

MIDDLESBROUGH COUNCIL

SCRUTINY REPORT

HEALTH SCRUTINY PANEL

FRIDAY 18 MAY 2018

REVIEW OF THE NHS COMMISSIONED LEARNING DISABILITY, COMPLEX NEEDS AND/OR AUTISM RESPITE CARE SERVICES

SUMMARY

1. To update Members on the outcome of the negotiations with the CCG following their decision to reconfigure the respite service for people with learning disabilities, complex needs and/or autism, and to determine the Council's position in relation to making a referral to the Secretary of State.

INTRODUCTION

2. At a previous meeting on 29 March, the Health Scrutiny Panel agreed, in principle, to refer the CCG's decision in relation to the reconfiguration of respite care services to the Secretary of State for Health as it did not accord with the recommendations made by the Joint Scrutiny Committee that had been established as a statutory consultee and Members still had serious concerns about the proposed new service.
3. Redcar and Cleveland Borough Council also decided to refer the decision in principle. The decision of both authorities was on the basis that the referrals would be progressed if the various concerns could not be resolved satisfactorily through negotiation with the CCG, which is essentially a requirement before any referral to the Secretary of State can be made. The proposed grounds for referral and specific concerns from each Council are attached at appendix 1. Given the similarity of concerns and the existing joint health scrutiny arrangements between the two authorities, it was felt the South Tees Joint Health Scrutiny Committee was the most appropriate vehicle to progress further negotiations with the CCG to establish if any agreement could be reached in respect of future service provision.
4. It is important to note that the power of referral was not delegated by any of the participating Local Authorities to either Joint Committee and so the final decision to use the power remains with each individual Council, to be progressed in line with their local arrangements.

5. As indicated above, as part of the referral process, it is important to be able to evidence that efforts have been made to achieve a local resolution prior to formal submission of the referral.
6. A formal meeting of the South Tees Joint Health Scrutiny Committee took place on 25 April at which the CCG outlined the assurances they were able to provide as their final negotiating position. Whilst these assurances went some way to addressing Members' and service users' concerns, they did not fully resolve the situation to Members' satisfaction. That being the case, the joint committee recommended each Council to confirm its intention to refer the decision to the Secretary of State. Details of the assurances given by the CCG and the remaining areas of concern are set out in detail below.

Assurances provided by the CCG

- The commissioned services will be based on individual needs and will, in addition taken into consideration the needs of the carer.
 - The assessment of need will define the level of relative resources.
 - All of the resource could be chosen to be utilised solely within the commissioned bed based respite.
 - The CCGs will continue to commission a service based on individual needs
 - Thee CCGs have protected the level of respite funding across Tees.
 - The bed based service is commissioned by the CCGs from the Tees Esk and Wear Valley NHS Foundation Trust (TEWV) and there are no plans to change that.
 - Contracts were agreed and signed in March 2018 supporting this continuation.
7. In support of the above, assurances were also given by the service provider (TEWV).

Assurances provided by TEWV NHS Foundation Trust.

- The CCG have continued to commission and contract bed based respite provision for those with complex needs from TEWV.
- As a provider TEWV are committed to continue to work with commissioners and stakeholder to ensure that service provided meet the needs of individuals in the most appropriate way, ensuring the necessary skills and competencies of those providing the services, which will include that for the bed based provision.
- TEWV are committed to proactive recruitment and retention of Learning Disabilities Nurses. Current initiatives include: retire and return, nurse training secondment opportunities and development of nursing associate roles. This allows TEWV to ensure that we have an appropriately skilled and experienced workforce across our learning disabilities services, who will continue to provide high quality care to bet the complex health needs of the people who access our respite services both now, and in the future.

Remaining areas of concern

8. Whilst the assurances given by the CCGs state that all the allocated resources can be used for bed based respite at the current facilities and families will no longer be required to choose an alternative respite service from a menu of options, the CCG's were unable to provide any assurances relating to the minimum number of nights that would be available to families as the assessment tool to determine the level of resource to be allocated had not yet been established. Members felt that the inability of the CCGs to clarify the impact of their reconfiguration proposals, particularly on the individual families currently in receipt of the service was a serious flaw and undermined the value of other assurances given about access to the service. They also felt it was a limiting factor in the quality of the consultation since consultees had been asked to make choices about options without any clear indication of the extent of the impact on them.
9. The Health Scrutiny Regulations 2014 provide guidance on the information and evidence required as part of the referral process. Should both Middlesbrough and Redcar and Cleveland Councils both decide to progress the referral, whilst each Council will need to submit its own referral, Officers will continue to work together to develop the submissions where it is beneficial to do so.

CONCLUSIONS/RECOMMENDATIONS

10. Members are asked:

- To confirm whether, in light of the CCG's assurances, they still wish Middlesbrough Council to progress a referral to the Secretary of State in respect of the CCG's decisions to reconfigure the respite service for people with learning disabilities, complex needs and/or autism.
- Should a referral be progressed, to delegate authority to the Monitoring Officer, to prepare the submission to the Secretary of State, in consultation with the Chair of the Health Scrutiny Panel.

FURTHER INFORMATION SOURCES

11. A link to the information available on the CCG website is below.

<http://www.southteesccg.nhs.uk/get-involved/transforming-care-review-respite-services-people-learning-disabilities-complex-needs/>