

Agenda Item No. 7(b)

Dudley Health & Wellbeing Board

29th April 2013

Report of the Director of Adult, Community and Housing Services and the Chief Officer, Dudley Clinical Commissioning Group

Dudley Safeguarding Adults Board and Learning Disabilities Partnership Board Response to Winterbourne

Purpose of Report

1. To present to the Health and Wellbeing Board a report on the implications for both Dudley Safeguarding Adults Board and Learning Disabilities Partnership Board regarding the findings from Winterbourne View.

Background

2. Winterbourne View Hospital was a private hospital for adults with learning disabilities and autism, mostly accommodating patients admitted under the provisions of the Mental Health Act 1983.
3. On 31st May 2011 BBC Panorama uncovered serious physical and mental abuse of patients, which was being perpetrated by staff at the hospital. The investigation led to the prosecution of eleven staff members; the commissioning of a Serious Case Review by South Gloucestershire, and CQC's review of 150 learning disability hospitals and homes. The final Department of Health report and the Concordat outlining the actions were published in December 2012.
4. The review found that too many people are placed in in-patient services for assessment and treatment, and remain there for too long. These units were often far from the patient's home and family.
5. The review recommended that people should have access to the support and services they need locally, which should evidence long term support to families, which is preventative.
6. South Gloucestershire Adult Safeguarding partnership received forty Safeguarding alerts, which were treated as individual concerns. The safeguarding process which was followed did not sufficiently challenge other professionals' attitude, or the hospital's failure to produce reports when investigating concerns.

7. The review also found that other alerts existed which should have also raised concerns i.e. use of advocacy services, attention to complaints and the frequency with which patients were restrained or absconded.
8. Winterbourne was also found to have failed in the recruitment, training and retention of staff, and that staff had not attended adequately to the mental and physical needs of patients.

Mechanisms in place within the Safeguarding Adults Board and the Learning Disability Partnership Board in Dudley that support the learning from Winterbourne View

9. In September 2012 Safeguarding Board members were given an overview of the findings from Winterbourne. In December 2012 Andrea Pope-Smith, Director of DACHS, consolidated this learning and gave focus for issues to be identified by the Health & Wellbeing Board, the Learning Disability Partnership Board, and the Safeguarding Board.
10. The January Safeguarding Board considered the Quality Assurance tools within Safeguarding. It was acknowledged there had been specific pieces of work to improve the Quality Assurance Framework, and in 2012 there had been three multi-agency practice learning events to share learning achieved in specific Safeguarding situations.

Assurance Measures to both Boards

11. The safeguarding accountabilities include:
 - Quarterly safeguarding reassurance meetings with the Cabinet Member for Adults and Communities, the Director of DACHS, the Chair of the Safeguarding Adults Board and other lead officers to questions and monitor the safeguarding process.
 - Twice yearly meetings with the Council Chief Executive , the Cabinet Member Cabinet Member for Adults and Communities; the Director of Adult, Community and Housing; the Chair of the Dudley Safeguarding Adults Board; and the Head of Safeguarding to question and monitor the safeguarding process.
 - Bi-monthly meetings with CQC, CCG and adult social care commissioners for learning disabilities and other adult groups take place to share information and update partners on specific concerns and actions.
 - Audits of safeguarding cases every six months.
 - a survey of victims' experience of safeguarding every six months.
12. The Annual Learning Disability Self Assessment process provides a comprehensive data set for the Partnership Board on a range of issues to provide assurances to Board members regarding the services commissioned and provided to people with a learning disability within Dudley. In addition the Board will receive quarterly data sets covering a range of subjects including safeguarding Next year, this will change to a joint health and social care self-assessment resulting from the incidents at Winterbourne View.

Complaints

13. The Winterbourne review was critical of the notice taken of complaints made about the organisation. There is a quarterly report prepared for the Head of Safeguarding where the complaints for all service groups are logged and correlated against safeguarding incidents recorded.

Repeat Safeguarding Referrals

14. The March Safeguarding Adults Board considered a monthly data set that monitors repeat safeguarding referrals which have been substantiated. Currently, within Dudley, where there are several safeguarding concerns regarding a commissioned service, a multi-agency action plan is developed. This has led to the reviews of all the residents in that service; CQC compliance visits; infection control reviews; CCG appreciation visits and the development of a Positive Assurance Framework as a preventative tool for residential and nursing homes to identify areas of concern prior to issues becoming a safeguarding concern. The tool recently developed will facilitate this process and inform Board members of ongoing concerns.

Safe Recruitment

15. Quality of Life standards developed with people who use services will be used in the recruitment process and including family / carers.
16. The Safeguarding Board has shared information on the changes to the vetting and Barring Scheme in September 2012 and January 2013 to consolidate learning and provide guidance for partner agencies in this area.

Service User Experience

17. The Learning Disability Partnership Board will commission a self-advocacy group to validate the experience of patients using specialist health services.
18. The Safeguarding Adults Board will ensure the experience of people using services through the safeguarding process remains central to the strategic development at the Safeguarding Board. Case studies, surveys on the victims' experience and other Serious Case Review findings are programmed at the Board meetings throughout 2013 to retain this focus.
19. The Learning Disability Partnership Board has identified people in in-patient beds and will, by the 1st June 2013, ensure that joint reviews are completed in conjunction with the person and their families and current service providers in accordance with national requirements. Independent advocacy services will be used to facilitate this.
20. Dudley MBC Dudley has a Special Needs Register which is a voluntary register of those people with learning disabilities and/or autism who have mental health conditions and/or challenging behaviour and those who have health or social care funding both in and out of Borough. Information from this has been used in our Joint Strategic Needs Assessment. Dudley Clinical Commissioning Group maintains a list

of people who are health funded and have ensured that they develop a register of this information no later than 1st April 2013, which is clearly handed over in the legacy arrangements to the CCG.

Work with Children's Services

21. There is currently a Transition operational group within Learning Disability Services which meets quarterly with the Children's Disability Services and other partners to look at the requirements of children in transition. This process ensures that services are seamless for this group and that parents and the children remain central to the transition process. This information also informs the commissioning process. The outcomes of the Winterbourne View Review relating to all-age commissioning are a key component upon which we will have to build as we go forward in working more closely together between adults and children's services.
22. A presentation from the Adult Safeguarding Board to the Children's Management Team highlighted that many of the issues raised at Winterbourne have implications for children's services and child care practice. The Children's Safeguarding Board in March considered a report regarding the issues for children with challenging behaviour, who may reside in an assessment unit.

Restraint and Behaviours that Challenge

23. The Learning Disability Partnership Board is working with Black Country Commissioners to develop targets for partners who provide specialist health services to people with challenging behaviour, to work towards delivering community based health services that will minimise the need for inpatient treatment. In Dudley, currently, specialist health services support providers of services for people with challenging behaviours.
24. Both Boards are exploring good practice regarding the issue of restraint to ensure all providers agree key principles; training requirements, and current practice towards the management of behaviours that challenge. The Safeguarding Board is considering this issue for all user groups. A report to the May Safeguarding Board will be presented for board members to consider the findings and agree requirements for future action. One of the lessons of the Winterbourne View Review was that an agency may have a policy and that the policy may be judged to be good or excellent – this is not the same as knowing that the policy is being applied in an acceptable way. How we will know that good care and restraint practice is in place therefore remains a key challenge.

Partnership Arrangements

25. Both Boards have agreed that work is required to consolidate partnership arrangements to ensure people living within the borough, and those who will return to the community, are supported adequately.
26. The Safeguarding Adults Board partners, in January 2013, took responsibility to examine in details the issues outlined in this paper for all client groups and there is an

expectation that the May Board will consider the findings and agree the requirements for future action.

27. The March Safeguarding Board will also consider a learning and development strategy which focuses on a preventative culture of safeguarding where the culture, philosophy and management structure upholds safeguarding principles and reinforces the whistle-blowing mechanism. The strategy aims to identify competencies in commissioned services.

28. The Learning Disability Self Assessment Framework for 2012 raised the need for local services to work in partnership, including, where necessary, with the Police and Criminal justice agencies to ensure that people returning to communities are supported adequately. This was considered by the Partnership Board as a required action for development in 2013.

29. Main actions required of Dudley Council and the Dudley Clinical Commissioning Group

The main actions required are:

- A timetable for reviews was established and will be complete by 31/0513. A Joint Improvement Plan is in the process of being finalised to be reported to the Learning Disability Partnership Board.
- local registers to be developed by 1st April 2013 of all people with challenging behaviour in NHS funded care
- any adult who is in a specialist autism or learning disability hospital setting will have their care reviewed by 1st June 2013
- if they would be better supported in the community then they should be moved by no later than 1st June 2014
- the NHS and Councils are expected to work more closely on joint plans in future, with a strong presumption in favour of pooled budgets to ensure adults with challenging behaviour get the support they need
- a new NHS and local government-led joint improvement team will help support local teams

As far as the register issue is concerned this is being compiled by Neil Bucktin (Clinical Commissioning Group) and will be submitted to the CCG's Quality and Safety Committee on 26th March.

At the time of writing the position on placements is as follows;-

- **Adults who are the responsibility of Dudley PCT/CCG** – 3 in local NHS provision (Ridge Hill and West Bromwich), 2 in independent sector provision (Oldbury and Wast Hills, North Worcestershire)
- **Adults who are the responsibility of Dudley PCT/CCG who will become the responsibility of the National Commissioning Board from 1st April 2013** – 4 in NHS provision (3 at Brooklands, Marston Green, 1 in West Bromwich) and 1 in independent sector (Norfolk)

30. We are ensuring that arrangements are in hand to complete the reviews by 30th June 2013.

Finance

31. The Council, in accordance with our lead responsibility, funds most of the partner agency activities with regard to Safeguarding. The Council also funds most of the joint agency training programme through the Social Care Training Grant and the Mental Capacity Act grant. The Learning Disability Development Fund has commissioned an advocacy contract to work with people with complex needs.

Law

32. The main legislation currently governing adult protection is contained in sections 21, 26 and 28 of the National assistance Act 1948, the Community care Act 1991, the Mental Health Acts 1983 and 2007, the Mental Capacity Act 2005 and the Human Rights Act 1998.

Equality Impact

33. The Safeguard and protect policy and Procedures are consistent with the equal Opportunities Policy of the Council.

Recommendation

34. The Health and Wellbeing Board is asked to consider and comment upon the current and proposed measures that the Safeguarding Adults Board and the Learning Disabilities Partnership board have made in response to the Winterbourne findings.



Andrea Pope-Smith
Director – DACHS



Paul Maubach
Chief Officer – Dudley CCG

Contact Officers

- **Anne Harris, Head of Safeguarding**
- **Ann Parkes, Head of Learning Disabilities**
- **Neill Bucktin – Head of Partnerships, Dudley CCG**