

Cornwall Council

Report to: **Health & Adult Care Overview and Scrutiny Committee**

Date: **18 September 2012**

Title: **Developing a Joint Health and Social Care Adult Learning Disability Service**

Portfolio Holder(s) **Councillor Armand Toms, Adult Care and Support**

Divisions Affected **All**

Relevant Overview And Scrutiny Committee:

Health & Adult Care Overview & Scrutiny Committee

Key Decision: **Y** Approval and clearance obtained: **Y / N**

Urgent Decision: **N** Implementation Date: **Proposed April 2013**

If Key Decision - on Forward Plan? **Y** If not on Forward Plan - Procedure 15 or 16 used? **N/A**

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Recommendations:

1. That the committee reviews and comments on proposals for the creation of a single adult learning disability service in Cornwall.
2. The Committee supports the proposal to provide an adult learning disability service in an integrated way in one organisation and that this is taken to cabinet and health service Boards for sign off in December.

Cornwall Council

1. Executive Summary:

Much progress has been made in relation to joint working across health and social care adult learning disability teams over the last four years. This has happened using the two current providers of the service, Cornwall Council and Cornwall Partnership Foundation Trust (CPFT). There are currently separate health and social care commissioning arrangements for the service. It is important to note that there has not been a formal commissioner / provider relationship for those services delivered within the Council to date.

Operational teams are co located. A single management structure is in place and many decisions are made with some services provided jointly.

These services face continuing challenges in order to provide a service that is easy to understand, easy to use and good to work in. Some of these challenges are related to the fact that elements of the service are commissioned separately by health and social care and the staff work for two different organisations.

In common with all public services it is critical that the service focuses on good customer service and also delivers services in the most efficient way possible.

The proposal set out in this paper will create the opportunity to provide the service from one organisational setting to test out that this will lead to improved outcomes for people using services. This does not assume that staff transfer their employment, this is still under consideration at this point. This allows for other options to be considered should the new arrangement not deliver improved outcomes for people with learning disabilities and their families.

The current proposal is to allow for the service to be delivered by Cornwall Partnership Foundation Trust from April 2013 for three years. This arrangement will be reviewed throughout but formally at the end of the second year to inform longer term plans.

The new service will be commissioned jointly across health and social care to a single specification.

2. Background and Corporate Objectives:

The vision of a jointly provided and delivered Learning Disability (LD) service has been in place since 2006 with the appointment of a single Associate Director employed by CPFT also operating as a Head of Service within the Council.

This paper builds on previous updates to the committee and related forums as follows:

- Items 15, 16 and 17 on July 2012 Scrutiny which covered joint commissioning and provision.
- Item 13 on May 2012 Scrutiny that presented the pooling of resources across health and social care in adult learning disability services.

Operationally the service has delivered a single management structure for the service and is in the process of developing new roles for practitioners that will support better joint working. All teams are co located bar a small number of staff awaiting appropriate IT facilities.

Commissioners in the Council and Kernow Clinical Commissioning Group have developed a joint framework (See Item 17 July 2012 Scrutiny). The proposal will enable the Council and health providers to explore joint working in part of the health and social care system in Cornwall.

The service provides assessment, support planning, and review and specialist interventions for people with learning disabilities and family carers. This includes determination of eligibility for social care services and the provision of safeguarding systems and actions for vulnerable adults. Social Care services are provided as a statutory function of the Council under a range of legislation as detailed in Appendix 1.

The Integrated Service has two main elements:

- Assessment with planning and review for those eligible for services (including Safeguarding Support for vulnerable adults) This includes support to the service user to understand and then to plan for how a Personal Budget can be used to meet their care and support needs.
- Specialist interventions for those eligible for services. This includes secondary health services such as nursing, physiotherapy, occupational therapy, speech and language therapy, psychiatry and psychology.

The service supports 2,100 people with learning disabilities.

The service is based in 9 locations across the County, in buildings owned either by the Council or CPFT.

3. Decision and Supporting Information

There are currently two organisations providing the service.

Each organisation uses a different recording format and different IT systems, Human Resources, Finance and Facilities Management processes and Senior Management and Governance Structure.

This proposal will support the delivery of the service to one specification which is timely given the movement towards a commissioner / provider relationship within the Council. Commissioners across the two organisations are exploring the opportunity of commissioning one organisation to deliver a joint health and social care service to adults with a learning disability in Cornwall.

This proposal would bring together 160 staff of Cornwall Partnership Foundation Trust and Cornwall Council.

4. Contributions to Corporate Priorities:

A key strategic objective for Adult Care & Support is to ensure that people receive the support and care they require, regardless of the organisational form it takes. The Adult Care and Support Directorate Plan 2012/13 sets this out clearly in the section titled 'Achieving more in Partnership';

'We are working more closely with partners in Health services and the voluntary and community sector to untangle the complexity of our individual systems, and make it easier for people to find help and support. We have a vision of integrated health and social care support that puts people rather than process at the heart of what we do.'

5. Financial Implications and Budget:

There are no financial targets that are associated with this proposal. There are, however considerable pressures both now and in the future in Health and Social Care.

With a single service specification in place commissioners will be able to ensure that there is a co-ordinated approach to the delivery of the service and that the joint health and social care resource is prioritised to meet the needs of those who need it most.

As noted above there are in built inefficiencies in the current arrangement that has two sets of operating systems, two sets of support services (human resources, finance, facilities management) and two sets of policies and procedures

The total Local Authority spend on services for people with a Learning Disability in 2012/ 2013 is £52.298m. £3.170m of this total is the cost of the Council staff who provide the social work element of the joint service, this is the staffing complement that are included in this proposal. The remainder of this total is spend on services provided both by the Council and by other providers. The Council figures do not include organisational overheads.

The total Cornwall Partnership Foundation Trust spend on adult Learning Disability Services in 2012/2013 is £3.919m.

It will be critical in terms of identifying potential efficiencies that the overhead costs associated with all elements of the services are identified.

It will also be important to ensure that any service specification allows the use of single assessment and case management systems and management information systems and support services. Part of this single assessment system will need to ensure that duties of the Council are able to be carried out, for example a community care assessment that meets statutory responsibilities and has the ability to ensure charging for services in line with current policy in the Council.

There will be transition costs involved in creating the unified service. It is too early to identify what these might be, but the working assumption is that these will be funded within existing budgets.

6. Other Resourcing Implications:

Property

Current property arrangements involve both organisations contributing to accommodation costs for the services concerned. A single organisational setting for the service will require this arrangement to be reviewed.

HR/Staffing

The proposal to create a single organisational setting for the LD service will have employment implications for the staff in scope of this project.

Should these proposals be approved, the mechanism for such a change would be conducted in line with Cornwall Councils established Organisational Change Toolkit, which involves detailed engagement and consultation with affected employees and their trade unions. In addition consideration would need to be given to the impact of the changes on the residual ACS structure and the existing support functions across the Council.

The skill base to deliver these changes from a HR&OD perspective exists within our current structure and a project has recently commenced using organisational design methodologies to deliver a revised LD integrated structure across Cornwall Council and Cornwall Partnership Foundation Trust.

Information Services –

Current costs and inefficiencies associated with linking two separate IT systems could be saved if one system could serve the whole service.

7. Legal Implications:

A section 75 Agreement with a NHS Foundation Trust will allow for the exercise of the statutory functions of both the Council and the PCT or its successor KCCG by that Trust. This agreement will enable the delivery of a

joint service under the organisational guidance arrangements of Cornwall Partnership Foundation Trust.

It is however important for the Council to be alert to the fact that nothing in a section 75 arrangement affects the Council's statutory duties and social care responsibilities that include a core duty to: (i) assess the presenting needs of people with a learning disability, (ii) determine whether these needs meet the Council's criteria for eligibility and (iii) provide support to meet those eligible needs. The Council will continue to face risks of challenge both in relation to its strategic decision-making and in the exercise of its operational functions.

There are potential risks in commissioning statutory functions to an external provider, particularly in a legally complex and litigious area where decision-makers exercise statutory discretions.

Given this context it will be necessary to ensure there is adequate protection: to mitigate litigation and reputational risks to the Council.

These protections will have to be incorporated into any section 75 Agreement and it will therefore be critical to ensure robust commissioning and contract management arrangements are in place.

8. Equality Impact Assessment:

Attached at Appendix 2.

9. Significant risks:

There is a potential financial risk to the Council in contracting with an organisation which will manage a demand-led service through a finite budget. Savings may not be realised and additional expenditure may be incurred in a demand-led situation.

This can be mitigated by tight contractual arrangements and ensuring current controls that deliver financial balance are maintained in the new arrangement.

Financial and Reputational Risk to the Council with an organisation delivering delegated statutory duties. This can be mitigated by the delegation of these duties through formal statutory agreement (i.e. Section 75 Agreement or Order of the Secretary of State through the Deregulation and Contracting Out Act 2004).

10. Consultation including Overview and Scrutiny Committee and Local Member Representation:

This process has been the subject of a range of engagement exercises with people who work in and use the service over the last four years. A particular product from people who use the service and their family carers is attached at Appendix 3.

A detailed process of options appraisal took place within the Council Alternative Service Delivery process which included lead member, scrutiny committee and staffside representation.

Supporting Information

Appendices:

1. Appendix 1 - Statutory Duties
2. Appendix 2 - Equality Impact Assessment.
3. Appendix 3 - Family and Service User views on what a good service looks like.

Background Papers:

None.

Approval and Clearance of Report

All Reports:

Final Report Sign Offs	This report has been cleared by OR not significant/ not required	Date
Finance Required for all reports	Martin Henwood	31.08.12
Legal (if significant/required)	Justine Hosking	29/08/12
Equality Impact Assessment (if significant/required)	Attached - Appendix 2	24/08/12
Human Resources (if significant/required)	Julian Parker	28/08/12
Property (if significant/required)	N/A	
Procurement (if significant/required)	N/A	
Information Services (if significant/required)	N/A	