations for 2009/10 and 2010/11 will reflect the new unitary authorities

Annex B

CONDITIONS FOR THE PAYMENT OF THE LEARNING DISABILITY CAMPUS CLOSURE PROGRAMME REVENUE GRANT 2008-2011

1. The payment of grant monies to a local authority as specified in Annex A towards local authority expenditure in the financial years 2008/2009, 2009/2010 and 2010/2011 is made subject to the conditions set out in this Annex.

Use of grant monies

2. Subject to paragraphs 3, 4, and 5, each local authority shall use the grant monies for the financial years 2008/2009, 2009/2010 and 2010/2011 in those financial years respectively, only for the purpose of revenue expenditure on a Learning Disability Campus Closure Programme (“eligible revenue expenditure”).

Carry over for 2008/2009

3. (1) A local authority may carry over up to 25% of the grant monies set out in column 2 of Annex A (allocations for 2008/2009) for expenditure in the financial year 2009/2010, but only for the purposes for which the grant is made.

(2) Subject to sub-paragraph (3), grant monies carried over in accordance with this paragraph must be spent in the financial year 2009/2010.

(3) Where grant monies are carried over under this paragraph but are not spent in the financial year 2009/2010, then the local authority shall –

(a) notify the Secretary of State in writing by 30th April 2010 of the amount of the grant monies carried over that the local authority has not spent in the financial year 2009/2010; and

(b) if requested by the Secretary of State, repay to the Secretary of State an amount equal to such part of the grant monies carried over as the local authority has not spent in the financial year 2009/2010. Such sum shall become repayable to the Secretary of State on 31st December 2010 or such later date, if any, as the Secretary of State may determine.

Carry over for 2009/2010

4. (1) A local authority may carry over up to 25% of the grant monies set out in column 3 of Annex A (allocations for 2009/2010) for expenditure in the financial year 2010/2011, but only for the purposes for which the grant is made. For avoidance of doubt, grant monies carried over under this paragraph must not include any grant monies carried over under paragraph 3 (carry over for 2008/2009).

(2) Subject to sub-paragraph (3), grant monies carried over in accordance with this paragraph must be spent in the financial year 2010/2011.

(3) Where grant monies are carried over under this paragraph but are not spent in the financial year 2010/2011, then the local authority shall –

(a) notify the Secretary of State in writing by 30th April 2011 of the amount of the grant monies carried over that the local authority has not spent in the financial year 2010/2011; and

(b) if requested by the Secretary of State, repay to the Secretary of State an amount equal to such part of the grant monies carried over as the local authority has not spent in the financial year 2010/2011. Such sum shall become repayable to the Secretary of State on 31st December 2011 or such later date, if any, as the Secretary of State may determine

Carry over for 2010/2011

5. (1) A local authority may carry over up to 25% of the grant monies set out in column 4 of Annex A (allocations for 2010/2011) for expenditure in the financial year 2011/2012, but only for the purposes for which the grant is made. For the avoidance of doubt, grant monies carried over under this paragraph must not include any grant monies carried over under paragraph 4 (carry over for 2009/2010).

(2) Subject to sub-paragraph (3), grant monies carried over in accordance with this paragraph must be spent in the financial year 2011/2012.

(3) Where grant monies are carried over under this paragraph but are not spent in the financial year 2011/2012, then the local authority shall –

(a) notify the Secretary of State in writing by 30th April 2012 of the amount of the grant monies carried over that the local authority has not spent in the financial year 2011/2012; and

(b) if requested by the Secretary of State, repay to the Secretary of State an amount equal to such part of the grant monies carried over as the local authority has not spent in the financial year 2011/2012. Such sum shall become repayable to the Secretary of State on 31st December 2012 or such later date, if any, as the Secretary of State may determine.

Accounting for the grant

6. (1) Each local authority is required to separately identify the grant monies in their annual accounts, and shall provide these accounts to the Secretary of State if requested by him and by such date, if any, as requested by him.

(2) At the end of each financial year each local authority shall submit a statement of expenditure showing the amount of the grant monies expended in that financial year and the amount of any grant monies carried over in accordance with paragraph 3, 4 or 5, to the Secretary of State. The statement shall be signed by the Chief Executive, or designated officer, of the local authority with administering authority for the learning disability campus closure programme. The statement shall be certified by the authority's Chief Finance Officer that, to the best of his or her knowledge, the amounts shown on the statement are eligible revenue expenditure and that the grant has been used for the purposes intended. The statement must be received by the Secretary of State within the period of 60 days from the end of the financial year to which the statement relates.

7. Each local authority shall supply to the Secretary of State such further information in such manner and by such a date as may be required by him, for the purposes of determining whether they have complied with the conditions set out in this Annex.

Breach of conditions and repayment of grant monies

8. (1) If a local authority fails, without the prior written agreement of the Secretary of State, to comply with the conditions set out in this Annex or if any of the events referred to in sub-paragraph (2) occur, the Secretary of State may reduce, suspend or withhold grant payments or require the repayment of the whole or part of the grant monies paid, as may be determined by the Secretary of State and notified in writing to the authority. Such sum as has been notified shall immediately become repayable by that authority to the Secretary of State.

(2) The events referred to in sub-paragraph (1) are as follows:

- (a) the authority or anyone on its behalf has provided, or provides information that is in any material respect incorrect, incomplete or otherwise misleading;
- (b) an overpayment is made under this grant or any amount is paid in error.

(3) Subject to paragraph 3 above (carry over for 2008/2009) and to sub-paragraph (4) below, if a local authority does not spend the whole of the grant monies set out in column 2 Annex A (allocations for 2008/2009) in the financial year 2008/2009, then the local authority shall –

- (a) notify the Secretary of State in writing by 30th April 2009 of the amount of the grant monies the local authority has not spent in the financial year 2008/2009; and
- (b) if requested by the Secretary of State, repay to the Secretary of State an amount equal to such part of the grant monies as the local authority has not spent in the financial year 2008/2009 less any grant monies

carried over in accordance with paragraph 3 above (carry over for 2008/2009). Such sum shall become repayable to the Secretary of State on 31st December 2009 or such later date, if any, as the Secretary of State may determine.

(4) Subject to paragraph 3 above (carry over for 2008/2009), if a local authority does not spend the whole of the grant monies set out in column 2 Annex A (allocations for 2008/2009) in the financial year 2008/2009, the Secretary of State shall be entitled to deduct an amount equal to such part of the grant monies as the local authority has not spent in the financial year 2008/2009 less any grant monies carried over in accordance with paragraph 3 above (carry over for 2008/2009), from the grant monies to be paid to that local authority under column 3 Annex A (allocations for 2009/2010) and in such circumstances the Secretary of State shall allow the local authority to retain the unspent grant monies from the financial year 2008/2009 and apply these towards the grant allocation for 2009/2010.

(5) Subject to paragraph 4 above (carry over for 2009/2010) and to subparagraph (6) below, if a local authority does not spend the whole of the grant monies set out in column 3 Annex A (allocations for 2009/2010) in the financial year 2009/2010, then the local authority shall –

(a) notify the Secretary of State in writing by 30th April 2010 of the amount of the grant monies the local authority has not spent in the financial year 2009/2010; and

(b) if requested by the Secretary of State, repay to the Secretary of State an amount equal to such part of the grant monies as the local authority has not spent in the financial year 2009/2010 less any grant monies carried over in accordance with paragraph 4 above (carry over for 2009/2010). Such sum shall become repayable to the Secretary of State on 31st December 2010 or such later date, if any, as the Secretary of State may determine.

(6) Subject to paragraph 4 above (carry over for 2009/2010), if a local authority does not spend the whole of the grant monies set out in column 3 Annex A (allocations for 2009/2010) in the financial year 2009/2010, the Secretary of State shall be entitled to deduct an amount equal to such part of the grant monies as the local authority has not spent in the financial year 2009/2010 less any grant monies carried over in accordance with paragraph 4 above (carry over for 2009/2010), from the grant monies to be paid to that local authority under column 4 Annex A (allocations for 2010/2011) and in such circumstances the Secretary of State shall allow the local authority to retain the unspent grant monies from the financial year 2009/2010 and apply these towards the grant allocation for 2010/2011.

(7) Subject to paragraph 5 above (carry over for 2010/2011), if a local authority does not spend the whole of the grant monies set out in column 4 Annex A (allocations for 2010/2011) in the financial year 2010/2011, then the local authority shall –

- (a) notify the Secretary of State in writing by 30th April 2011 of the amount of the grant monies the local authority has not spent in the financial year 2010/2011; and
- (b) if requested by the Secretary of State, repay to the Secretary of State an amount equal to such part of the grant monies as the local authority has not spent in the financial year 2010/2011 less any grant monies carried over in accordance with paragraph 5 above (carry over for 2010/2011). Such sum shall become repayable to the Secretary of State on 31st December 2011 or such later date, if any, as the Secretary of State may determine.

Other conditions

9. (1) Each local authority shall ensure that the grant monies are not used to finance –

- (a) fundraising activity; or
- (b) activity which is political in intention, use or presentation; or
- (c) capital expenditure.

(2) Each local authority, and anyone acting on its behalf, shall comply with the law for the time being in force in the United Kingdom when carrying out learning disability campus closure programme activity and using the grant monies.

(3) Each local authority may work in partnership and enter into arrangements with other bodies or persons, which may include primary care trusts and other providers of health care, providers of social care, housing providers and others such as the local voluntary, community and independent sectors. The local authority shall at all times retain financial responsibility for the grant monies.