# BUILDING BETTER LIVES

New commissioning intentions for Disability Services in Gloucestershire

<table>
<thead>
<tr>
<th>Cabinet meeting:</th>
<th>2 April 2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long-term Care</td>
<td>Cllr Kathy Williams</td>
</tr>
<tr>
<td>Children and Young People &amp; Strategic Commissioning</td>
<td>Cllr Paul McLain</td>
</tr>
<tr>
<td>Key Decision</td>
<td>Yes</td>
</tr>
</tbody>
</table>

## ASSOCIATED CONTENT:
- Building Better Lives Policy
- Easy Read version of the Building Better Lives policy
- Due Regard Statement

## CONTEXT:
- Think Local, Act Personal
- Putting People First: A shared vision and commitment to the transformation of adult social care.
- The Children and Families Bill 2013
- The Health and Social Care Act and Health and Social Care Bill

## Location/Contact for inspection of Background Documents
- [http://www.thinklocalactpersonal.org.uk/Browse/ThinkLocalActPersonal/](http://www.thinklocalactpersonal.org.uk/Browse/ThinkLocalActPersonal/)
- [http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted/data.htm](http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted/data.htm)
- [http://www.thinklocalactpersonal.org.uk/Browse/useofresources/](http://www.thinklocalactpersonal.org.uk/Browse/useofresources/)
**Main Consultees**

Preliminary consultation has commenced with service users, providers, family carers and the third sector. Consultees will include:

- Family Carers
- Service Users
- Partners including Gloucestershire Clinical Commissioning Group, health provider trusts, district councils and housing providers, Police and Crime Commissioner, Gloucestershire Constabulary
- Care providers
- Schools, colleges and other education providers
- Community organisations
- Health Overview and Scrutiny Committee and the Children and Families Overview and Scrutiny Committee

**Planned Dates**

April – June – consultation

July – Cabinet to consider revised policy

July – Cabinet – local implementation of Children and Families Act (SEND)

September 2014 – Cabinet to consider commissioning intentions

**Divisional Councillor**

All

**Officer**

Chris Haynes, Joint Commissioner for Learning Disability  
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Agy Pasek, Strategy and Transformation Manager  
01452 328647  
[agy.pasek@gloucestershire.gov.uk](mailto:agy.pasek@gloucestershire.gov.uk)

**Purpose of Report**

For Cabinet to consider a long term policy for how support for people with disabilities should be commissioned.

To seek approval for consultation on the Building Better Lives policy document, noting the proposed changes to Special Educational Needs and Disability provision.

**Recommendations**

1. *To agree the Building Better Lives Policy document as the basis for a consultation on future planning for services for people with disabilities across the age span, and*

2. *To authorise the Commissioning Directors for Adults and Children and Families to undertake a formal consultation on the proposed policy framework.*
<table>
<thead>
<tr>
<th>Reasons for recommendations</th>
<th>To seek a broad spectrum of views and feedback on the policy document and to bring back a report to Cabinet in September.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resource Implications</td>
<td>The costs of the consultation will be met within existing resources. The policy, if agreed, will impact on significant council spend - £82m on children and adults social care and on £74.9m Dedicated Schools Grant which meets the needs of children with special educational needs. Given the overall financial context the need to ensure that spend demonstrates good value for money and is effective at improving outcomes is high.</td>
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</table>
1. Introduction

This report sets out the rationale for developing a more coherent policy framework within which all services for children and adults with disabilities should operate in the future. It anticipates legislative changes and sets out the national and local drivers for change.

Annexe A contains a draft policy document entitled Building Better Lives which is intended as the basis for a full consultation with service users, families, partners and providers, community organisations and employers. The intention is to consult on this policy and report the outcome back to Cabinet in July 2014.

2. Background: disability services today

As the Building Better Lives policy document describes from the outset, people with a disability in Gloucestershire have a significant contribution to make in all areas of society. The proposed policy recognises that to assist people with disabilities to take their full and rightful place as included citizens in their communities, changes are required to the way that council and its partners currently deliver support.

The current policy framework for services for people with disabilities consists of The Big Plan which sets out the framework for commissioning intentions until 2015 for learning disability services, the SEN policy which emphasizes choice and diversity and the Short Breaks commissioning plan which enables families of children with disabilities to access a range of activities and support on a personalized basis.

Much progress has been made within the existing policy framework. This includes an increase of 311% in the number of families accessing short breaks since 2010, improved employment rates for people with a learning disability, better community inclusion and the effective use of enablement to divert people away from reliance on services. Further, the growth and development of user-led organisations for people with disabilities (Gloucestershire Voices in the learning disability area and DROP and PING in physical disability) has demonstrated the hugely untapped aptitude of people with disabilities to help and motivate each other to achieve their potential.

Existing initiatives which work across disability groups demonstrate that working in such a way is possible and brings positive results. The brokerage team works across learning disability, physical disability and mental health. The quality regime which commenced in learning disability services has now extended into physical disability and mental health. A new transitions team is now managing the transfer between children and adult services.

Nevertheless there is still much to do – 90% of people with learning disabilities known to social care are not in employment, 9.7% of 16-18 year olds with SEN are NEET (not in employment, education or training) compared to a county average of 4.2% (as at end of December 2013). Too many adults with disabilities are dependent on specialist provision and not able to join in with their local communities. One of the biggest challenges is the relatively low educational outcome for children with SEN in comparison with their peers (commonly known as ‘the gap’) – an issue compounded by the high performance of non-SEN pupils in Gloucestershire. Despite improving performance by pupils with SEN, the
percentage point gap between SEN and non-SEN pupils remains higher in the county than nationally. Feedback from families still suggests their experience of the 'system' is fragmented and often adversarial and that they can feel excluded as a whole family.

The existence of distinct budgets, teams and eligibility criteria for delivering services to disability groups (children with a disability, special educational needs, adults, physical disability, mental health, learning disability) results in 'pigeon-holing'. People with a disability are moved from the remit of one team to that of another which causes delays and unnecessary changes in process. The complex navigation which people with disabilities are required to take across the segmented nature of services is not underpinned by any legal requirement to see people as the sum of their diagnoses in this way. The distinction between adult and children's social care sometimes creates difficulties in transition.

3. Drivers for Change

- **The convergence of agendas for people with a disability**
  Increasingly, the principles on which the various council-run disability services operate are becoming similar, based on the principles of independence, choice, control and contribution. Thus, bringing together different service areas no longer involves unifying considerably different fundamental priorities and agendas.

- **Special Educational Needs and Disability reforms**
  The Children and Families Bill introduces a requirement for Education, Health and Social Care to be able to deliver coordinated, single support plans for children and young people aged 0 – 25 with a special education need and/or disability. In order to fulfil this requirement effectively, major shifts in how we deliver and in operational policy are required. Delivering on these reforms from September 2014 gives us an early opportunity to pilot working across the children and adults' transition boundary prior to its wider-scale roll-out.

- **Increasing demand**
  There is strong evidence to support the fact that the number of people with a disability is increasing (See Building Better Lives policy document, Environmental Scan section). This is taking place in parallel with increasing budgetary pressures for the council. Service redesign and transformation is required to deliver an ongoing sustainable service which meets the needs of the population of people with disabilities. In particular, mainstream educational settings need to be enabled to meet the needs of children and young people with a Special Educational Need (SEN) and/or disability to meet the project increase in demand.

- **Equalities legislation**
  The Equality Act of 2010 clearly sets out the responsibility of Council to take due regard of the impacts of its policies on a number of groups. The Equalities legislation is fully incorporated into the Council's thinking and a full due regard statement is available for this proposed policy.

- **The personalisation agenda**
  Good practice for people with disabilities is about taking a personalised approach, rather than seeing a person as a sum of their diagnoses. This is set out in the Health and Social Care Act of 2008 and in the Health and Social Care Bill. An all
age, all disability policy would enable practitioners to work in a more personalised way and to achieve better outcomes for people via a strengths-based approach.

- **The need to improve transition from children to adult services**
  A structure which does not divide children’s services from adult services will assist better planning when a young person turns 18. An all age structure as proposed will not be able to remedy all differences in eligibility criteria, legislative requirements and nationally imposed differences between children and adults, but will provide a considerably better framework within which to support young people to navigate a complex process.

- **The need to support families and communities to help themselves and value community capacity**
  GCC is committed in the Council Strategy 2011 – 2015 to helping communities to help themselves. Often people with a disability have networks of support around them who our processes do not always acknowledge and with whom there can be reluctance to share responsibility. The policy needs to recognise that informal care and assistance is as important as public services.

- **The need to have a joint policy with the NHS**
  To be effective and ensure that services are working to the same agenda and the system is not fragmented, the Building Better Lives policy will need to be included and integrated with the NHS. It is envisaged that its’ implementation could be incremental in health services.

4. **The Proposed Policy**

The proposed policy sets out 7 core principles:

**Early help** - Children and young people with a disability and their families need to get off to a good start with access to information and support to be included in the community and developing skills right from the beginning.

**Inclusion** – that all people with a disability should be able to be fully included in all aspects of community living without exception.

**Independence** – that people should be able to live in their community as freely as others maximising their individual capacities to maintain their own lifestyle choices to best of their ability.

**Contribution** – People with a disability should have the same right to make their individual contribution to society as others do

**Shared responsibility** – that people with disabilities should be linked into informal networks of support within the community

**Personalisation through Choice and Control** – individually commissioned services need to respond to the expected outcomes for each individual and ensure that planning is personalised in every aspect
Coordination of a whole life approach – Individuals should be able to receive continuous care and support to reduce the impact of transitions of services have historically had.

The policy goes on to describe how the system would look and what the experience of disabled people would be like if these principles were applied. It sets a platform for the development of a joined up, single delivery system across the ages and all disabilities, minimising the impact of transitions. It suggests that the system should be focussed on prevention and, in particular, early support to ensure a best start in life. It also envisages a support structure where people with a disability are central to service delivery and a shift away from an exclusive focus on process to an emphasis on quality and outcomes.

5. Options

1. To approve the Building Better Lives Policy document, enabling consultation to commence and inform the final implementation plan which is brought to Cabinet in September.

2. To make adjustments to the Building Better Lives policy document or not to agree the policy as a framework for consultation

6. Officer Advice

Whilst good progress is being made in modernising services for children and adults with disabilities, there are still many challenges to face. Adopting a new policy will enable the council and its partners to set a clear direction for the future and commission services that break down barriers and are firmly focussed on achieving positive outcomes for people with disabilities across the age range. Cabinet is recommended to agree the recommendations of this report.

7. Risk Assessment

The main risk associated with this report is that the consultation process is not sufficiently wide ranging to allow all stakeholders to debate and shape the future agenda. The main mitigation here is a full consultation process, using different forms of media and ensuring that all stakeholder groups including service users, carers, education and care providers and community groups fully engage in this important debate.

Once the final policy has been agreed implementation plans will be subject to full risk assessment.
8. Equalities considerations

From a service delivery aspect there is no evidence to suggest the changes planned as part of this proposal will have a negative impact on service user age, ethnicity, disability, gender, sexual orientation, religion or belief.

From a workforce and provider aspect there is no evidence to suggest the changes planned as part of this proposal will have a negative impact on workforce or provider staff age, ethnicity, disability, gender, sexual orientation, religion or belief.

The Council will consult with service users (and their families/carers), the GCC and CCG workforce, partners, and external providers who may be affected by the implementation of the Building Better Lives policy. The Council will ensure that any consultations, communications and subsequent decisions made, demonstrate that due regard has been paid to the equalities duties and that the decision-making process is transparent and has considered a range of views and options.

Cabinet Members should read and consider the Due Regard Statement in order to satisfy themselves as decision makers that due regard has been given.

9. Consultation feedback:

Preliminary consultation has taken place in relation to the Building Better Lives policy with family carers, service users and providers. If authorisation is given to this cabinet report, the next step is to consult much more widely on the attached Building Better Lives policy document.

There is a consultation plan in place outlining the variety of consultation channels which will be used. The consultation will involve a variety of stakeholders and consultation channels to ensure all voices are heard. Using user-led focus groups, existing forums, online questionnaires, social media and facilitated group sessions, the consultation will give people in Gloucestershire the opportunity to express their views about the proposed policy and to suggest what contribution they might be able to make to its’ implementation.

10. Performance Management/Follow-up

All current national performance measures will need to be considered and new indicators developed.
<table>
<thead>
<tr>
<th>Report Title</th>
<th><strong>BUILDING BETTER LIVES POLICY:</strong> New directions for people with a disability in Gloucestershire</th>
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<tbody>
<tr>
<td>Statutory Authority</td>
<td>Care and Community Services</td>
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<tr>
<td>Relevant County Council policy</td>
<td>The GCC Corporate Strategy (Strategy Challenge Strategic Business Plan)</td>
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<td></td>
<td>The Big Plan (Learning Disabilities)</td>
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<tr>
<td>Resource Implications</td>
<td>All expenditures will be made within appropriate allocated budgets.</td>
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<td>Sustainability checklist:</td>
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<td>Partnerships</td>
<td>Gloucestershire Clinical Commissioning Group</td>
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<td>The SEND programme board</td>
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<td>The Learning Disability Partnership Board</td>
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<td>The Autism Partnership Board</td>
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<td>The Mental Health Partnership Board</td>
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<td>Borough councils</td>
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<td>Voluntary Agencies</td>
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<td>User-led organisations</td>
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<td>External providers</td>
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<tr>
<td>Decision Making and Involvement</td>
<td>Cabinet</td>
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<tr>
<td>Economy and Employment</td>
<td>The Building Better Lives policy paper contains targets and strategies to increase employment for people with disabilities. This is central to its aims and objectives to better support the aspirations of people with a disability as valued contributors to society.</td>
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<tr>
<td>Caring for people</td>
<td>The Building Better Lives policy is consistent with the Gloucestershire Carers strategy and includes a section on the role of carers.</td>
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<td>Built Environment</td>
<td>n/a</td>
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<td>Natural Environment* including Ecology (Biodiversity)</td>
<td>n/a</td>
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<tr>
<td>Education and Information</td>
<td>The Building Better Lives policy notes the implications of the Special Education Needs and Disability reforms.</td>
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<tr>
<td>Tackling Climate Change</td>
<td>Carbon Emissions Implications? Neutral</td>
</tr>
<tr>
<td></td>
<td>Vulnerable to climate change? No</td>
</tr>
<tr>
<td>Due Regard Statement</td>
<td>Has a Due Regard Statement been completed?</td>
</tr>
<tr>
<td></td>
<td>Yes – a copy has been submitted together with this report.</td>
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<tr>
<td>Human rights Implications</td>
<td>The Building Better Lives policy paper has explicit statements on ensuring equal rights for people with a disability.</td>
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<tr>
<td>Consultation Arrangements</td>
<td>Preliminary consultation has commenced with service users, providers, family carers and the third sector. This paper seeks authorisation for further wide-ranging consultation to take place during April, May and June.</td>
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