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To: Kent Health and Wellbeing Board - 7th February 2019

Subject: **INTEGRATED ADULT LEARNING DISABILITY COMMISSIONING - SECTION 75 AGREEMENT**

Classification: Unrestricted

Summary: This report provides an update regarding the Learning Disability Section 75 Agreement which was established to host integrated commissioning arrangements between Kent County Council and the seven Kent Clinical Commissioning Groups (CCGs).

1. Introduction

- 1.1 This report provides an update regarding integrated commissioning arrangements for adult learning disability services which became operational in April 2016. Under a formal Section 75 Agreement Kent County Council (KCC) leads this work on behalf of all of Kent's Clinical Commissioning Groups (CCGs).
- 1.2 The purpose of the arrangement is to provide a central point of expertise on adult learning disability for all the partners to the Section 75 Agreement. This ensures there is expertise and knowledge around the commissioning of support and provides a consistent approach to health and social care commissioning for adults with a learning disability across Kent. It also ensures that the organisational memory of the considerable positive changes which have been achieved in recent years is retained and built upon through continued improvements.
- 1.3 The Council acts as representative commissioner for the delivery of this agreement which supports KCC's strategic aims:
 - To develop and rapidly deliver a shared vision for the integration and redesign of health and social care services across Kent
 - Ensure more people receive quality care at home avoiding unnecessary admissions to hospital and care homes
 - The health and social care systems work together to deliver high quality community services

2. Policy Framework

- 2.1 A core principle of the Integrated Learning Disability Commissioning Team Specification is '*to put the individual with a learning disability at the centre of decision making, giving them more choice and control over their lives*'. The pooled resource ensures a joined-up approach to both the commissioning and delivery of strategies to reduce the inequalities and disadvantage faced

by people with a learning disability. This work enables the health and social care system to work together to deliver high quality community services.

2.2 The Section 75 Agreement supports the whole system to deliver the following for people with Learning Disabilities:

- Supporting those with long term conditions to manage their conditions through access to good quality care and support
- Enabling more people to receive quality care in the community avoiding unnecessary admissions to hospital and care homes
- Enabling the health and social care system to work together to deliver high quality services
- Improving physical and mental health by supporting people to take more responsibility for their own health and wellbeing

2.3 The NHS Long Term Plan published January 2019 commits the NHS to deliver continuous improvements to benefit people with learning and/or Autism. The Integrated Commissioning, and LD Alliance arrangements have established sound foundations needed for the delivery of the actions outlined in the NHS Plan.

3. The Section 75 Agreement:

3.1 Has established, and set out the governance arrangements for, the Section 75 Learning Disability Partnership Board, which is chaired by the KCC Strategic Commissioner. The Board ensures collaborative decision making and consistency with governance arrangements of each of the partner organisations.

3.2 Has established the Integrated Commissioning Team for Learning Disability which is hosted by KCC. This brings together and centralises commissioning expertise relating to learning disabilities across health and social care in Kent to commission and improve services in the collective interests of the Section 75 Partners. This team performance manages the integrated Community Learning Disability Teams (CLDT) and supports their work by ensuring appropriate high-quality community services are available to support adults with learning disabilities.

3.3 Has created a functioning health and social care pooled budget which sets out the final contributions for each partner. This is hosted by KCC on behalf of the Section 75 Partners to fund the Integrated Commissioning Team for Learning Disability and brings together the previously separate learning disability services funding. This has enabled the Section 75 Board to integrate Health and Social Care Learning Disability Services into an Alliance Agreement.

3.4 The integrated commissioning arrangement under the Section 75 has enabled the successful negotiation and completion of the Learning Disability Alliance Agreement. Kent Community Health Foundation Trust (KCHFT), Kent and Medway Partnership Trust (KMPT), and Kent County Council

(KCC) have come together to create an Alliance Agreement, the alliance comprises of the individual organisations underpinning service contracts. This means that the KCC's staffing budget for the CLDTs is now part of the pooled budget. Any plans for spending on CLDTs are now developed in consultation with the CCGs through the Section 75 Learning Disability Partnership Board and managed through the pooled budget.

- 3.5 Has established a sound foundation and expansion is being considered to include other associated areas of commissioning, e.g. health funded support packages for adults with learning disabilities and/or Autism.

4. The Learning Disability Alliance Agreement:

- 4.1 The Alliance underpins and makes real the aspirations of the Section 75 Agreement and has been established for the provision of integrated care. The Alliance has been in place since 1st February 2018 and has an initial three-year term. To our knowledge, this is the first of its kind. This work has been acknowledged by the Kings Fund who have made information about the Alliance available via their website to support other areas who are progressing similar work.
- 4.2 The Alliance ensures a collaborative approach between the three providers, KCC, KCHFT and KMPT and Commissioners. It enables better joined up conversations about how best to meet people's needs, it is supporting providers to think more strategically and beyond the boundaries of their own organisation. Christine Beany, Assistant Director for Community Learning Disability Teams, stated in September 2017 "*we've shifted the focus from where does my responsibility end, to how do we depend on each other and how can we strengthen that?*" There have been many benefits of this approach, one example being that now teams can refer to each other without having to go through a GP, this has sped up access and removed a layer of bureaucracy from the primary care system taking work from hard pressed GP surgeries.

5. Key Achievements

- 5.1 The Transforming Care Programme came out of the post Winterbourne View scandal; is a structured programme to ensure people with learning disabilities and/or Autism do not stay in hospital for longer than is necessary. To date the Kent and Medway Transforming Care Partnership has supported 108 adults and 47 children to be discharged for NHS Acute Assessments and treatment units, so they can lead more independent and fulfilled lives in the community. The three-year Transforming Care Programme (2016-19) is being extended to March 2020 and possibly beyond with emphasis on expanding CTRs/CeTRs and improving delivery for the CYP cohort. See Appendix A for a full report about this work.
- 5.2 A Service Operational Manual (SOM) is in development, the SOM sets out clearly the role of the Integrated Community Learning Disability Teams. What the professional roles are within the team and what they do. It also

explains how the different professions work together to support people with learning disabilities and their families. The creation of the SOM will help when planning for the future workforce and addressing the issues we are currently facing ensuring that community learning disability teams have the right skill mix to provide high-quality person-centred support.

- 5.3 Annual Health Checks are essential in ensuring that people living with learning disabilities can access health care and reduce the inequalities they have historically experienced. Work is required to increase the number of Annual Health Checks delivered across Kent, the Integrated Commissioning team and Alliance Partners have highlighted this, and it is now being explored by the CCGs through quality governance routes with NHS England's support. 100% of GPs have been offered Annual Health Checks Training and all practices have an allocated link nurse from the Alliance Team who they can call on for advice and support when meeting the needs of people with a learning disability on their practice list.
- 5.4 The Integrated Commissioning Team have successfully rolled out the national LeDeR Programme across Kent and Medway, with a Steering Group chaired by Public Health. The LeDeR Programme reviews all deaths of people with learning disabilities. The review process:
 - ensures that any lessons learnt about how the system could have provided better care are actioned in the continuous improvement of services and support.
 - contributes to reducing premature deaths among the learning-disabled population by informing better commissioning and delivery of services by informing practice change across the health and social care system.
- 5.5 In conjunction with the Alliance the Integrated Commissioning Team has implemented the Care (Education) and Treatment Review process. Care and Treatment Reviews for those of 18 years of age with Education being part of the process for people under 18 years of age. This process brings providers and commissioners together to discuss individuals with complex needs in order to design packages of support to better meet their needs and prevent inappropriate hospital admissions.
- 5.6 The Alliance has also successfully implemented a new Complex Care Response (CCR) service. This new service is delivered by the Alliance partners to support individual's outcomes and to prevent breakdowns in community support. The service works with other community care providers to manage difficult situations in the community and to facilitate timely discharges. Since this service has been in place, we have seen a dramatic reduction in community admissions to NHS assessment and treatment facilities.
- 5.7 The Good Health Group, Alliance Partners and the Integrated Commissioning Team are working with hospital trusts across Kent and Medway to ensure people with a learning disability have a positive experience and equal access of hospital care. People with a learning

disability are influencing this work directly as key members of the Good Health Group, two people with a learning disability co-chair the group alongside a member of the integrated commissioning team.

- 5.8 Each hospital has a learning disability liaison nurse whose role it is to improve service delivery and quality of care across the Trust. This has already resulted in the sharing of best practice and acute trust tailoring care to be appropriate to people with additional needs by making reasonable adjustments. For example, Medway Maritime have implemented and shared with the three Kent Trusts a system for ensuring people with a learning disability are identified and offered the support they need in line with the NHS Improvement Standards.
- 5.9 A Positive Support Framework has been established to support the commissioning of individually tailored services to prevent future admissions, widening the remit of learning disability commissioning to include people with a single diagnosis of Autism, and to young people.

6. Next Steps & Future Developments

- 6.1 To support the Transforming Care Programme an additional investment of £2.25m has been secured from NHS England, to enhance community services for people with learning disabilities and/or Autism. This investment is intended to further develop the community services to both support people leaving acute hospital settings, and better meet needs in the community to prevent further admission.
- 6.2 The Section 75 Board is about to consider widening the Integrated Commissioning remit to include Autism and will also consider the alignment of the team across children's commissioning in order to effectively deliver the outcomes within the NHS Long Term Plan, and the highly anticipated Social Care Green Paper.
- 6.3 Work with STP Local Care leads to ensure that work of the Integrated Partnership dovetails, and enables better outcomes for people with Learning Disabilities and/or Autism.

7. Financial Implications

- 7.1 The Section 75 Agreement sets out how the integrated commissioning arrangement operates, describes the respective responsibilities of the partners and the governance arrangements to ensure all partners to the Agreement are fully engaged.
- 7.2 The Section 75 Agreement has a functioning pooled budget which has respective funding contributions for the Integrated Commissioning Team, and the Kent wide integrated community teams (including mental health) under the Alliance contract

- 7.3 Development of processes to ensure that funding contributions from NHS England and Kent's CCGs in relation to known patients with specific complex needs are made through the pooled budget.

8. Equality Implications

- 8.1 The commissioning specification which is part of the Section 75 Agreement address equality issues, a major purpose of the arrangement is to reduce the inequalities faced by people with learning disabilities.

9. Legal Implications

- 9.1 A Section 75 Agreement is a legally binding document which provides the legal basis for integrating health and social care commissioning of service for people with learning disabilities in Kent.

- 9.2 A Deed of Variation has been prepared for the Section 75 Board to consider in February 2019. This will ensure the integrated commissioning arrangements remain legal and consideration is given to widening the scope of integrated commissioning to include autism and young people with learning disability and / or autism.

- 9.3 Medway CCG are currently seeking approval through their internal governance in order to prepare a specification to submit to the Section 75 Board with the view to becoming a partner to the S75 Agreement. This would enable available funding to be spent in the most effective way across the Sustainability and Transformation Partnership footprint.

10. Conclusions

- 10.1 The Section 75 Agreement has formalised the partnership between KCC and the seven CCGs in Kent, ensuring that adults with learning disabilities in Kent are served by an experienced and knowledgeable team, maintaining expertise to advise all partners regarding delivery against the NHS Long Term Plan.

- 10.2 The Agreement has also ensured that the resources of all partners can be effectively and efficiently used to deliver good quality integrated care for people with learning disabilities and continue to reduce the inequalities which they face.

- 10.3 The Agreement will continue to develop the partnership arrangements so that the resources of all partners deliver good quality integrated care to benefit people with autism, and prevention of escalation of need in young people with learning disability and/or autism, to both reduce inequality and ensure that money is more effectively spent.

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