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## AGENDA

**Pwyllgor** PWYLLGOR CRAFFU GWASANAETHAU OEDOLION A CHYMUNEDOL

**Dyddiad ac amser y cyfarfod** DYDD MERCHER, 10 TACHWEDD 2021, 4.30 PM

**Lleoliad** CYFARFOD O BELL - TEAMS

**Aelodaeth** Cyngorydd Jenkins (Cadeirydd)  
Y Cynghorwyr Ahmed, Carter, Gibson, Philippa Hill-John, Lent, Lister, Mackie a/ac McGarry

Tua  
Amser.

### 1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldeb.

### 2 Datgan Buddiannau

I'w gwneud ar ddechrau'r eitem agenda dan sylw, yn unol â Chod Ymddygiad yr Aelodau.

### 3 Cofnodion *(Tudalennau 5 - 8)*

Cymeradwyo cofnodion 13 Hydref 2021 Pwyllgor Craffu Gwasanaethau Oedolion a Chymunedau

### 4 Asesiad Llety Sipsiwn a Theithwyr wedi ei ddiweddarau - i ddilyn 4.35 pm

Craffu Cyn Penderfyniad

### 5 Ymateb y Cabinet i Adroddiad Ymchwiliad 'Agosach i Adref: Lleoliadau y Tu Allan i'r Sir i Oedolion ag Anabledd Dysgu' 5.20 pm *(Tudalennau 9 - 154)*

Adolygiad Polisi

### 6 Busnes y Pwyllgor *(Tudalennau 155 - 162)* 6.00 pm

### 7 Eitemau Brys (os oes rhai)

8 Y Ffordd Ymlaen

6.10 pm

9 Dyddiad y cyfarfod nesaf – Dydd Mercher 8 Rhagfyr 2021

**Davina Fiore**

**Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol**

Dyddiad: Dydd Iau, 4 Tachwedd 2021

Cyswllt: Andrea Redmond, 02920 872434, a.redmond@caerdydd.gov.uk

## **GWE-DARLLEDU**

Caiff y cyfarfod hwn ei ffilmio i'w ddarlledu'n fyw a/neu yn olynol trwy wefan y Cyngor. Caiff yr holl gyfarfod ei ffilmio, heblaw am eitemau eithriedig neu gyfrinachol, a bydd y ffilm ar gael ar y wefan am 12 mis. Cedwir copi o'r recordiad yn unol â pholisi cadw data'r Cyngor.

Gall aelodau'r cyhoedd hefyd ffilmio neu recordio'r cyfarfod hwn

Ar ddechrau'r cyfarfod, bydd y Cadeirydd yn cadarnhau a gaiff y cyfarfod cyfan neu ran ohono ei ffilmio. Fel rheol, ni chaiff ardaloedd y cyhoedd eu ffilmio. Fodd bynnag, wrth fynd i'r ystafell gyfarfod a defnyddio'r ardal gyhoeddus, mae aelodau'r cyhoedd yn cydsynio i gael eu ffilmio ac y defnyddir y lluniau a recordiadau sain hynny o bosibl at ddibenion gwe-ddarlledu a/neu hyfforddi.

Os oes gennych gwestiynau ynghylch gwe-ddarlledu cyfarfodydd, cysylltwch â'r Gwasanaethau Pwyllgorau ac Aelodau ar 02920 872020 neu e-bost [Gwasanethau Democraidd](#)

Mae'r dudalen hon yn wag yn fwriadol

COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

13 OCTOBER 2021

Present: Councillor Jenkins(Chairperson)  
Councillors Ahmed, Carter, Philippa Hill-John, Lent, Lister and McGarry

21 : APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs Gibson and Mackie.

22 : DECLARATIONS OF INTEREST

None received.

23 : MINUTES

The minutes of the meeting held on 15 September 2021 were agreed as a correct record.

24 : Q1 PERFORMANCE REPORTS AND CURRENT PRESSURES - ADULT SOCIAL SERVICES AND HOUSING & COMMUNITIES

Members were advised that this item provided the opportunity to explore Q1 Performance and to receive an update on current pressures for both Adult Services and Housing & Communities.

The item would be split into two parts; The first part would consider Quarter 1 performance and current pressures for Cllr Elsmore's portfolio and the second part would consider the performance and pressures for Cllr Thorne's portfolio.

The Chairperson welcomed Cllr Susan Elsmore, Cabinet Member for Social Care, Health & Well-being; Jane Thomas, Director Adults, Housing and Communities; Helen Evans Operational Manager Advice and Benefits in Housing and Communities and Khalid Osman Into Work Coordinator in Housing and Communities, to the meeting.

The Chairperson invited the Cabinet Member to make a statement after which Members received a presentation from Officers. Members were invited to make observations and comments and ask questions;

Members noted the current pressures and difficult situation facing the service and asked about the likelihood of service failure. Officers advised that they are working hard to make sure this does not happen and that services continue whilst being mindful of the additional pressures that the winter months could bring.

Members asked what was being done as contingency for this and were advised that the service is working towards better relationships with service providers over the longer term, they were aware of the need to grow the market to ease pressures and also to really focus on re-enablement.

A discussion took place around the Carers Academy, Members stated they were impressed by the innovation and speed in which this had been delivered and encouraged this to continue.

With reference to the use of Occupational Therapists, Members noted that they were now being used as an O/T first approach to ensure that everyone is eligible for re-enablement when care packages are assigned to social workers.

Members discussed funding and were advised that the service did not know when they would receive additional funding from Welsh Government but were hopeful it would be in December. Members noted that the Recovery Fund will offset the tailing off of the Covid Hardship Fund.

Members asked how the quality of service was monitored and were advised that contact officers visited care homes to monitor and regularly liaise with care providers.

Members were concerned to hear that it seemed inevitable that due to the current situation, service users were likely to receive a reduced quality of care but were assured that officers seemed hopeful that this wouldn't be for a prolonged period of time.

Discussing staff sickness rates, Members were advised that there has been an increase in short term sickness absence due to covid and that long term sickness absences would continue to be assessed on a regular basis.

With reference to care equipment and aids, Members considered that Officers could contact service users to determine if these could be returned and reused. Officers explained that they have a social media campaign for this, however some Members had not seen this and considered this campaign could be given a higher profile.

The Chairperson advised that Committee would now consider Cllr Thorne's portfolio and he welcomed Cllr Thorne, Cabinet Member for Housing and Communities to the meeting.

The Chairperson invited the Cabinet Member to make a statement after which Members received a presentation from Officers. Members were invited to make observations and comments and ask questions;

Members referred to the target of 1,000 Council homes to be built by December and asked how likely it was that this target would be met. Members were advised that this was likely although there was no guarantee. Members requested numbers of Council house builds already developed.

A discussion took place around Out of County placement. Members were assured that families would not be separated and that all cases are considered on a case by case basis, noting that there was more work to be done in this area.

Members discussed Voids and were advised that there had been challenges in this area due to supply issues but now there were increased numbers of staff so turnaround of properties should speed up. Members were also advised that the Council does buy properties from private landlords.

Members asked about the launch of the Male Domestic Abuse Action Plan and were advised that this had been delayed.

RESOLVED: That the Chairperson writes to the Cabinet Member on behalf of the Committee expressing their comments and observations during the Way Forward.

## 25 : NOISY NEIGHBOURS

The Chairperson advised that for this item, Members had the opportunity to explore the pathway for noise complaints which derive from private, domestic properties.

The Chairperson welcomed Cllr Michael Michael, Cabinet Member for Clean Streets, Recycling and Environment; Cllr Thorne, Cabinet Member for Housing and Communities; Will Lane Operational Manager, Public Protection, Shared Regulatory Services & Sian James, Team Manager, Neighbourhood Services, Pollution Control, Shared Regulatory Services to the meeting.

The Chairperson invited the Cabinet Members to make statements after which Members received a presentation from Officers. Members were invited to make observations and comments and ask questions;

Members asked how the service measures the satisfaction rate of complainants using the service. Officers advised that this was not currently being done, it had been previously, and they were looking to include a survey in the Noise Policy.

Members noted the challenges that residents had experienced when logging issues and also with response times. Members considered that there should be better communication with local Councillors and residents, explaining what can and can't be done, better explaining statutory noise nuisance, publicising the service and its remit and therefore managing people's expectations.

Members discussed the night-time service and were advised that it was not 7 days a week due to resource issues, and this was a challenge right across the service. Members noted the disparity between incidents reported on weekdays and weekends.

Members expressed concern over the confusing and lengthy processes for logging complaints.

Members noted that the service does sometimes recommend that residents take their own action if statutory noise nuisance cannot be established, however they do encourage residents to contact the service in the first instance.

Members sought clarification on decibel levels and Officers advised that there was no decibel level for statutory noise nuisance, this was determined by Officer judgement taking into account a number of factors.

Members discussed noise nuisance in high student population areas and considered that the Universities could do more work on this and take on more responsibility around the issue.

Members discussed the overall role of the Shared Regulatory Service which also includes Trading Standards and noted the balancing act needed in managing it.

RESOLVED: That the Chairperson writes to the Cabinet Member on behalf of the Committee expressing their comments and observations during the Way Forward.

26 : COMMITTEE BUSINESS

Members were advised that there were only two responses to Chairs letters outstanding.

Members were advised that in relation to future scrutiny of the RLDP, Environmental Scrutiny Cttee would lead on a Task and Finish Group looking at the strategic options of the RLDP and the Environment Chair had invited a representative from each Scrutiny Committee to sit on the group. The Terms of Reference were currently being drawn up but it was likely that the meetings would run from November to February over three meetings. Expressions of interest were sought, an initial interest was received from Cllr Lent. It was agreed the Principal Scrutiny Committee Officer would email Committee members with an overview and invite any further expressions of interest.

27 : URGENT ITEMS (IF ANY)

None received.

28 : DATE OF NEXT MEETING

10 November 2021 at 4.30pm.

The meeting terminated at 6.40 pm



**CYNGOR CAERDYDD  
CARDIFF COUNCIL**

**COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE**

**10 NOVEMBER 2021**

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**CABINET RESPONSE – COMMUNITY & ADULT SERVICES SCRUTINY REPORT  
TITLED ‘CLOSER TO HOME PROJECT: OUT OF COUNTY PLACEMENTS FOR  
ADULTS WITH A LEARNING DISABILITY’**

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**Purpose of the Report**

1. To consider the Cabinet’s response to the recommendations made by the Committee’s Task & Finish inquiry report titled, ‘Closer to Home Project: Out of County Placements for Adults with a Learning Disability’.

**Background**

2. The Community & Adult Services Scrutiny Committee agreed, as part of its Work Programme, to undertake an inquiry on the decision-making process for supported living arrangements for adults with a learning disability. With a particular focus on the current pathways in place for transitioning identified individuals back into county.
3. The terms of reference for the inquiry were agreed as follows:
  - *To review current pathways (with a particular focus on the decision-making process) in relation to supported living arrangements for adults with a learning disability.*
  - *To review residential College placements and how decisions are made in terms of continuation.*
  - *To identify best practice in relation to transitioning individuals from an out-of-county placement back into Cardiff.*
  - *To engage with service users and their families in relation to the above whilst also understanding their level of involvement– placing them at the centre of any*

*recommendations going forward.*

- *To identify current funding arrangements, consider whether this is being used effectively and make recommendations accordingly.*
- *To identify and recommend a range of options and provision (based on best practice) that could be developed and implemented in Cardiff.*

4. The inquiry was informed by evidence and advice from the following:

- Councillor Susan Elsmore - Cabinet Member for Social Care, Health & Well-being
- Claire Marchant – Former Director of Social Services
- Louise Barry – Assistant Director, Adult Services
- Emma Mulinder – Operational Manager – Learning Disabilities
- Denise Moriarty – Strategic Lead Planning Officer
- Emma Jo McDonald – Supported Living
- Jennie Hughes – Senior Achievement Leader Inclusion
- Elizabeth Jones - Additional Learning Needs Transformation Lead, Central South Consortium
- Alder Advice
- Frontline social workers
- Senior Management Team of Bridgend College
- Senior Management Team of Coleg Elidyr
- Senior Management Team of Dimensions Cymru
- Senior Management Team of Glasallt Fawr
- Senior Management Team of Mirus
- Senior Management Team of National Star College
- Senior Management Team of Innovate Trust
- Senior Management Team of Values in Care
- Senior Management Team of Vision 21
- Individuals with a learning disability

5. During the course of the inquiry, the task group commissioned primary research with both parents and advocates to establish the information and support requirements of service users and their families within a transition process.

6. The research, led by the Scrutiny Research department, relied on qualitative research methodologies such as one to one interviews and focus groups. In total 12 young adults with disabilities were represented within the work.
7. The primary research conducted for this inquiry resulted in a separate report entitled, '*Parents Information and Support Needs on the "Closer to Home" Project for Young Adults with Learning Disabilities*' and is appended to the main report.
8. The inquiry also benefited from extensive desktop research, which included consideration of the documents listed in the report's bibliography
9. The inquiry report was presented to Cabinet on the 18 March 2021. A full response was agreed by Cabinet on the 15<sup>th</sup> July 2021; a copy of the full response is attached at **Appendix 1 and 2** and the inquiry report submitted to Cabinet is attached at **Appendix 3**.

### Key Context

10. Currently in Cardiff, individuals with a learning disability are placed in out of county accommodation when local provision is not available to meet their needs. This also occurs for individuals who require specialist further education provision. It is to note, many people accessing out of county residential provisions have complex needs.
11. Below is a table detailing the number of individuals (aged 18-30) placed within out of county accommodation during the years 2013-2019.

	Supported living	Colleges (Res)	Residential	Adult Placement Scheme
2013	4	13	25	4
2014	7	20	24	10
2015	7	24	27	11
2016	0	20	27	12
2017	0	21	29	11
2018	1	17	25	11
2019	1	14	25	12

12. The Learning and Skills Act 2000 held the Welsh Government as responsible for securing further education provision for those with a learning disability. However the upcoming Additional Learning Needs and Education Tribunal (Wales) Act will see this responsibility transfer to local authorities.

### **Key Areas of Work**

13. During the course of the inquiry, there were a number of key areas of work being progressed in line with the inquiry's work. These have been summarised below for Member's reference.

#### *Additional Learning Needs and Education Tribunal (Wales) Act*

*Under this Act, local authorities will become responsible for learners with Additional Learning Needs from the age 0-25, ensuring they can access suitable education and/or training, including compulsory education and specialist post-16 education or training where necessary (this was previously a responsibility of the Welsh Government).*

*The Welsh Government have agreed a phased approach for implementation of the Act beginning in September 2021, for completion by August 2024.*

*Members are to note that at the time of writing the report, the Welsh Government had not yet confirmed the date from which responsibility for specialist further education provision placements will transfer to local authorities.*

*The proposal under the ALN Act is for funding for all placements to come from local authorities: however, at the time of writing the report, the Welsh Government had yet to work out how this will be done in practice and indicated toward the creation of a 'funding formula'. Members received evidence of significant concerns within this authority regarding the funding formula due to population discrepancies between Welsh local authorities*

*During the evidence gathering for this inquiry, Members heard from a number of out of county providers they were concerned that the transfer of responsibility under this Act could make compromise the local authority by their new role as assessor, commissioner and funder when considering future provisions for adults with learning disability.*

### Joint Commissioning Strategy for Adults with Learning Disabilities 2019-2024

*The Joint Commissioning Strategy for Adults with a Learning Disability (2019-2024) sets out how Cardiff and Vale of Glamorgan Councils and Cardiff and Vale University Health Board will work together to respond to the needs and aspirations of the adult learning disability population within the context of national legislation and guidance, wider local plans and available resources. At a local level, the strategy will inform what services each of the three organisations will individually or jointly commission to meet personal outcomes, encourage participation, and promote independence over the next five years. During the inquiry, Task Group Members were informed a work stream for this strategy will look to develop an action plan specific for those with a learning disability within a transition period.*

### The 'Multi-Agency Protocol for Children and Young People with Additional Learning Needs'

*During the inquiry, the above-named protocol was being developed in line with the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act (2018), the principles of the Social Services and Well-Being Act (2014) and the application of the Mental Capacity Act (2005) amongst other key legislation and guidance. The protocol was being coproduced with stakeholders from Education, Health Services, Social Services, schools, further education institutions and the third sector through attendance at meetings, workshops and engagement events. At the time of the inquiry the protocol was in draft form.*

### Five Year Accommodation Plan

*During the inquiry it was confirmed to Task Group Members that Adult Services were planning to develop an accommodation strategy to assist with identifying, developing, and improving local options to ensure individuals are offered with a wider range of choice.*

## **Cabinet Response to Recommendations**

14. The inquiry report made a series of key findings and 30 headline recommendations. Of the 30 recommendations proposed, the Cabinet response accepted 20, 9 were partially agreed and one recommendation (R10) which proposed that all provisions

for adults with a learning disability must be discussed with the individual and their family during the initial assessment was not accepted due to statutory guidance.

15. The statutory guidance referenced above relates to the Welsh Government document, Securing Provision for Young People with Learning Difficulties at Specialist Further Education Establishments (April, 2017) which states that, *'In regards to post-16 education, that all young people who have a learning difficulty should be provided equitable access to further education at a mainstream FE establishment, through the delivery of inclusive options available locally to meet their needs... It is therefore the Welsh Government's expectation that mainstream FE establishments will normally meet the education and training needs of the majority of young people who have a learning difficulty.'*
16. In addition, the Cabinet Response to R10 states a regional education and social care project has been set up to develop a clear policy regarding access to specialist further education to replace the current Welsh Government guidance when this role is delegated to local authorities under the Additional Learning Needs and Education Tribunal (Wales) Act.
17. Full details of the response and are contained in **Appendix 1 & 2** of this report.

### **Way Forward**

18. The Cabinet Members for Social Care, Health and Well-being and Education, Employment and Skills will be in attendance and supported by officers from Adult Services and Education. They will provide a summary of the Cabinet response and also provide an update on some of the key areas of work progressed at the time of the inquiry.

## **Legal Implications**

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not making policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to the Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## **Financial Implications**

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not making policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

## **RECOMMENDATIONS**

The Committee is recommended to consider the information contained in this report, its appendices and the information presented at the meeting to provide the executive with any comments, concerns or recommendations.

**Davina Fiore**

**Director of Governance & Legal Services**

**4 November 2021**



**CABINET MEETING: 15 JULY 2021**

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**RESPONSE TO THE COMMUNITY AND ADULT SERVICES  
SCRUTINY COMMITTEE REPORT ENTITLED 'CLOSER TO HOME  
PROJECT: OUT OF COUNTY PLACEMENTS FOR ADULTS WITH  
A LEARNING DISABILITY'.**

**SOCIAL CARE, HEALTH AND WELLBEING (COUNCILLOR  
SUSAN ELSMORE)**

**AGENDA ITEM: 10**

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**Reason for this Report**

1. To approve the response to report of the Community and Adult Services Scrutiny Committee entitled 'Closer to Home Project: Out of County Placements for Adults with a Learning Disability'.

**Background**

2. At a meeting of the Community & Adult Services Scrutiny Committee on the 7th November 2018, Members agreed to undertake an Inquiry on the decision-making process for supported living arrangements for adults with a learning disability. This focused on the current pathways in place for transitioning identified individuals back into county.
3. The task group reviewed a draft scope for the Inquiry at its first meeting and agreed for the terms of reference to be:
  - a. To review current pathways (with a particular focus on the decision-making process) in relation to supported living arrangements for adults with a learning disability;
  - b. To review residential College placements and how decisions are made in terms of continuation;
  - c. To identify best practice in relation to transitioning individuals from an out-of-county placement back into Cardiff;
  - d. To engage with service users and their families in relation to the above whilst also understanding their level of involvement – placing them at the centre of any recommendations going forward;
  - e. To identify current funding arrangements, consider whether this is being used effectively and make recommendations accordingly;
  - f. To identify and recommend a range of options and provision (based on best practice) that could be developed and implemented in Cardiff

4. The Cabinet Member and officers were very pleased to be able to share the spectrum of service provision that the Council commissions and to show members the wide range of opportunities that have been developed locally.
5. During the Inquiry members gained an understanding of the current projects, plans, proposals and assessment process around out of county placement for adults with a learning disability. Members received evidence from the Cabinet Member for Social Care, Health and Well-being, senior officers within the Social Services directorate and external witnesses from both out of county and local providers during their visits including: Bridgend College, Coleg Elidyr, Glasallt Fawr, Values in Care, Vision 21, Dimensions Cymru, Innovate Trust and Mirus. Members also commissioned independent research to identify the information and support requirements of the service users and families of those who are due to, or have undergone, transition from an out of county provider.
6. Officers were also able to share with the Inquiry the recent Opportunity Assessment of the Learning Disability Service undertaken by Alder Advice, an independent consultancy group with significant experience of analysing quality and effectiveness of health and social care services. Alder evidenced that the service has a good record of making service improvements, that a clear vision is embedded throughout the service - to ensure sustainable support is offered to people that ensures independence, choice and control and helps them lead the lives they want to lead. Alder found that the service is performing well and noted that there is low expenditure on learning disability services per head of population and good levels of satisfaction with the support. An action plan has been developed from the findings of the Alder review and the CASSC recommendations will be used to enhance this plan.
7. The Inquiry report was presented to Cabinet in February 2021 and is attached at appendix 1.

## **Issues**

### **Cardiff Services for People with Learning Disabilities**

8. The Community Learning Disability Team currently work with 1180 individuals. 84 Cardiff residents live outside of the city due lack of appropriate local accommodation options. A number of this cohort require a rural lifestyle or have made a choice to live near family. There are 13 people placed in NHS or private hospitals. There are also up to 20 students a year attending a residential college. Within the city, there are 313 people living in supported accommodation and 54 in local residential care

### **Development of local supported living**

9. The Ely hospital closure programme, (subsequent to the All Wales Strategy 1983), successfully resettled its residents (adults with learning disabilities) into community domiciliary settings in Cardiff. The Learning

Disability service has developed a wide range of accommodation options based on feedback from those receiving the service and their families. These are mainly managed under block contracts with third sector providers commissioned via a competitive tender. This outcome focused contract has been assessed as national good practice by independent auditors. The Learning Disability Service has a Supported Living Team which monitors the contracts, maintaining close relationships with the providers, overseeing all moves within the service and any concerns. The staff identify whether services provided are meeting the needs and outcomes of tenants, they assess the quality of the service provided, sharing good practice and negotiating service improvements and identifying issues at an early stage. The staff also oversee vacancy management including nominations for vacancies and whether service user's needs are compatible.

10. The CASSC Closer to Home Inquiry considered the processes that the service uses to identify appropriate vacancies for individuals with a Learning Disability and how it considers issues such as compatibility.

### **Use of Residential Care and the Closer to Home Project within Adult Services**

11. The majority of residents living outside Cardiff are in long term residential placements. Following the initial resettlement programme in Cardiff, the development of supported living reduced. This led to a growth in out of area placements due to increasing need, emergency placements and lack of local schemes to meet individual needs deemed too complex for local supported living.
12. For many years, numerous government and professional reviews reporting on the care agenda have highlighted that people with learning disabilities and challenging behaviours are vulnerable to abuse, and are more likely to be placed in private residential and/or hospital settings which often generates concerns around quality and safeguarding.
13. Ensuring appropriate local accommodation opportunities are available is a key priority that has been identified by local people as part of the service's stakeholder led commissioning strategy.
14. The Cardiff and Vale Closer to Home project was developed to enable those individuals placed away from home to return where appropriate and to offer people improved local options when considering where to live. This explores ways in which the Health, Social Care and Housing sectors can collaborate to deliver appropriate accommodation and support services to those with Learning Disabilities. The Project aims to deliver local, affordable, high quality housing accommodation and support solutions, shape services around the needs and choices of individuals, evidence value for money and develop a shared planned programme of work and move away from one off projects.
15. A 5 year accommodation plan has been developed setting out the needs of adults with learning disabilities in Cardiff. The service has already

developed two bespoke properties and support using the specifications developed as part of the Closer to Home project with good success. The addition of a business analyst to the Learning Disability Service, integration of Adult Social Services with the Housing and Communities into one directorate and the recent approval of capital monies for new accommodation will assist in ensuring the project is driven forward.

### **Transitioning people from out of county**

16. The CASSC Inquiry considered the work that the Learning Disability Services carries out when considering how best to support individuals to transition from out of county placements back to Cardiff. The Inquiry reviewed the process of assessment and transition planning with all involved. In light of the Inquiry's recommendations a policy will be developed to ensure this process is clear and transparent and this will be made available via a new website.

### **Further Education Opportunities**

17. The Inquiry also focused on those young people who attend residential further education colleges out of county. The report reviewed the work that the Learning Disability Service does to support individuals to return to Cardiff after the completion of their two or three year course.
18. Currently, the responsibility for directing and funding further education opportunities lies with the Welsh Government. This role will move to Local Authorities under the Additional Learning Needs and Education Tribunal (Wales) Act 2018. The act is being implemented over several years and the date for the transfer of this responsibility is not yet known.
19. There is significant work underway by Education and Social Services to review at the local pathway from school to college and other development opportunities that young people need, The CASSC report was well timed to feed into this work.

### **Funding arrangements:**

20. The Inquiry also reviewed current funding arrangements for the service.
21. In Cardiff, the number of people with a learning disability is increasing. People with a learning disability are living longer and an increase in the number of individuals with complex needs transitioning from Children Services into Adult Services is expected over forthcoming years. It has been estimated that a further 125 individuals with Learning Disability will require services over the next 10 years. (This figure is under review due to the impact of covid). This will result in additional pressures on accommodation provision, education and occupation opportunities and necessary professional inputs.
22. The financial climate facing the public sector is difficult and unlikely to improve in the foreseeable future. In all commissioning arrangements quality, sustainability and value for money will be taken into account. Local

stakeholders have clearly identified what their priorities are through consultation and this is laid out in our Cardiff and Vale Learning Disability Commissioning Strategy 2018 - 2023. The CASSC Inquiry recommendations align with the service priorities and will be a helpful addition to the service action plans.

### **Findings and Response to the Recommendations**

23. It is pleasing to note that the forward to the report recognises the work that is already underway within the service, it states that 'it is clear that work within this field is continually progressing and is led by a clear drive within the service area to ensure Cardiff provides an excellent service for adults with a learning disability It is hoped that this report will support the service area in overcoming both current and future challenges; supplementing the service area's drive for continuous improvement'.
24. The report sets out 65 key findings and makes 30 recommendations. The recommendations were considered by officers from both Adult Services and Education and a detailed response to the recommendations is set out at Appendix 2. Of the 30 recommendations, 20 have been fully agreed, 9 have been partially agreed and one recommendation will not be possible due to statutory guidance.
25. The findings of the report have been welcomed by the service and its recommendations will supplement the existing service action plans.

### **Reason for Recommendations**

26. To respond to the Community and Adult Services Scrutiny Committee report entitled 'Closer to Home Project: Out of County Placements for Adults with a Learning Disability'.

### **Financial Implications**

27. It is anticipated that the agreed recommendations are deliverable within existing resources. Some pieces of review and analytical work have been agreed, and the financial implications of any findings will need to be assessed once the planned work has been concluded. The report and recommendations reference potential areas of financial pressure over the medium to long term. These include changes associated with the ALNET (W) Act, as well as anticipated increases in the number of individuals with Learning Disabilities who may require services over the next ten years. It will be important to keep these areas under close review, in order to inform future financial planning.

### **Legal Implications**

28. The development and implementation of the recommendations of the report of the Community and Adult Services Scrutiny Committee entitled 'Closer to Home Project: Out of County Placements for Adults with a Learning Disability will assist the Council meet its duties under the Social Services and Wellbeing (Wales) Act 2014. This includes the duties on local

authorities to assess people’s needs for social care support, and if they are eligible, to develop a care plan and provision to meet those needs. In the development and implementation of the recommendations the Council will need to ensure that it continues to meet its duties and responsibility.

29. Whilst not a legal implication arising at the present time as a direct result of the report, any future recommendations relating to the provision of services for a person will also need to be considered in accordance with the Mental Capacity Act 2005. This provides a statutory framework for acting and making decisions on behalf of individuals who lack the mental capacity to do so themselves.

### **HR Implications**

29. There are no HR implications relating to this report.

### **Property Implications**

30. There are no property implications relating to this report.

## **RECOMMENDATIONS**

Cabinet is recommended to approve the response to the recommendations of the report of Community and Adult Services Scrutiny Committee entitled ‘Closer to Home Project: Out of County Placements for Adults with a Learning Disability’, as set out in appendix 2.

<b>SENIOR RESPONSIBLE OFFICER</b>	<b>Jane Thomas Director of Adults, Housing &amp; Communities</b>
	<b>9 July 2021</b>

*The following appendices are attached:*

**Appendix 1** Community and Adult Social Services Scrutiny Committee Report ‘Closer to Home Project: Out of County Placements for Adults with a Learning Disability’.

**Appendix 2** - Response to Recommendations – CASSC report ‘Closer to Home Project: Out of County Placements for Adults with a Learning Disability’.

**Appendix 2 Response to Recommendations – CASSC report ‘Closer to Home Project: Out of County Placements for Adults with a Learning Disability’.**

Number	Recommendation	Action Agreed/Partially Agreed/ Disagreed	Comment
RI	<p>Due to the Additional Learning Needs and Educational Tribunal (Wales) Act introducing clear direction for the Individual Development Plans of the most severe and complex cases becoming the direct responsibility of local authorities, Social Services should look to produce guidance which will provide all involved professionals with clear definition and distinction between complex and lower level needs and the necessary requirements to best support and develop such needs. This work could be developed by the newly formulated Business Analyst post who, within their role, should also look to take into account the projected demand of adults with a learning disability across the locality. Within their responsibilities it must be a priority of the Business Analyst to ensure and verify that all options offered to an individual with complex needs, in particular local options, are fully effective in providing said individual with an environment and opportunities that will encourage, develop and maintain their skills. The remit of the Business Analyst post should also include monitoring the service areas transition to an ‘An All Age Learning Disability Service’, providing the appropriate individual with their continued findings in order to ensure</p>	Agreed	<p>The recommendations to produce clear guidance around Individual Development Plans, to understand demand, to ensure we offer effective options and to monitor the service areas transition into an All Age Service are agreed. Implementation of the recommendations will continue to be taken forward through the services and projects below:</p> <p>The recommendation to develop guidance will be met through the multi-agency guidance ‘Planning for My Future, Transition 14 – 25; Multi-Agency Protocol for Children and Young People with Additional Learning Needs, Cardiff and The Vale of Glamorgan’. This protocol has been developed in Cardiff and the Vale following the ALNET (W) Act for children and young people with additional learning needs who require planning in order to successfully transition to further education, training and/or adult life. The aim of this protocol is to embed early prevention approaches through collaboration which identifies agreed roles, responsibilities, shared practice and processes in supporting young people into adulthood. The completion and launch of the protocol has been delayed by the pandemic. It is hoped the protocol will be finalised in autumn 2021. Training will be rolled out for multi-agency staff to understand their roles as the protocol is finalised.</p> <p>A regional education and social care project has been established to consider the improvements needed in local</p>

	consistent monitoring. (KF1, 2, 3, 4, 5, 23, 25, 31, 32, 33, 34, 35, 36, 39, 43, 50, 62, 63, 64)		<p>further education opportunities and to develop a clear local policy regarding access to specialist further education to replace the current Welsh Government guidance when the role is delegated to Local Authorities.</p> <p>The Business Analyst role has been introduced so Learning Disability Services can understand and plan for actual and projected demand across services. The focus is on data analysis and the role will support the service to gather and analyse data and review systems.</p> <p>Ensuring that opportunities are effective, is a key role for our social work teams. It is vital to assess each young person individually and consider outcomes and resources from an individual perspective. This is the social worker's role with the assistance of support planners and includes a focus on the effectiveness of planned interventions .. Where concerns about a provider are identified, this leads to a wider review of a service.</p> <p>Monitoring the effectiveness of the service areas transition to an All Age Disability ethos is vital, and work is ongoing to establish the key milestones that will demonstrate progress . The Business Analyst post will assist in the development of the monitoring regime.</p>
R2	R2 The Business Analyst should also undertake a review of local lifelong learning provisions to ensure there is adequate local capacity to meet	Agreed	The need to take an intelligence based approach to ensure adequate local capacity for lifelong learning provisions is agreed.



	<p>known demographical pressures. (KF1, 2, 4, 50, 63) Context Page 33 of 109</p>		<p>The Council's Education department collate data to understand and plan for local educational needs. Due to the Additional Learning Needs and Educational Tribunal (Wales) Act, the department is now collating data regarding the needs of young people who may require more specialist further education provision. This is shared with local colleges to assist their planning.</p> <p>A multi-agency regional work stream has recently been restarted to consider this data and how best to meet the further educational needs of young people locally. There is a further project with Cardiff and Vale College to assess how the service can better meet the needs of young people with a range of disabilities. This has resulted in changes such as an improved college transition experience for those in their last year of school.</p> <p>Within Learning Disability Services, the new business analyst function will provide support; identifying demographic trends and likely levels of specialist need. This will inform the work of the wider teamteam to consider local opportunities.</p> <p>Our support planning team, work with local facilities and services to develop opportunities based on individual outcomes. The team works with providers to develop further capacity where required. For example, we have worked with multiple volunteering opportunities to develop bespoke and inclusive opportunities based on personal interests and also worked with Vision 21, a social enterprise, to develop an independence skills course to meet local need. Additionally, an options appraisal is being</p>
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			completed regarding local day service needs. This approach ensures the options are as inclusive as possible.
R3	R3 Look to establish a formal communication strategy surrounding the transitional process which confirms communication goals, target audience and communication plan and channels. Such a strategy will help identify the key stakeholders and key information to be communicated within a transition process, along with identifying how and when information should be communicated. This should ensure earlier communication and aid disagreement avoidance and dispute resolution. (KF6, 7, 12, 13, 15, 22, 24, 27, 30, 37, 38, 40, 41, 48, 49, 52, 54, 59, 65)	Agreed	<p>As noted above, this approach has been included in the local guidance 'Planning for My Future, Transition 14 – 25; Multi-Agency Protocol for Children and Young People with Additional Learning Needs, Cardiff and The Vale of Glamorgan.</p> <p>The completion and launch of the protocol has been delayed by the pandemic. It is hoped the protocol will be finalised in autumn 2021.</p> <p>The Learning Disability Service plans to develop a website with clear information for the individuals and families we work with.</p>
R4	As part of the communication strategy, formally engage with service user representative groups on a set, regular basis to help shape, improve planning and inform decision making. Such engagement could also be encouraged and better stimulated more informally through the use of social media (KF1, 2, 3, 4, 6, 7, 13, 17)	Agreed	<p>There has been significant engagement regarding the development of the Transition protocol noted above. Further engagement with young people is planned in response to their feedback before the guidance is finalised.</p> <p>Additionally, this recommendation covers one of the priorities in the regional Learning Disability Strategy 2018 - 2023 which was co-produced with stakeholders. Work on embedding consultation in services started prior to the pandemic.</p> <p>For example the Learning Disability Partnership Group is held with local stakeholders (including People First Groups and the Parents' Federation) quarterly and this group holds responsibility for directing the Commissioning Strategy</p>

			<p>work streams which include representatives of all stakeholder groups. These groups usually meet bi monthly but this has been impacted by Covid.</p> <p>There is a work stream on coproduction and partnership working which will explore this further.</p> <p>We agree that it is vital that the Learning Disability Service have an appropriate website detailing what support is available. This again is an action from our commissioning strategy and work on this will restart as normal services resume. Advice will be sought from Corporate Communication colleagues as to the most effective and appropriate use of social media channels.</p>
R5	<p>Additional work is required in ensuring that a young person with learning disabilities and their carers feel more actively involved in the care planning process. Officers must ensure that care plans, including provider reviews are continuously written in accessible, appropriate language in order to improve understanding. Individuals and their parents/other relatives with responsibility for them, should always be invited to attend Reviews and contribute to Care Plans (with strict adherence to data protection, the individual's capacity and regulations set out in the Social Services and Well-being (Wales) Act). Clear protocols and guidance should be drawn up regarding the resolution of disagreements concerning Care Plans and Review outcomes. All disagreements should be</p>	Partially Agreed	<p>The Learning Disability Service works hard to complete assessments and develop care plans in partnership with individuals and families/carers. However, we always want to improve our practice.. A review of wellbeing forms is underway to ensure they are strength based. This will be linked to additional staff training on outcome based care planning to assist with accessibility.</p> <p>We send a copy of wellbeing assessments and care plans to individuals and also to families and carers (with consent) . Staff record the views of those who take part in the assessment. It is normal practice to have further contact to see if concerns can be resolved; this would be escalated to include team managers where issues are complex. Where it is not possible to resolve conflicting concerns, there is clearly recorded.. It is vital that a professional assessment retains independence; as a result we may have situations where not all parties agree. Where a</p>

	resolved in a timely manner. (KF6, 7, 11, 49, 58)		dispute continues, we have a complaints procedure which offers individuals and families a chance to have concerns reconsidered with clear timescales. This may result in an assessment being reviewed and if the complaint is upheld then the learning from the case would be incorporated into team practice briefings and/or individual training plans We acknowledge that it would be beneficial to give clear information and to issue the protocol and guidance in relation to disputes would be good practice, this will be completed within 3 months.
R6	R6 Develop and/or support an informal parents' network specific to those parents who have a child currently placed out of county (including further education provision) and those who have transitioned back. This network would play a vital role in the dissemination of information. Provide parents with emotional support from peers and also provide a formal avenue for the service area to gain feedback on issues relating to services and accommodation. In order to stimulate relations and ensure effectiveness, the Cabinet Member, Director of Adults, Housing and Communities; and local providers Communication Page 34 of 109 should look to engage with the network directly (KF3, 4, 6, 7, 8, 9, 12, 22, 27, 42, 47, 48, 49, 50, 52, 53, 65)	Agreed	We recognise that it can be extremely valuable for individuals and families/carers to have peer support. This is already in place locally through organisations such as Cardiff People First and Cardiff and Vale Parents' Federation. These services run special interest groups also and will look at linking individuals where appropriate. Both organisations are stakeholders in the Learning Disability Partnership Group which reports up to the Learning Disability Partnership Board. The Learning Disability Service will review how we can do more to encourage individuals and parents/carers to join these networks. The needs assessment for adults with physical disabilities will explore the potential for such a service for other groups.
R7	Through the parents' network, facilitate a conference once a year for parents of those who are due to transition or have transitioned from out of county provision. This conference	Partially Agreed	The need for a conference is agreed but , based on experience, it is proposed to extend the offer to make it available for all families who want to learn about transition and local services .

	would again aid in the dissemination of information and could also be utilised as an arena to provide parents with workshops such as crisis management, dealing with complex behaviour and so on. The Cabinet Member, Director of Adults, Housing and Communities and local providers should again look to engage in the conference, providing the parents with information on local provisions such as staff competencies, information and case studies on where alternative living provisions have improved and developed a young person's skills and outcomes. Such valuable assurance will significantly assist an individual and their support network both in preparation for and during a transitioning period. (KF6, 7, 8, 12, 13, 17, 22, 27, 30, 47, 48, 49, 50, 51, 52, 53, 65)		The Service held a very positive regional transition event for individuals and parents which included Supported Living options in 2019. Local providers were able to give presentations and information on services. This included some individuals sharing their stories. Feedback was very positive and we were able to gather valuable comments from attendees. It was intended this would be an annual event. However, this was prevented by Covid during 2020. We intend to arrange an event either in person or virtually this year and annually thereafter. .
R8	Due to the proposal under the Additional Learning Needs and Educational Tribunal (Wales) Act for the responsibility of determining education provision (including funding) to come from local authorities, the Social Services directorate should look to review the working arrangements between themselves and the Education directorate to ensure robust collaboration workings are in place.	Agreed	<p>There has already been significant collaboration between the Adults, Housing and Communities and Education directorates regarding the changes directed in the ALNET(W) Act including joint work on the multi-agency guidance 'Planning for My Future, Transition 14 – 25; Multi-Agency Protocol for Children and Young People with Additional Learning Needs, Cardiff and The Vale of Glamorgan'.</p> <p>A regional education and social care project has been set up to consider improvements needed in local further education opportunities and to develop a clear policy regarding access to specialist further education to replace the current Welsh Government guidance when this role is delegated to Local Authorities.</p>

R9	Ahead of the fundamental change in responsibility detailed in R8, and the current concerns surrounding how such funding will be subsidised by the Welsh Government, the local authority should continue to lobby the Welsh Government for an adequate funding formula citing the known demographical pressures. (KF1, 2, 18, 19)	Agreed	There is a need to continue to outline to Welsh government the need to ensure that a sufficient level of funding is provided to local authorities. Whilst discussions continue to be held with local authority education representatives on how funding will be distributed the main concern is the total level of funding being allocated.
R10	R10 In line with the upcoming Additional Learning Needs and Educational Tribunal (Wales) Act and the Welsh Government's Prosperity for All Strategy, all involved professionals must ensure all provisions are discussed during the initial assessment Strategies and Legislation Page 35 of 109 process with both the young person and relevant guardian for their transition into adulthood. Although it is recognised that Welsh Government regulations state local options must be considered first in the assessment process, it is paramount that the benefits of all provisions, including intentional communities must be recognised and therefore shared with individuals during the process in order to avoid ideological bias. This will also ensure that in line with the concerns of providers captured within this inquiry, the offer of specialist further education is not diminished and will ensure that the benefits of all provisions are recognised whilst mitigating the risk of the Council potentially being perceived as compromised in	Disagreed	<p>Welsh Government guidance regarding further education both in current legislation and under the changes in the ALNET(W) act, is clear that the statutory duty is to explore local specialist further education options first. If the local options cannot meet an individual's needs, then work is completed with the young person and their family regarding what other options are available to meet educational outcomes.</p> <p>A regional education and social care project has been set up to consider improvements needed in local further education opportunities and to develop a clear policy regarding access to specialist further education to replace the current Welsh Government guidance when this role is delegated to Local Authorities.</p> <p>Welsh Government will continue to administer the list of approved independent specialist colleges. However, Cardiff's Education department will be taking on the role of identifying where a young person's educational outcomes can be met locally or if not, what options may be available. They will work with young people and families to develop recommendations based on this.</p>

	its role as assessor, commissioner and funder. (K6, 7, 8, 11, 13, 16, 17, 31, 32, 33, 34, 35, 36, 43, 49, 50)		
R 11	Under the upcoming arrangements of the Additional Learning Needs and Educational Tribunal (Wales) Act, officers, when relevant, should give due consideration to the possibility of an individual's educational college course being extended to three years if determined that the individual has not met their educational outcome and would benefit from an additional year. (KF20, 23, 25, 35, 44)	Agreed	Within current Welsh Government guidance on specialist further education, there are clear indicators which evidence where a student may require a further year of study. The regional social care and education project group will ensure that clear processes around this are included in local policy.
R12	R12 There must be clear recognition that those who attend a specialist further education provision, in addition to receiving educational outcomes can also acquire additional skills such as social skills and increased autonomy; this must be more greatly portrayed by local authority staff. Such recognition could be reaffirmed within the possible handbook (R14). (KF31, 32, 33, 34, 35, 36, 43, 50)	Agreed	We agree that specialist further education can provide a wide range of outcomes for young people. We consider outcomes such as increased autonomy, social and communication skills, independent living, community engagement, building resilience, health and wellbeing etc. to be a core part of any further education curriculum. When council takes on consideration of post 16 specialist placements, we will review what information the education service is providing for young people and their families to ensure the full curriculum is portrayed.
R13	R13 As part of the Joint Commissioning Strategy for Adults with a Learning Disability (2019-2024) look to ensure, and/or support, the establishment of a clear formal framework arrangement between the local authority and health board. Such a framework will provide clear roles and responsibilities for the bodies	Partially Agreed	Cardiff and the Vale University Health Board are our statutory partners. We have an agreed regional commissioning strategy with shared priorities. We also have regular multi agency meetings and have established very good working relationships. Social Services statutory duties are set out in law and guidance and there is also guidance and case law regarding continuing health care

	<p>and potentially assist in the establishment of pooled budgets, avoidance of lengthy disputes and further strengthen collaborative working. (KF6, 7, 24) Finance Page 36 of 109</p>		<p>eligibility. The role of the Deprivation of Liberty (DOL's) and Continuing health Care coordinator post has assisted in the process to ensure disputes are dealt with in a timely manner. In addition, the teams meet with Swansea Bay UHB colleagues on a six weekly basis to consider cases and practice. Currently there is no evidence of lengthy disputes regarding individual's needs.</p> <p>There is much positive work currently with Swansea Bay University Health Board who run the local specialist health team. There is significant and effective multi-disciplinary case work although TCardiff and Vale UHB are working to develop a clearer commissioning relationship with Swansea Bay. Additionally we are working towards co-location. Both these factors will improve working relationships further.</p>
R14	<p>R14 Look to develop a handbook which covers the full spectrum of a transition process which can then be utilised as a tool for disseminating information to those with learning disabilities and their family, setting clear guidelines and expectations and dispelling any confusion. It is essential that the handbook provides an individual with the full scope of the 'next steps' following secondary education and all available options. The handbook should also look to provide clarity on the assessment process for further education provision, including contributing factors, how decisions are made, the evidence which will be required during an</p>	Partially Agreed	<p>We agree that it is important that we improve the information given to individuals and families regarding council services and processes and make appropriate links to policy, guidance and legislation. We will meet this recommendation through our planned development of a Learning Disability Services Website. Local citizens are increasingly using digital formats to access information. Such formats also allow rapid updating and links to other relevant resources. .</p> <p>The individuals we work with require easy read versions and can find short films very helpful to demonstrate processes and options.</p>



	<p>assessment, a summary of the funding process, the timeline for which decisions are made and the appeal process which includes clear signposting to relevant regulators. The handbook should also provide a summary of relevant legislation and how it may directly impact on an individual along with information about benefits and entitlements the individual may be eligible for. The Handbook should also look to ensure clarity on average length of placement for an individual undertaking a further education course and also provide generic reasoning for potential discrepancies in course lengths. This handbook must be provided to each individual transitioning from children to adult services and must also be available in schools and any other relevant avenues deemed appropriate. Local providers should also consider contributing to the handbook to ensure their services are fully reflected. The Handbook should also be available electronically on Cardiff Council website and should also be available in alternative languages on request. (KF5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53, 59, 60, 65)</p>		<p>Guidance regarding the child to adult transition process will be put on the council, schools and multi-agency websites. This will include the local transition protocol. Easy read and film versions are being developed to assist understanding. Leaflets will also be developed with key points and information.</p> <p>The Learning Disability Team has already developed films on transition and supported living and plans to expand this to cover other areas. Currently individuals and families access this via a private You Tube channel but this will form part of the Learning Disability Service Website.</p> <p>The Transition process will be discussed in Individual Development Planning meetings at school. Options are individualised and are the result of education and (where required) social care/multi agency assessments. Transition social work staff are also able to talk families through transition processes and answer questions.</p>
R15	R15 There must be a specific, separate pathway and subsequent published guidance for further education leavers. The service area must ensure that the pathway addresses the full range of an individual's requirements, including	Partially Agreed	The pathway to access advice, information and services from the Learning Disability Team needs to be made clearer for all young people. There is one pathway from referral, assessment and discussion of available options for support dependant on the needs, outcomes and

	<p>but not limited to, accommodation provision, employment, life-long learning provision, long term health, friendships and relationships (remaining mindful to both current and future needs). (KF6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 27, 28, 30, 37, 38, 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53) The Transitioning Pathway Page 37 of 109</p>		<p>aspirations of the person. Attending a college may be part of this pathway for young people leaving school.</p> <p>As noted above, the Learning Disability Service plans to develop a website with appropriate information on local services. This will have links to information on services such social work team information, advice and assessment, accommodation, employment, local activity opportunities and our support planning function. We will also have links to other key services such as the website for Swansea Bay University Health Board. This work has been delayed by the pandemic but is hoped to progress this year.</p> <p>We will look to supplement this with leaflets.</p>
R16	<p>R16 A rigid schedule for the decision making process for transition between provisions should be formed which includes a set timetable of when all stakeholders must be informed of a decision outcome. Within all published guidance, and verbal discussions, all local authority officers must ensure clarity is provided to individuals and involved family members on the duration of placement length. If a placement is provided temporarily or it is known it will cease (e.g. educational course) clear guidelines on when a transitioning phase will begin must be provided to the individual and any relevant family members prior to a placement commencing. In order to ensure no undue stress for the individual with learning disabilities, subsequent provision must be confirmed prior to</p>	Agreed	<p>All college courses are currently agreed by Welsh Government for the duration of the curriculum of 2 or 3 years and this is noted at the outset. This information is currently put in writing by Welsh Government.</p> <p>Under the ALNET(W) Act, this role will be delegated to the education department and policy is being developed to ensure clear processes are in place.</p> <p>The policy and processes will be developed and implemented shortly.</p> <p>The social work team will also write to the individual and family to set out our roles during the period they are in college. This will be clarified at social care and college reviews. Each young person's needs are different, some individuals return home to live with families, others into supported accommodation and a minority require</p>

	<p>a placement ending. If provision is unable to be confirmed prior to a placement ending, where current providers are able to extend their provision for an agreed period of time, due consideration should be giving to facilitating such possibilities whilst permanent provision is sourced. This possibility should be considered early in the transition process. Greater structure around the decision making process will facilitate more enhanced communication between all involved stakeholders, avoiding potential disputes and ensuring more effective outcomes for all involved (KF9, 10, 11, 13, 14, 23, 25, 37, 38, 40, 41, 44, 48, 49, 50)</p>		<p>residential or nursing care. We work hard to identify and source appropriate services.</p> <p>It will be helpful to clarify further the social work role and tasks with families and our expectation regarding the need to work together to ensure the right information is shared. When we have not been able to find appropriate long term services for a young person at the right time and they cannot return to the family home, we always consider whether we need to explore extending their current provision until local options become available or there are better alternatives. We agree enhanced communication is imperative between all stakeholders so individual and families know all the options available to them.</p>
R17	<p>R17 Being mindful to known demographic pressures, undertake a review in order to consider if four transition social workers who cover the full transition spectrum from Children to Adult services is enough to adequately provide individuals, who may also undergo a transition in accommodation provision, with the required consistency to ensure their needs are best met, minimising any potential disruption and distress, and maximising a smooth transition. (KF1, 2, 5, 26, 28, 29, 40, 41, 49)</p>	Agreed	<p>This issue will be considered by our business analyst as part of a review of transition services This review will identify any gaps in the transition process and we will implement actions to ensure a smooth transition for the young person.</p>
R18	<p>R18 Agreement amongst all stakeholders within a transition process must be a fundamental priority. This could be achieved by providing continued assurance that compatibility factors such as age group, sex, type of learning disability, complexity of support needs,</p>	Partially Agreed	<p>We always seek agreement amongst all stakeholders in a transition process and this is much more likley when all the relevant information is shared in a timely way. . Our priority is always to meet the individual's needs and outcomes safely.</p>

	<p>personality etc. is considered throughout the transition process. Evidence gathered during this consideration should be Transitioning from an of out of county provision Page 38 of 109 shared with both the individual and relevant family member (where appropriate and in line with the adherence set out in R5). (KF38, 42, 45, 49)</p>		<p>Compatibility in supported accommodation is always considered carefully; there can be many factors involved. At times personality, interests and individual need can outweigh other considerations such as diagnosis or age etc. We use a range of information sources to assess needs. Alongside this we work hard with individuals and families to understand their views and wishes as this a key factor in finding the right service. We are always happy to share information regarding processes with individuals and families. We will also make sure this process is detailed on the website.</p>
R19	<p>R19 Look to develop an assessment centre which allows for onsite assessment which will subsequently ensure no individual is transitioned from any out of county # placement, including further education provision, without appropriate accommodation being sourced and confirmed. Such a facility will help to avoid potential regression in skills and/or place unnecessary strain and disruption on both the young person and any involved family members and act as a tool for contingency planning. (KF25, 44, 46, 54, 55)</p>	Partially Agreed	<p>We believe that such assessment needs to be considered on an individual basis – some individuals would benefit from such a stay and others would find it too difficult and would need to move directly into permanent accommodation. Assessment work can be completed via staff visits to a person at their family home and/or out of county placement and the use of overnight stays in local respite services where this is appropriate. We have started to explore this option. Unfortunately, overnight respite capacity within the Local Authority and private sector is currently reduced due to infection control measures but as these ease, we will develop a robust plan. Additionally, we are completing a capital bid to build a new respite service and will explore the option of building in an assessment offer within this provision.</p> <p>Regarding contingency planning tools. When we complete wellbeing assessments, we consider contingency planning with individuals and families. This will consider wider networks and also identify when more support is required.</p>

			<p>We have a local emergency accommodation service (EAS) that supports individuals in crisis with very good results. A recent example occurred when a young persons home situation broke down suddenly. The young person accessed our EAS where their needs were further assessed and they were then supported to move on to more permanent supported accommodation. The young person has become far more independent and is very happy with their new service.</p>
R20	<p>R20 It is felt by Members that the move to support young people with learning disabilities to progress into adult life within their home area, further emphasises the importance of early planning and need for greater multi-disciplinary team working around the young person which is vital if the individual wishes to progress into more independent living. Therefore, where possible (and required) multi-disciplinary approach must be applied to those leaving further education provision. (KF35, 39, 60)</p>	Agreed	<p>Where individuals have complex health needs, the social work team always refer to our health colleagues in Swansea Bay University Health Board and we are able to provide a multi-disciplinary service. We have many examples of MDT input where young people are transitioning from further education provision. We are reviewing the timeliness of the MDT response and any findings of concern will be fed back to both Swansea Bay and Cardiff and the Vale University Health Boards to flag up any required improvements. The code for ALNET(W) Act also guides services to identify where multi agency input is required and this is reviewed in IDP meetings or earlier if needed.</p>
R21	<p>R21 Look to gather feedback surrounding transition between provisions in a more strategic way by implementing a structured feedback process with all relevant stakeholders including the young person and family members who have undergone a transition from an out of county provision. The framework should look to determine service user satisfaction, performance monitoring and identify possible</p>	Agreed	<p>The Supported Living Team already review moves with tenants, providers and involved professionals and seeks to identify whether any service improvements are required. We will look to build formal family feedback into this wherever appropriate.</p> <p>Additionally there is a 3 month social work review following an individual's move which offers opportunities for</p>

	areas for improvement within the process. (KF58, 60, 61)		monitoring progress and feedback. We will review how this links in with Supported Living Team processes.
R22	R22 Work with local providers to ensure all documentary evidence such as risk assessments, house reports, and an individual's activity timetable and food intake is shared with parents (where appropriate) in a more structured manner. Such a process would help encourage and stimulate parents' confidence that their child and their needs are being met and developed and provide parents with assurance that each aspect of their son or daughter's life such as diet choice is being overseen. (KF51, 52, 53, 59, 60)Page 39 of 109	Agreed	<p>This information should be available for parents where the individual gives consent. If the person lacks capacity a best interest decision can be explored. Each tenant has regular person centred reviews which families are given the opportunity to participate in. These cover what is important to and for the person and develops their timetable and personal plan which would consider all aspects of their life.</p> <p>The Supported Living Team will work with providers to explore how documentary feedback is currently given and see what improvements may be required.</p> <p>All our block contract providers look at how they demonstrate how outcomes are met. One of our providers has developed a very exciting App which offers tenants the opportunity to share a daily virtual diary with those important to them. It gives a very clear view of what they are doing and enjoying. We are interested to see how this develops and how it can be used further across services.</p>
R23	R23 Take an active role in encouraging providers to further develop their Positive Behavioural Support (PBS) approach through organisational strategies which focus on developing staff skills and enable PBS to become more widely embedded in routine practice. Encourage and facilitate providers to more greatly distribute this information to all relevant stakeholders. (KF51, 52, 53, 60)	Agreed	This is already in place. The practice of Positive Behavioural Support is embedded in the practice of our local supported living providers. All organisations have qualified PBS leads. Staff will receive PBS training to a level that is pertinent to the people they support. We feel this is embedded in routine practice. We will advise our providers of the need to publicise this further and ensure it is part of our transition information.

R24	R24 Encourage shared learning across providers. Such shared learning will not only provide an opportunity for individuals' with learning disabilities to meet other peers, but also provide a valuable assurance of the quality of care on offer within local providers. (KF51, 52, 53)	Agreed	<p>The Supported Living Team has developed systems to support our contracted supported living providers to share concerns and best practice. We have always had regular provider meetings and during the pandemic, regular virtual meetings have been in place. The currently frequency of meetings will be reviewed following the pandemic taking on the benefits of the virtual approach where appropriate..</p> <p>The quality of care and service of our block contract providers is monitored by our Supported Living team. Staff carry out monitoring visits to the schemes and seek feedback from tenants, families and others involved. There are clear processes for scheme review and flagging and addressing any concerns.</p> <p>The contracts include the need for providers to focus on inclusion in local communities and support tenants to develop networks. There is significant evidence of opportunities for individuals to engage with their peers and also to develop local networks.</p> <p>Regarding other local services: When social workers complete reviews with individuals, the quality of services are considered. We will review how we use this information and how it links with the support planning and commissioning teams to ensure developments or concerns are shared more formally. There are significant opportunities in the city for the people we work with to develop relationships with their peers.</p>
R25	R25 During the transition process, ensure the sharing of information between providers is	Agreed	A move on checklist is already used by the Learning Disability Team to ensure all details are considered and

	<p>facilitated as soon as new provision is confirmed and ensure this is continued as an ongoing process in preparation for the transition. Provide an active role in certifying that all relevant documents and information obtained on the individual during an out of county provision is transferred to the new provider prior to a placement commencing. Consider including this process of conveying information between providers within the Cardiff &amp; Vale Multi-Agency Protocol for Children and Young People with Additional Learning Needs' (currently in draft form). The information which is transferred between providers, should be available (where appropriate) on request. (KF17, 46, 56, 57, 60)</p>		<p>this . will be reviewed to see where improvements can be made. Additionally, whenever a social care placement is identified, the social work team work with the individual, family and provider/s to develop a transition plan based on individual needs.</p> <p>The multi-agency protocol is written for a wide range of young people most of whom do not require out of county provision or any type of accommodation. As a result, we feel that the checklist is better placed with the Learning Disability Service where it can be updated as required.</p>
R26	<p>R26 If not already in practice, encourage local providers to consider enlisting parents onto their Board of Trustees. Such engagement and collaboration would stimulate and encourage better relations and understanding between parents and local providers. (KF51, 52, 53)</p>	Agreed	<p>Local contracted supported living providers already have family members and people with learning disabilities and lived experience on their Boards of Trustees.</p>
R27	<p>R27 As stated in the National Commissioning Board's guidance document, Commissioning Accommodation and Support for a Good Life for People with a Learning Disability, the service area requires clear focus when developing the provider market, ensuring The Capturing of Data Gaps in Local Provision Page 40 of 109 that all provision developed adds social value and improves an individual's wellbeing. In line with the growing demographic pressures, the</p>	Agreed	<p>A key priority of our Joint Learning Disability Commissioning Strategy is to develop a range of accommodation to support local people to be able to live in Cardiff. There has been significant multi-agency work regarding what is needed for local citizens with more complex needs and there is a work stream under the Strategy to consider this. The Learning Disability Service has employed a business analysis to ensure we collect and collate the correct data to plan appropriate services locally. Work already completed regarding</p>



	<p>service area should look to locally develop a specialist provision specifically catering for those with complex needs. (KF1, 2, 3, 4, 23, 25, 33, 34, 36, 50, 62, 64, 65)</p>		<p>accommodation specifications for individuals with complex needs is informing our housing strategy. This has led to successful business plans for local core and cluster and housing schemes.</p> <p>A key role is also played by partner agencies who have to ensure appropriate specialist health support is available to support complex individuals living locally – this capacity directly links to what other services we can provide safely. This work is also considered a priority in our joint commissioning strategy.</p>
R28	<p>R28 When developing local options, formal evaluation should be drawn upon to ensure that the cost-benefit of different models are accurately assessed. The service area should consider commissioning an independent cost-benefit analysis and impact assessment on the immediate and longer term benefits of all out of county placements, which is to include health benefits and sustainability of the skills individuals may acquire when placed out of county, with a particular focus on those diagnosed with high, complex needs. Such work should also include benchmarking costs against other local authorities in order to determine the possibility of providing individuals with greater opportunities for alternative provision, including out of county placements where appropriate. Such formal evaluation will also greatly assist the development of local models. (KF3, 23, 25, 31, 33, 34, 35, 36, 50, 62, 64, 65)</p>	Agreed Partially	<p>When we develop local options, we base this on analysis of local need, cost benefits, value and quality. For example our local supported accommodation tender has a very detailed specification based on local need and is assessed on a 60/40 % quality and value for money basis. It is difficult to assess costs against other local authorities due to the capital costs in Cardiff. However, the commissioning team completed an analysis of models across Wales when developing our current supported living specification. The current specification follows a progression model and is very well thought of by providers; we are seeing interest in our model from other local authorities. The independent audit of services by Alder Advice felt the contract was an example of national good practice.</p> <p>We are able to offer Direct payments in lieu of supported accommodation and individuals can choose to use this.</p> <p>The immediate and longer term effects of any placements are assessed individually through a wellbeing assessment</p>

			<p>which identifies needs and outcomes. This is what leads to a decision regarding the individual's service options. We have recently had an independent analysis of learning disability services and need to embed the action plan following this (which has been delayed by Covid) before considering any further analysis.</p> <p>Since the report our business analyst has started. They will be supporting our planned the strategic overview of accommodation needs.</p>
R29	<p>R29 Within the work of the Accommodation Strategy which is currently being developed to identify, develop and improve local options, the service area should look to include buildings not currently in use, particularly those located in the suburbs of Cardiff with more grounds. (KF3, 34, 62, 64, 65)</p>	Agreed	<p>Currently the directorate is working in partnership with housing development and strategic estates to consider all opportunities across the city.</p>
R30	<p>R30 A robust review process of an individual's health, well-being and skill set must exist for all individuals who have transitioned from an out of county provision. This process should include specific assessment measures, which are captured both pre and post move in order to determine any potential 'impact' of a transition. Such monitoring will more greatly ensure that an individual's quality of life and skill set are both maintained and developed within provisions. This plan for specific assessment measures should be developed in line with the providers and subsequently shared with all concerned parties including the individual and</p>	Agreed	<p>We assess skills in a detailed wellbeing assessment and care plan developed with the person and involved others prior to a move. This is to be reviewed within 3 months of the move.</p> <p>The review paperwork is being updated currently to better capture progress and outcomes.</p> <p>Additionally, accommodation support Providers develop personal plans based on statutory care plans, available skills assessments and person centred planning meetings. These should have clear goals agreed with the person and relevant involved others which are reviewed 3 monthly and consider progress.</p>

	their family (where appropriate). (KF45, 50, 57, 60, 61)		
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Mae'r dudalen hon yn wag yn fwriadol



An Inquiry Report of the:  
**Community & Adult Services Scrutiny Committee**

**‘Closer to Home’ Project: Out of  
County Placements for Adults  
with a Learning Disability**

**Feb 2021**



**Cardiff Council**

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## CHAIR'S FOREWORD

At a meeting of the Community & Adult Services Scrutiny Committee held on the 7<sup>th</sup> November 2018, Members agreed to undertake an Inquiry on the decision-making process for supported living arrangements for adults with a learning disability; which focused on the current pathways in place for transitioning identified individuals back into county. The work presented within this Inquiry highlights that the demographic pressures, fiscal constraints and upcoming changes in legislation, present an even greater need to ensure there is continued collaborative working, both within Council departments and all involved stakeholders. Further to this, it also highlights the need to ensure information is relayed in a clear, proactive manner and that formal, specific pathways for those identified as returning to the locality are progressed in order to provide guidance and avoid disputes.

In a bid to ensure this inquiry produced robust, in-depth evidence the inquiry was supplemented by desktop research along with engagement with a vast range of service users and providers either in person or through the inquiry's 'Call for Evidence'. In addition, task group members also commissioned independent research to identify the information and support requirements of the service users and families of those who are due to, or have undergone, transition from an out of county provider. The primary research was supported by the service area who, along with providing relevant contextual information, and with consent from the individuals, also provided scrutiny research with the names and contact details of those who wanted to be involved in the research process. The respondents included advocate organisations and parents of those currently in out of county settings, those whose children were currently transitioning and those whose children had completed transition. The research relied on qualitative methodologies through the use of both interviews and focus groups. It is important to note that in line with the inquiry's terms of reference and one of the key principles of scrutiny; this inquiry has placed the voices of the key stakeholders who engaged in this work at the heart of its recommendations. However, it remains mindful to the legislation, policies and challenges in which services must operate.



From the evidence presented in this report it is clear that work within this field is continually progressing and is led by a clear drive within the service area to ensure Cardiff provides an excellent service for adults with a learning disability. It is hoped that this report will support the service area in overcoming both current and future challenges; supplementing the service area's drive for continuous improvement. Finally, it is important to note that this Inquiry was originally intended to be formally submitted to the Council's Cabinet during April 2020, however, the subsequent onset of the Covid-19 pandemic and related UK-wide lockdown meant that formal submission of this report was delayed.



**Councillor Shaun Jenkins**  
**Chairman, Community & Adult Services Scrutiny Committee**

Throughout this Inquiry it became clear that supporting individuals with a learning disability, in a way which allows them to continuously thrive and develop, was a shared objective by all stakeholders who engaged with this Inquiry. It was strikingly evident that all stakeholders are continually seeking to ensure that any individual with a learning disability will fundamentally achieve long-term, sustainable, outcomes that enable them to become active participants in, and contributors to, society. In line with this objective, and the principals of the Joint Commissioning Strategy for Adults with Learning Disabilities 2019-2024 and upcoming Additional Learning Needs and Education Tribunal (Wales) legislation, this Inquiry also seeks to place individuals with a learning disabilities and their carers at the heart of its work.

Members of this Inquiry have worked hard to present a number of recommendations for the council's Cabinet to consider which include, but are not limited to: measures to help ensure clear transparent communication at every stage of the process; procedures to help identify gaps in service provision; processes which help monitor

the quality of skills and knowledge of an individual post transition, assurance methods that ensure the avoidance of regression in skills and that quality of life is maximised. All recommendations proposed in this Inquiry have been based on the evidence received and valued perspectives of the professionals, carers and advocates who engaged in this Inquiry. They are being presented to Cabinet in a bid to supplement the service area's ethos of meeting individual needs through personalised care and support.

The Inquiry benefited from the active involvement of a number of Members from this Committee (both past and present), and the helpful contribution and significant insight from of a range of individuals, including the Cabinet Member for Social Care, Health and Well-being, the former Director of Social Services, senior officers and frontline social workers within Adult Services, local and out of county providers, parents and advocates. I wish to pass on my sincere thanks to all stakeholders for their hospitality, openness and highly valued input. My thanks also to those organisations who took the time to respond to the Call for Evidence issued as part of this Inquiry. I also wish to pass on my thanks to Members involved in this inquiry for their continued time and dedication towards this Inquiry's work. Finally, I wish to thank the Scrutiny Officers involved in this Inquiry for their dedicated hard work and for helping to produce what I consider to be an excellent Report.



**Councillor Mary McGarry**  
**Task Group Chair, Community & Adult Services Scrutiny Committee**

## CONTEXT

1. At a meeting of the Community & Adult Services Scrutiny Committee on the 7<sup>th</sup> November 2018, Members agreed to undertake an Inquiry on the decision-making process for supported living arrangements for adults with a learning disability. Focusing on the current pathways in place for transitioning identified individuals back into county. It was agreed that the Inquiry was to be chaired by Councillor Mary McGarry.
2. For many years, numerous Government and professional reports reporting on the care agenda have highlighted that people with learning disabilities and challenging behaviours are vulnerable to abuse, and are more likely to be placed in private residential and/or hospital settings which often generates concerns around quality and safeguarding.
3. The Ely hospital closure programme, (*subsequent to the All Wales Strategy 1983*), successfully resettled its residents (*adults with learning disabilities*) into community domiciliary settings in Cardiff. Whilst achieving the immediate objective of resettling people in the community, the programme has been seen as an end in itself as little planning had taken place in respect to how the growing accommodation needs of these individuals would be addressed or how the emerging increase in complexity of need could be met within a community setting.
4. Following the resettlement programme in Cardiff, the development of supported living reduced. This led to a growth in out of area placements due to increasing need, emergency placements and lack of local schemes to meet individual needs deemed too complex for local supported living.
5. The abuse of individuals with a learning disability in Winterbourne View private hospital in 2012 again raised the profile of this vulnerable client group, highlighting out of county placements amongst other issues of overall safeguarding. It brought to the forefront the need to have data on where people with a learning disability reside,

how monitoring of out of county placements happens and whether non-professionals such as family members should be part of the inspection frameworks. Concerns were further raised in 2019 following the BBC Panorama programme set in Whorlton Hall, a specialist hospital for adults with a learning disability.

6. Following the Winterbourne View scandal, the UK Government pledged to move all people with learning disabilities and/or autism, inappropriately placed in institutions, into community care; yet in order to achieve this vision, a large expansion in community provision would be required<sup>1</sup>.
7. At the time of writing this report, there are 7081 people who have a learning disability living in Cardiff. 62% of whom live at home with their parents, 323 live in local supported living accommodation and 84 live in out of county provision (*this figure includes those residing in out of county specialist further education*).
8. Many of these individuals, residing both in and out of county, will have multiple conditions. For instance around 25-40% will experience mental health issues, 10-15% will have challenging behaviour and so on.

Population estimates for Cardiff show that the numbers of individuals with a learning disability in Cardiff will continue to grow. With people living longer and therefore requiring support for longer, this will place a significant pressure and demand on Cardiff's local services.

#### **KF1**

9. It should be noted that the figures in the following table, are indicative of a trend of increase in Cardiff's learning disability population, but do not show the numbers of adults who would be eligible for a service. Nevertheless, this population and trend data can be used to anticipate that the number of service users eligible for learning disability services is increasing and this trend is set to continue.

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<sup>1</sup> Winterbourne View – Time for Change, Transforming the Commissioning of Services for People with Learning Disabilities and/or Autism, pg. 6 (2014)

10. Research shows this is partly due to the learning disability population having an increased life expectancy, the increased number of young people moving through Children’s Services to Adult Services and the overall population increase as over the next 20 years Cardiff is set to see a larger growth in population than the other 21 Local Authorities in Wales put together<sup>2</sup>.

<b>Data for: Cardiff</b>					
People aged 18 and over predicted to have a learning disability, by age, projected to 2035					
	<b>2017</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	<b>2035</b>
Total population aged 18 and over predicted to have a learning disability	7,081	7,299	7,684	8,157	8,657

Table produced on 28/11/19 11:07 from [www.daffodilcymru.org.uk](http://www.daffodilcymru.org.uk)

11. Further demand for services arises from the increased complexity of need of some individuals, and the propensity for adults with learning disabilities to develop dementia.

Data shows that Cardiff Council has a greater number of children and young adults with complex learning disabilities compared to any other Welsh local authority. This is primarily due to its city status and availability of local services such as the Children’s Hospital for Wales. Such factors will inevitably result in additional pressures on required accommodation provision; increasing the need for specialist provision for cases with complex health and social needs and/or behaviours, which require a high level of multi-agency support.

**KF2**

It is recognised by the service area that additional accommodation for individuals’ with the most complex needs is required locally.

**KF3**

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<sup>2</sup> <https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Corporate%20Plan%202019-22%20FINAL%20ENG.pdf> Accessed 26 March, 2020

12. During the inquiry the service area confirmed that in order for those currently placed in residential settings out of county who wish to return 'closer to home', and in order to offer individuals improved local options, a robust infrastructure is paramount.

The Wales Audit Office publication, *Strategic Commissioning of Accommodation Services for Adults with a Learning Disability*, published in 2018, states that local authorities require better quality financial, population and demographic projections to gauge future demand and ensure they make the most informed decisions. It is for this reason why the service area have confirmed the creation of a Business Analyst post.

#### **KF4**

Following the Children Act 1989, there was a move to create a specialist specific team for children with disabilities. However, in a bid to ensure cross cutting shared concepts, the service area is set to return to its original model and become an 'All Age Learning Disability Service' whereby staff across all areas of Learning Disabilities (*Children and Adults*) will merge. It is anticipated this should encourage better collaboration within the transitioning process, whilst stimulating the service area's culture for continuous improvement whilst remaining open and responsive.

#### **KF5**

## DEFINITIONS

### What is a Learning Disability?

- D1. Within its fact sheet entitled “What is a Learning Disability?” the British Institute of Learning Disabilities states that an individual with a learning disability is said to have ‘*significant impairment of adaptive/social functioning*’. This means that the individual will have difficulties understanding, learning and remembering new things, and in generalising any learning to new situations. Because of these difficulties with learning, the person may have difficulties with a number of social tasks, for example communication, self-care and awareness of health and safety. A final dimension to the definition is that these impairments are present from childhood, not acquired as a result of an accident or following the onset of adult illness.<sup>3</sup>

### What is Residential Care?

- D2. Residential care is a model of care provided within a shared residential setting, where support staff are present 24 hours a day, seven days a week (*to note this staff frequency is also equivalent in Supported Living models*). Residential care encompasses accommodation and care into one package meaning the individual in receipt of the package has a significantly reduced access to state benefits.

### What is Supported Living?

- D3. Supported living is an alternative to residential care, and is a model of providing accommodation and support to people across the spectrum who may require substantial, regular or low-level support. It is argued that supported living provides more security, rights, choice and control to the individual than that provided in residential care. Unlike residential care, when an individual resides in supported living they receive their own tenancy. The individual will rent their accommodation from a housing provider (*generally a housing association*), and as a tenant receive legal rights.

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<sup>3</sup> British Institute of Learning Disabilities, ‘Factsheet – What is a learning disability?’ ([file:///C:/Users/s757803/AppData/Local/Microsoft/Windows/INetCache/IE/2UVM0DNX/Learning\\_Disabilities\\_11.pdf](file:///C:/Users/s757803/AppData/Local/Microsoft/Windows/INetCache/IE/2UVM0DNX/Learning_Disabilities_11.pdf)) Accessed 15 Oct 2019.

- D4. The basic principles of supported living are:
- Individuals have their own home (*rented or owned*) with the care and support they need being provided separate from their tenancy;
  - Individuals receive personalised support, aiming to make them as independent as possible;
  - Unlike residential care, the separation of housing and care and support means that individuals are able to claim housing benefits in order to pay for housing costs.
- D5. Supported living is not a prescriptive model of care and can look very different for different people. For one person it may be a few hours' support a week to live alone in a rented flat, for another it may be round the clock support to live in a home they own, and for others it may be a shared house with onsite support.
- D6. Supported living can support someone at any point in their development. The level of need the individual requires will determine the model or level of support they receive - e.g. whether they require targeted or 24-hour support. Supported Living commissions, low, moderate, medium, high and enhanced levels of support - how it's delivered is tailored to the individual.
- D7. However, it must be recognised that this is on the proviso that the quality of care and support provided to the individual is efficiently meeting and developing their needs.

### **What is Specialist Further Education Provision?**

- D9. The Welsh Government guidance document, '*Securing provision for young people with learning difficulties at specialist further education establishments*', sets out the policy and process by which the Welsh Government will make decisions about funding placements for young people aged 16–25 with learning difficulties who require access to specialist provision. It states that in regards to post-16 education, all young people who have a learning difficulty should be provided '*equitable access to further education (FE) at a mainstream FE establishment, through the delivery of inclusive options available locally to meet their needs*<sup>4</sup>'.

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<sup>4</sup> <https://gov.wales/sites/default/files/publications/2018-04/securing-provision-for-young-people-with-learning-difficulties-at-specialist-further-education-establishments.pdf> Accessed 10 Jan 2020



D10. The document notes that ‘*nearly all*’ mainstream FE provision within Wales also provide discrete specialist provision which can help young people develop independent living skills, to prepare for work or to move on to mainstream learning opportunities, such as vocational programmes which help prepare an individual for work in their chosen field. However it is recognised within the document that sometimes a young person’s holistic needs are too complex and may require more specialist FE provision. If opportunities for suitable provision are not available locally, under the current assessment process, (*undertaken by Careers Wales on behalf of the Welsh Government*) specialist further education provisions (*which are currently only located out of county*) will then be considered.

D11. Currently in Cardiff the local offer of further education for those with learning disabilities is provided through the mainstream further education sector, as a day learner, with additional support provided as necessary. What is not currently available locally within the further education option is the holistic provision of onsite accommodation which stimulates the independence factor of living away from home.

D12. Specialist further education provides education for young adults with a range of complex educational needs and, as evidenced during this inquiry, can come in a range of models. Along with providing educational courses and physical and emotional support for individuals with complex needs, on site residential provision is also provided under the framework.

### **What is transitioning?**

D13. People undergo transition at many times in their life; it is for this reason why the term ‘transitioning’ can relate to a range of circumstances. For instance, for those known to services, an initial transition will be from Children to Adult services, then depending on assessment of need, an individual could then undergo a transition to an out of county provision and potentially back into their local county. For the purpose of this report, the term transitioning (*and its alternatives*) will be used when referring to an individual’s movement from children services to adults, to an out of county provision and potentially back to local accommodation. The context in which it is referred to will be clearly laid out.

## KEY FINDINGS

Throughout the course of this Inquiry it became apparent to the task group that there is no 'one size fits all' care model for adults with learning disabilities whose needs must be met in a variety of ways. As a result, the task group felt an individual approach to service provision is essential, with support and accommodation being specifically tailored to meet the needs of each individual. This vision was shared across the board, amongst all stakeholders who engaged in this work and it was clear that this ethos is at the forefront of the service area's daily operations. It also became apparent to task group Members that central to shaping this form of provision is the need for effective engagement between service users, relevant family members, advocacy groups, policy makers and professional care providers.

The Inquiry team wishes to commend the work of Adult Services management and staff who have developed and implemented many changes over the recent past which has in many ways started to address some of the issues presented in this report.

The below Key Findings have arrived after twelve meetings which included four full day visits to both local and out of country service providers with a variety of expert witnesses. The Inquiry was also informed by extensive desk based and primary research and an array of background documents. Following a review of the evidence, Members identified the following Key Findings:

### Context

Population estimates for Cardiff show that the numbers of individuals with a learning disability in Cardiff will continue to grow. With people living longer and therefore requiring support for longer, this will place a significant pressure and demand on Cardiff's local services.

#### **KF1**

Data shows that Cardiff Council has a greater number of children and young adults with complex learning disabilities compared to any other Welsh local authority. This is primarily due to its city status and availability of local services such as the Children's Hospital for Wales. Such factors will inevitably result in additional pressures on required accommodation provision; increasing the need for specialist provision for cases with complex health and social needs and/or behaviours, which require a high level of multi-agency support.

## **KF2**

It is recognised by the service area that additional accommodation for individuals' with the most complex needs is required locally.

## **KF3**

The Wales Audit Office publication, *Strategic Commissioning of Accommodation Services for Adults with a Learning Disability*, published in 2018, states that local authorities require better quality financial, population and demographic projections to gauge future demand to ensure they make the most informed decisions. It is for this reason, the service area have confirmed the creation of a Business Analyst post.

## **KF4**

Following the Children Act 1989, there was a move to create a specialist specific team for children with disabilities. However, in a bid to ensure cross cutting shared concepts, the service area is set to return to its original model and become an 'All Age Learning Disability Service' whereby staff across all areas of Learning Disabilities (*Children and Adults*) will merge. It is anticipated this should encourage better collaboration within the transitioning process, whilst stimulating the service area's culture for continuous improvement whilst remaining open and responsive.

## **KF5**

## Strategies and Legislation

The Joint Commissioning Strategy for Adults with a Learning Disability (2019-2024) sets out how Cardiff and Vale of Glamorgan Councils and Cardiff and Vale University Health Board will work together to respond to the needs and aspirations of the adult learning disability population within the context of national legislation and guidance, wider local plans and available resources. At a local level, the strategy will inform what services each of the three organisations will individually or jointly commission to meet personal outcomes, encourage participation and promote independence over the next five years.

### **KF6**

Key priorities of the Cardiff and Vale Joint Commissioning Strategy relevant to this inquiry are:

- Information; accessible and easy to understand;
- Choice and control – listening to the person and carer's views;
- Right care at the right time – early crisis and respite support;
- Day opportunities – volunteering and work experience;
- Transitioning should be joined up and planned well.

### **KF7**

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (*hereafter referred to as 'The ALN Act'*) makes provision for a new statutory framework for supporting children and young people with additional learning needs. It replaces the existing legislation surrounding special educational needs (SEN) and the current assessment of children and young people with learning disabilities in post-16 education and training. The Act instead places the responsibility of learners with additional learning needs from the age of 0-25 with local authorities.

### **KF8**

During the course of the inquiry, Members received a briefing from the Additional Learning Needs Transformation Lead for Central South Consortium and Cardiff Council's Senior Achievement Leader Inclusion and were advised that confusion can arise from the interpretation that the ALN Act provides a right for a child with additional learning needs to stay in education up until the age of 25. It was confirmed that the principles of the ALN Act stem around parity and are laid out to ensure that a child with Additional Learning Needs has equal rights in accessing further education courses as a child without Additional Needs, and can therefore access and receive a training course up until the age of 25.

#### **KF9**

Due to the consensus set by Welsh Government policy publications and guidance, the further education option for those with additional learning needs is seen by governing bodies to be one which offers the 'college experience' equating to two years of education, not the 'university experience' which would be three years of education.

#### **KF10**

A key element of the ALN Act is its endeavour to increase participation of the individual with learning disabilities, stating that it is imperative individuals see the planning process as something which is done with them as opposed to for them. As such, they and their families should actively be encouraged to participate in the planning process for their educational opportunities through the provision of clear, impartial advice, information and advocacy.

#### **KF11**

Primary research conducted for this inquiry has shown that the parents of people with a learning disability involved in this inquiry currently have limited or no knowledge of the ALN Act and the changes it will bring.

#### **KF12**

The ALN Act places greater emphasis on disagreement avoidance and dispute resolution. Due to schools maintaining Individual Development Plan's (IDP), the ALN Act will introduce different appeal procedures. Should a young person or parent (*or any other stakeholder*) wish to challenge an individual's IDP or the learning provision they have been provided with, there will be clear routes for them to do so and local authorities must provide access to independent advocacy services for this route.

### **KF13**

Under the ALN Act, the assessment process for determining further education will focus on educational need; looking at the realistic prospect of an individual completing a course and achieving educational goals.

### **KF14**

The challenge under the ALN Act will likely be around capacity and demand, and although responsibility for further education provision will begin at school, the ALN Act places emphasis on relevant bodies, such as adult services becoming involved to ensure every child and young person with a learning disability known to services is aware of all of the options available to them.

### **KF15**

During the course of the inquiry, Members heard first-hand the concerns from some of the specialist further education providers on what the proposed arrangements under the ALN Act may bring. The concerns raised to Members included:

- There is a lack of recognition in the Draft ALN Code of specialist provision as part of the post-16 further education offer;
- A possible lack of provision for independent advice and guidance for parents and young people with both complex and low incidence additional learning needs;
- Possible risk of young people with complex needs being denied Additional Learning Provision by the nature of their ALN.

Further concerns raised were that local authorities:

- Could be compromised by their role as assessors, commissioners and funders;
- May only provide access to information about local post-16 options other than specialist further education provisions (*which are all currently out of county*);

- May end an IDP rather than consider a placement at a specialist further education provision.

#### **KF16**

The 'Multi-Agency Protocol for Children and Young People with Additional Learning Needs' (*currently in draft form*) is being developed in line with the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act (2018), the principles of the Social Services and Well-Being Act (2014) and the application of the Mental Capacity Act (2005) amongst other key legislation and guidance. The protocol has been coproduced with stakeholders from Education, Health Services, Social Services, schools, further education institutions and the third sector through attendance at meetings, workshops and engagement events throughout 2018-19. The protocol also links into to the Joint Commissioning Strategy for Adults with Learning Disabilities (2019-2024) as a work stream from the strategy will develop an action plan specific for those with learning disabilities within the transition period.

#### **KF17**

##### *Funding (under current arrangements for specialist further education provision)*

Currently, there are around 300 specialist post-16 placements funded across Wales by the Welsh Government at any one time. The average combined cost for these placements is currently around £21m per annum – with around 50% of cost coming from the Welsh Government, 42% social care (local authorities) and around 5% health funding.

#### **KF18**

The proposal under the ALN Act is for funding for all placements to come from local authorities; however the Welsh Government is yet to work out how this will be done in practice. At the time of writing this report, there is no known formula for how funding will be determined and for this reason there are significant concerns within this authority with regard to discrepancies between welsh local authorities. For instance there is concern that those authorities which display higher trends could be seen as having equal costs to local authorities with much lower trends and expenditure.**KF19**

It was agreed by the majority of stakeholders who engaged in this inquiry that in order to effect positive change, the decision on the duration of an individual's placement in further education should consider the individual's specific characteristics including their scope and abilities (rate of learning) for developing the skills that they hope to achieve. It is widely suggested by both providers and parents that governing bodies must sufficiently recognise that individuals with a learning disability will take time to settle into a course and that the first year of a course tends to act as an induction period, the second year is developing new skills and the third year provides opportunity for such skills to be consolidated.

#### **KF20**

The reduction in Welsh Government funding for further education provision from three years to two, has also had a knock-on effect for local authorities', as more 'move on' accommodation is now needing to be sourced.

#### **KF21**

During the inquiry Members heard from providers that frustration for both themselves and parents tends to arise where there is uncertainty or questions surrounding funding. Primary research commissioned by this inquiry found a strong desire amongst parents to better understand the funding process.

#### **KF22**

### Finance

During this inquiry, an independent consultancy confirmed that Cardiff is a comparatively low spending authority in Wales on support for adults with learning disabilities whilst still maintaining good levels of satisfaction with support. This finding suggests scope to increase the quality of local provision for those with complex needs and to consider increasing access to out of county provisions when required.

#### **KF23**

Findings from an independent consultancy confirmed that currently there is a disconnect between local authority and health colleagues. It was reiterated that



better communication with health colleagues would ensure more efficient working and possibly greater levels of funding. Which in turn will provide more effective services.

#### **KF24**

Members were advised that due to the current climate of austerity and cuts there are requirements for officers to remain within certain budgets. Members were further advised that the level of justifying and producing sufficient evidence in support of a more expensive placement is due to the budgetary position along with Key Performance Indicator requirements.

#### **KF25**

#### The Transitioning Pathway

There are currently four Transition Social Workers who facilitate an individual's movement from Children to Adult Services within the authority.

#### **KF26**

Primary research conducted with parents during this inquiry found that most parents have limited knowledge and understanding of the assessment process for accessing specialist further education provision including eligibility requirements, duration of funding and the roles of various stakeholders involved in the process.

#### **KF27**

The current transition planning process following secondary education is set out in the Special Educational Needs Code of Practice for Wales (Welsh Government, 2004) and begins in Year 9 SEN annual review. During the inquiry Members heard that an individual with learning disabilities will typically transition from school to further education around the age of 19 and may transition again 2 – 3 years later. During the inquiry it was confirmed to Members that during this time an individual may remain with the same adult social worker or may be reallocated to another social worker depending on capacity.

#### **KF28**

During this inquiry, both parents and out of county providers highlighted the need for consistency in the representation of social workers during the review process of further education placements.

### **KF29**

The primary research conducted by this inquiry highlights that under current arrangements, the majority of parents interviewed would request better understanding and guidance of the transition process involved in moving their child from specialist further education to the appropriate care and support arrangements in Cardiff. In particular, parents highlighted the need to improve engagement between themselves and the service area along with greater recognition that their input significantly assists the objective of meeting a child's 'best interest.'

### **KF30**

#### Benefits of Out of County Placements

During the inquiry the following benefits of out of county placements (*both within further education colleges and residential settings*), proposed by out of county providers included:

- Better social mobility;
- Wider relationships;
- Increased-self-understanding;
- Improved self-advocacy and self-reliance;
- Reduction of stress on families;
- Improved mental health outcomes;
- Families able to enter employment / increased employment opportunities;
- Improved health, well-being and quality of life and;
- Reduced elective and non-elective hospital admission.

### **KF31**

Specialist further education institutions visited during the inquiry had the benefit of many on-site facilities and services, including but not limited to:

- Speech and language;
- Counselling;
- Occupational therapy assessment.

### **KF32**

The benefits and outcomes were strongly acknowledged amongst the parents (*of those with children in out of county specialist further education provision*) who engaged with this inquiry who in the majority noted their content with the;

- Individualised support programmes;
- Availability of specialist staff;
- Remarkable development in their child's skills, knowledge and independence.

### **KF33**

The importance of environmental factors and their significant benefit on an individual's (*with certain needs*) physical and emotional well-being was widely recognised by all stakeholders who engaged in this inquiry.

### **KF34**

Although for some young people with disabilities, a specialist further education college may not suit, the perspective presented to Members by specialist further education providers during this inquiry is that the opportunity offered by a specialist setting, for an individual to learn and live amongst peers with similar needs and life experiences can be a very effective way to help them achieve long-term sustainable outcomes that enable them to become active participants in, and contributors to society along with aiding their progression into adulthood.

### **KF35**

The majority of parents who engaged in this inquiry believe that within a specialist further education provision there is a much stronger opportunity for their child to grow in maturity, develop independence and gain additional skills away from the home environment and that recognition of such skills and opportunity by professionals is paramount.

**KF36**

Transitioning from an out of county provision

During this inquiry, Members were unable to obtain published information which confirmed and clearly laid out the transitioning pathway for adults with a learning disability who may undergo transitioning from an out of county provision. It became apparent that the service area lacked a published framework and guidelines on how identified individuals are brought back from out of county in a structured, personalised way. While a wealth of information was provided to the task group, there was no evidence that this had yet been consolidated into one robust 'pathway' used as a blueprint for returning identified adults into their local county.

**KF37**

If an individual transitions from an out of county residential provision there is a high multi-disciplinary team (MDT) involvement, including health colleagues, specialist behaviour team and so on. Further to this, a wealth of risk assessments along with a full assessment and analysis of care package is also undertaken. This is conducted in full consultation with the family and individual (as appropriate). It is to note that although full and thorough risk assessments and analysis of care package is provided for all individuals, MDT involvement does not commonly occur for those transitioning out of residential college.

**KF38**

The key drivers in determining an individual's provision were confirmed to Members as:

- The individual's wishes
- Families wishes
- Persons needs
- Budgetary position.

Each driver was confirmed as equal in weighting.

#### **KF39**

Based on the views of the parents who engaged in this inquiry, the guidance and scheduling involved in transitioning individuals out of specialist further education provision appeared to be considerably inconsistent.

#### **KF40**

Members heard from Council officers that for those placed in a specialist further education provision, the year before their course is due to end a reassessment phase will begin; this inquiry's research found that the transition period tended to be initiated (*with the parents*) around 6 months prior to course end. Parents perceived this as too late in the process with parent suggestions that discussion regarding transitioning for those currently placed in out of county further education provision should start at the end of first year (*for two year funding*) or at the end of second year (*for three year funding*).

#### **KF41**

During the inquiry it was confirmed to task group Members that a wealth of work goes into identifying properties for an individual – noting that compatibility with current residents, the environment, the needs of the individual and that staff members have the right skills is central to the decision making process. Members found that the significance of these factors was recognised amongst all stakeholders involved in this inquiry.

#### **KF42**

Although it was reiterated to Members that all provisions are equally acknowledged, valued and utilised, Members hold concerns that under current practice it appears that provisions perceived as 'intentional communities' and their benefit as a provision is not widely recognised. Members wish to reiterate the importance of seeing the value in every provision as stated in the Welsh Government's *Prosperity for All* document.

#### **KF43**

Through engagement with both parents and providers, this inquiry found that during the transition process following further education provision, incompatible options are suggested and it appears that a process is followed even when known and advised by stakeholders that the suggested placements won't work.

#### **KF44**

During their review of 20 cases' written records, the independent consultants found that information kept in an individual's case file lacked definition on how the decision-making process within a transition (either from a residential college or from the family home) was undertaken. To elaborate, it lacked detail on the contributing factors and how evidence was weighed. The review also showed that outcomes captured within the data appeared to be too generalised making it difficult to hold providers to account and effectively monitor an individual's progress when a transition has occurred.

#### **KF45**

An out of county provider who engaged in the inquiry, provided the group with an example of one resident who transitioned home after extended funding had not been agreed. The provider was then contacted by social services three weeks later inquiring if provision for this individual was still available as it had been determined that there were no suitable provisions available locally.

#### **KF46**

During a transition process, a Support Planner works with individuals to listen to their aspirations & needs with regards to meaningful occupations. The Support Planner has expertise in knowing what opportunities are available locally and becomes

involved with an individual following a referral from a social worker should an individual wish to do activities in the community, instead of college, or after college, or while also attending college. Support Planners are involved with over 80 providers and services in Cardiff with a wide range of volunteering, social, sport, arts, health and adult education (life-long learning) opportunities. Since introducing Support Planners, the service area confirmed they have been able to offer a much wider range of occupation options, increasing an individual's skills, confidence and social networks.

#### **KF47**

Primary research conducted with parents during this inquiry found variability in their understanding of the overall transitioning process. It became evident they require clarity on the roles of stakeholders involved in the process, including their own role, along with an indicative timeline and greater detail of the specific stages involved.

#### **KF48**

During the inquiry Members were informed by officers that when required, future placement options are continuously discussed with the individual and the family. Findings by the consultants further confirmed that, in the twenty cases they reviewed, good evidence was displayed demonstrating that young people and their parents/carers are actively involved in the process. However, primary research commissioned by this inquiry found that, out of six parents involved in the research whose children had gone through the transitioning process, two confirmed a positive experience. The other parents cited improvements could be made in engaging with them.

#### **KF49**

### Lifelong Learning

The importance of a lifelong learning framework which allows for exceptional development of an individual, encouraging growth in confidence, developing an individual's independence and having an all-round positive impact on an individual's life was shared by all stakeholders who engaged in this inquiry.

#### **KF50**

## Perception of Local Provisions

Although all local providers who engaged in this inquiry reiterated that the retention and development of an individual's skill set are at the forefront of their organisation, this inquiry's primary research found that out of the parents whose child had transitioned, most were unsure whether their child has sufficient opportunities in their current provision to undertake the activities and tasks that would help to maintain the knowledge and skills that they acquired during their college placement.

### **KF51**

Croen et al (2015) identified that people with autism are at increased risk of physical health issues including diabetes, gastrointestinal disorders, high cholesterol, hypertension and obesity. Relationships with food can also be complex due to sensory needs, obsessive behaviour, anxiety or isolation. Such concerns were reiterated by some of the parents involved in this inquiry, who voiced their concerns that they were unsure if their child, who now resided in local provision, is encouraged to undertake sufficient physical activity and make healthy food choices.

### **KF52**

The findings of the primary research, commissioned by this inquiry show that parents of those currently residing in local provisions are unsure whether activities for their child are carried out as planned.

### **KF53**

## The Capturing of Data

During the inquiry Members were informed that typically, incorrect assessments occur due to the variance of environments where an assessment is undertaken.

### **KF54**



Conwy Council's 'Progression Project' is designed to assist the assessment process through the development of a more informed understanding of accommodation and support needs. The Project consists of a refurbished bungalow which provides individuals with a 'come and try it' service for independent living. With individuals residing for the day, overnight or staying for a few days in order to ensure their needs are best determined.

#### **KF55**

As a result of the Call for Evidence Members initiated with both local and out of county providers, it was confirmed that when an individual's placement is confirmed they, as the provider, will receive a Care Plan and/or a Unified Assessment which outlines the individual's abilities, capacity and needs, providing a brief overview of an individual's communication abilities, mobility, physical and emotional needs, special equipment, adaptations, educational need, medical information and so on. It was also confirmed that if the individual is a college leaver, they (*as a local provider*) would also receive a written assessment from the educational facility and/or a psychology report. However, one local provider noted that they tend to only receive such introductory information on an individual post entry.

#### **KF56**

In order to ensure the process of sharing information between providers is both efficient and effective, Cardiff Council's Learning Disability team are currently working with one out of county provider on developing an all-encompassing document to assist in this process.

#### **KF57**

When meeting frontline staff, Members queried what data is kept on those who have transitioned from an out of county provision and if the impact on an individual who has transitioned is specifically measured in order to ensure progress is sustained. Members were advised that following a transition, social workers will undertake an 8 week review which is then repeated at 6 and 12 months; to note, additional reviews will also be conducted if required. Such work is called 'person centred planning reviews' or 'pathway plans'.

#### **KF58**

## Monitoring & Review

This inquiry's Call for Evidence confirmed that local providers (*in line with the Care Plan developed by social workers*) will develop a Personal Plan with the individual, which includes lifelong learning and skill development opportunities. This Personal Plan is reviewed at least 3 monthly by provider staff. However, a majority of the parents who engaged with this inquiry whose child resided in local provisions were unaware of such reviews.

### **KF59**

Dr Edwin Jones' report on Western Bay's Closer to Home project places significant emphasis on the success of the Positive Behaviour Support model and the use of a core multi-disciplinary team within the transition process. In addition, the report also highlights the importance of data, which is captured both pre and post move, being utilised in order to best understand and monitor the impact on an individual who has moved in order to ensure full quality of life is achieved.

### **KF60**

In line with the Wales Audit Office Report recommendation (*Strategic Commissioning of Accommodation Services for Adults with a Learning Disability, 2018, R6*), there appears to be a lack of formal, systematic monitoring and evaluation process on individuals who have transitioned which is managed by the authority .

### **KF61**

## Gaps in Local Provision

As stated in the National Commissioning Board's guidance document (*Commissioning Accommodation and Support for a Good Life for People with a Learning Disability, 2019*), provision of the right kind of housing can either help or hinder an individual's social integration. It can also be fundamental in achieving a number of the outcomes set out in the Social Services and Well-being (Wales) Act 2014. It is therefore essential that when a decision is made concerning accommodation provision, the full spectrum in meeting that individual's needs is considered.

### **KF62**

Primary research conducted for this inquiry highlighted parents' expectations on the need to expand the availability of locally based care and support provision in the Welsh language.

**KF63**

The Mansell Report (*Services for People with Learning Disabilities and Challenging Behaviour or Mental Health Needs, 2007*), described as 'definitive UK guidance on the development of services for people with challenging behaviour', recommends that local services, including educational, training and day services are developed and expanded for people with a learning disability. The report also recommends that specialist services be developed locally which can support good, mainstream practice and improve the quality of life for those served.

**KF64**

During the course of the inquiry it was confirmed to Members that the service area are currently planning to develop an accommodation strategy to assist with long term planning on local provisions and are also working toward developing clear transitional pathways to ensure individuals and their families acquire full understanding of the options available in line with their need.

**KF65**

## RECOMMENDATIONS

Members of the inquiry group were tasked to consider the current arrangements in place for those individuals who undergo transitioning from an out of county placement back into the locality, determining the effectiveness of the current approach and possible areas for improvement.

Following a review of the evidence received during this Inquiry, and the Key Findings detailed above, Members have agreed the following recommendations for Cabinet consideration:

### Context

**R1** Due to the Additional Learning Needs and Educational Tribunal (Wales) Act introducing clear direction for the Individual Development Plans of the most severe and complex cases becoming the direct responsibility of local authorities, Social Services should look to produce guidance which will provide all involved professionals with clear definition and distinction between complex and lower level needs and the necessary requirements to best support and develop such needs. This work could be developed by the newly formulated Business Analyst post who, within their role, should also look to take into account the projected demand of adults with a learning disability across the locality. Within their responsibilities it must be a priority of the Business Analyst to ensure and verify that all options offered to an individual with complex needs, in particular local options, are fully effective in providing said individual with an environment and opportunities that will encourage, develop and maintain their skills. The remit of the Business Analyst post should also include monitoring the service areas transition to an 'An All Age Learning Disability Service', providing the appropriate individual with their continued findings in order to ensure consistent monitoring. **(KF1, 2, 3, 4, 5, 23, 25, 31, 32, 33, 34, 35, 36, 39, 43, 50, 62, 63, 64)**

**R2** The Business Analyst should also undertake a review of local lifelong learning provisions to ensure there is adequate local capacity to meet known demographical pressures. **(KF1, 2, 4, 50, 63)**

- R3** Look to establish a formal communication strategy surrounding the transitional process which confirms communication goals, target audience and communication plan and channels. Such a strategy will help identify the key stakeholders and key information to be communicated within a transition process, along with identifying how and when information should be communicated. This should ensure earlier communication and aid disagreement avoidance and dispute resolution. **(KF6, 7, 12, 13, 15, 22, 24, 27, 30, 37, 38, 40, 41, 48, 49, 52, 54, 59, 65)**
- R4** As part of the communication strategy, formally engage with service user representative groups on a set, regular basis to help shape, improve planning and inform decision making. Such engagement could also be encouraged and better stimulated more informally through the use of social media **(KF1, 2, 3, 4, 6, 7, 13, 17)**
- R5** Additional work is required in ensuring that a young person with learning disabilities and their carers feel more actively involved in the care planning process. Officers must ensure that care plans, including provider reviews are continuously written in accessible, appropriate language in order to improve understanding. Individuals and their parents/other relatives with responsibility for them, should always be invited to attend Reviews and contribute to Care Plans (with strict adherence to data protection, the individual's capacity and regulations set out in the Social Services and Well-being (Wales) Act). Clear protocols and guidance should be drawn up regarding the resolution of disagreements concerning Care Plans and Review outcomes. All disagreements should be resolved in a timely manner.  
**(KF6, 7, 11, 49, 58)**
- R6** Develop and/or support an informal parents' network specific to those parents who have a child currently placed out of county (*including further education provision*) and those who have transitioned back. This network would play a vital role in the dissemination of information. Provide parents with emotional support from peers and also provide a formal avenue for the service area to gain feedback on issues relating to services and accommodation. In order to stimulate relations and ensure effectiveness, the Cabinet Member, Director of Adults, Housing and Communities; and local providers

should look to engage with the network directly **(KF3, 4, 6, 7, 8, 9, 12, 22, 27, 42, 47, 48, 49, 50, 52, 53, 65)**

**R7** Through the parents' network, facilitate a conference once a year for parents of those who are due to transition or have transitioned from out of county provision. This conference would again aid in the dissemination of information and could also be utilised as an arena to provide parents with workshops such as crisis management, dealing with complex behaviour and so on. The Cabinet Member, Director of Adults, Housing and Communities and local providers should again look to engage in the conference, providing the parents with information on local provisions such as staff competencies, information and case studies on where alternative living provisions have improved and developed a young person's skills and outcomes. Such valuable assurance will significantly assist an individual and their support network both in preparation for and during a transitioning period. **(KF6, 7, 8, 12, 13, 17, 22, 27, 30, 47, 48, 49, 50, 51, 52, 53, 65)**

#### Strategies and Legislation

**R8** Due to the proposal under the Additional Learning Needs and Educational Tribunal (Wales) Act for the responsibility of determining education provision (*including funding*) to come from local authorities, the Social Services directorate should look to review the working arrangements between themselves and the Education directorate to ensure robust collaboration workings are in place. **(KF8, 11, 15, 16, 20)**

**R9** Ahead of the fundamental change in responsibility detailed in **R8**, and the current concerns surrounding how such funding will be subsidised by the Welsh Government, the local authority should continue to lobby the Welsh Government for an adequate funding formula citing the known demographical pressures. **(KF1, 2, 18, 19)**

**R10** In line with the upcoming Additional Learning Needs and Educational Tribunal (Wales) Act and the Welsh Government's Prosperity for All Strategy, all involved professionals must ensure all provisions are discussed during the initial assessment

process with both the young person and relevant guardian for their transition into adulthood. Although it is recognised that Welsh Government regulations state local options must be considered first in the assessment process, it is paramount that the benefits of all provisions, including intentional communities must be recognised and therefore shared with individuals during the process in order to avoid ideological bias. This will also ensure that in line with the concerns of providers captured within this inquiry, the offer of specialist further education is not diminished and will ensure that the benefits of all provisions are recognised whilst mitigating the risk of the Council potentially being perceived as compromised in its role as assessor, commissioner and funder. **(K6, 7, 8, 11, 13, 16, 17, 31, 32, 33, 34, 35, 36, 43, 49, 50)**

**R11** Under the upcoming arrangements of the Additional Learning Needs and Educational Tribunal (Wales) Act, officers, when relevant, should give due consideration to the possibility of an individual's educational college course being extended to three years if determined that the individual has not met their educational outcome and would benefit from an additional year.**(KF20, 23, 25, 35, 44)**

**R12** There must be clear recognition that those who attend a specialist further education provision, in addition to receiving educational outcomes can also acquire additional skills such as social skills and increased autonomy; this must be more greatly portrayed by local authority staff. Such recognition could be reaffirmed within the possible handbook (R14). **(KF31, 32, 33, 34, 35, 36, 43, 50)**

#### Finance

**R13** As part of the Joint Commissioning Strategy for Adults with a Learning Disability (2019-2024) look to ensure, and/or support, the establishment of a clear formal framework arrangement between the local authority and health board. Such a framework will provide clear roles and responsibilities for the bodies and potentially assist in the establishment of pooled budgets, avoidance of lengthy disputes and further strengthen collaborative working.  
**(KF6, 7, 24)**

**R14** Look to develop a handbook which covers the full spectrum of a transition process which can then be utilised as a tool for disseminating information to those with learning disabilities and their family, setting clear guidelines and expectations and dispelling any confusion. It is essential that the handbook provides an individual with the full scope of the 'next steps' following secondary education and all available options. The handbook should also look to provide clarity on the assessment process for further education provision, including contributing factors, how decisions are made, the evidence which will be required during an assessment, a summary of the funding process, the timeline for which decisions are made and the appeal process which includes clear signposting to relevant regulators. The handbook should also provide a summary of relevant legislation and how it may directly impact on an individual along with information about benefits and entitlements the individual may be eligible for. The Handbook should also look to ensure clarity on average length of placement for an individual undertaking a further education course and also provide generic reasoning for potential discrepancies in course lengths. This handbook must be provided to each individual transitioning from children to adult services and must also be available in schools and any other relevant avenues deemed appropriate. Local providers should also consider contributing to the handbook to ensure their services are fully reflected. The Handbook should also be available electronically on Cardiff Council website and should also be available in alternative languages on request. **(KF5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53, 59, 60, 65)**

**R15** There must be a specific, separate pathway and subsequent published guidance for further education leavers. The service area must ensure that the pathway addresses the full range of an individual's requirements, including but not limited to, accommodation provision, employment, life-long learning provision, long term health, friendships and relationships (*remaining mindful to both current and future needs*). **(KF6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 27, 28, 30, 37, 38, 40, 41, 42, 43, 47, 48, 49, 50, 51, 52, 53)**



**R16** A rigid schedule for the decision making process for transition between provisions should be formed which includes a set timetable of when all stakeholders must be informed of a decision outcome. Within all published guidance, and verbal discussions, all local authority officers must ensure clarity is provided to individuals and involved family members on the duration of placement length. If a placement is provided temporarily or it is known it will cease (*e.g. educational course*) clear guidelines on when a transitioning phase will begin must be provided to the individual and any relevant family members prior to a placement commencing. In order to ensure no undue stress for the individual with learning disabilities, subsequent provision must be confirmed prior to a placement ending. If provision is unable to be confirmed prior to a placement ending, where current providers are able to extend their provision for an agreed period of time, due consideration should be giving to facilitating such possibilities whilst permanent provision is sourced. This possibility should be considered early in the transition process. Greater structure around the decision making process will facilitate more enhanced communication between all involved stakeholders, avoiding potential disputes and ensuring more effective outcomes for all involved **(KF9, 10, 11, 13, 14, 23, 25, 37, 38, 40, 41, 44, 48, 49, 50)**

Transitioning from an of out of county provision

**R17** Being mindful to known demographic pressures, undertake a review in order to consider if four transition social workers who cover the full transition spectrum from Children to Adult services is enough to adequately provide individuals, who may also undergo a transition in accommodation provision, with the required consistency to ensure their needs are best met, minimising any potential disruption and distress, and maximising a smooth transition. **(KF1, 2, 5, 26, 28, 29, 40, 41, 49)**

**R18** Agreement amongst all stakeholders within a transition process must be a fundamental priority. This could be achieved by providing continued assurance that compatibility factors such as age group, sex, type of learning disability, complexity of support needs, personality etc. is considered throughout the transition process. Evidence gathered during this consideration should be

shared with both the individual and relevant family member (*where appropriate and in line with the adherence set out in R5*). **(KF38, 42, 45, 49)**

**R19** Look to develop an assessment centre which allows for onsite assessment which will subsequently ensure no individual is transitioned from any out of county # placement, including further education provision, without appropriate accommodation being sourced and confirmed. Such a facility will help to avoid potential regression in skills and/or place unnecessary strain and disruption on both the young person and any involved family members and act as a tool for contingency planning. **(KF25, 44, 46, 54, 55)**

**R20** It is felt by Members that the move to support young people with learning disabilities to progress into adult life within their home area, further emphasises the importance of early planning and need for greater multi-disciplinary team working around the young person which is vital if the individual wishes to progress into more independent living. Therefore, where possible (and required) multi-disciplinary approach must be applied to those leaving further education provision. **(KF35, 39, 60)**

**R21** Look to gather feedback surrounding transition between provisions in a more strategic way by implementing a structured feedback process with all relevant stakeholders including the young person and family members who have undergone a transition from an out of county provision. The framework should look to determine service user satisfaction, performance monitoring and identify possible areas for improvement within the process. **(KF58, 60, 61)**

**R22** Work with local providers to ensure all documentary evidence such as risk assessments, house reports, and an individual's activity timetable and food intake is shared with parents (where appropriate) in a more structured manner. Such a process would help encourage and stimulate parents' confidence that their child and their needs are being met and developed and provide parents with assurance that each aspect of their son or daughter's life such as diet choice is being overseen. **(KF51, 52, 53, 59, 60)**

**R23** Take an active role in encouraging providers to further develop their Positive Behavioural Support (PBS) approach through organisational strategies which focus on developing staff skills and enable PBS to become more widely embedded in routine practice. Encourage and facilitate providers to more greatly distribute this information to all relevant stakeholders. **(KF51, 52, 53, 60)**

**R24** Encourage shared learning across providers. Such shared learning will not only provide an opportunity for individuals' with learning disabilities to meet other peers, but also provide a valuable assurance of the quality of care on offer within local providers. **(KF51, 52, 53)**

#### The Capturing of Data

**R25** During the transition process, ensure the sharing of information between providers is facilitated as soon as new provision is confirmed and ensure this is continued as an ongoing process in preparation for the transition. Provide an active role in certifying that all relevant documents and information obtained on the individual during an out of county provision is transferred to the new provider prior to a placement commencing. Consider including this process of conveying information between providers within the Cardiff & Vale Multi-Agency Protocol for Children and Young People with Additional Learning Needs' (*currently in draft form*). The information which is transferred between providers, should be available (*where appropriate*) on request. **(KF17, 46, 56, 57, 60)**

#### Gaps in Local Provision

**R26** If not already in practice, encourage local providers to consider enlisting parents onto their Board of Trustees. Such engagement and collaboration would stimulate and encourage better relations and understanding between parents and local providers. **(KF51, 52, 53)**

**R27** As stated in the National Commissioning Board's guidance document, *Commissioning Accommodation and Support for a Good Life for People with a Learning Disability*, the service area requires clear focus when developing the provider market, ensuring

that all provision developed adds social value and improves an individual's wellbeing. In line with the growing demographic pressures, the service area should look to locally develop a specialist provision specifically catering for those with complex needs.

**(KF1, 2, 3, 4, 23, 25, 33, 34, 36, 50, 62, 64, 65)**

**R28** When developing local options, formal evaluation should be drawn upon to ensure that the cost-benefit of different models are accurately assessed. The service area should consider commissioning an independent cost-benefit analysis and impact assessment on the immediate and longer term benefits of all out of county placements, which is to include health benefits and sustainability of the skills individuals may acquire when placed out of county, with a particular focus on those diagnosed with high, complex needs. Such work should also include benchmarking costs against other local authorities in order to determine the possibility of providing individuals with greater opportunities for alternative provision, including out of county placements where appropriate. Such formal evaluation will also greatly assist the development of local models. **(KF3, 23, 25, 31, 33, 34, 35, 36, 50, 62, 64, 65)**

**R29** Within the work of the Accommodation Strategy which is currently being developed to identify, develop and improve local options, the service area should look to include buildings not currently in use, particularly those located in the suburbs of Cardiff with more grounds. **(KF3, 34, 62, 64, 65)**

#### Monitoring & Review

**R30** A robust review process of an individual's health, well-being and skill set must exist for all individuals who have transitioned from an out of county provision. This process should include specific assessment measures, which are captured both pre and post move in order to determine any potential 'impact' of a transition. Such monitoring will more greatly ensure that an individual's quality of life and skill set are both maintained and developed within provisions. This plan for specific assessment measures should be developed in line with the providers and subsequently shared with all concerned parties including the individual and their family (*where appropriate*). **(KF45, 50, 57, 60, 61)**

### Introduction

13. The task group reviewed a draft scope for the Inquiry at its first meeting and agreed for the terms of reference to be:

- To review current pathways (with a particular focus on the decision-making process) in relation to supported living arrangements for adults with a learning disability;
- To review residential College placements and how decisions are made in terms of continuation;
- To identify best practice in relation to transitioning individuals from an out-of-county placement back into Cardiff;
- To engage with service users and their families in relation to the above whilst also understanding their level of involvement– placing them at the centre of any recommendations going forward;
- To identify current funding arrangements, consider whether this is being used effectively and make recommendations accordingly;
- To identify and recommend a range of options and provision (based on best practice) that could be developed and implemented in Cardiff.

Members of the task group were:

- Councillor Mary McGarry (*Chair*);
- Councillor Ali Ahmed;
- Councillor Susan Goddard<sup>5</sup>;
- Councillor Sue Lent;
- Councillor Bablin Molik<sup>6</sup>.

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<sup>5</sup> Cllr Goddard was a Committee Member until September 2019

<sup>6</sup> Cllr Molik was a Committee Member until June 2019

14. Members agreed to hold a number of meetings and to receive the following information:

- Overview and background – to set the context for the Inquiry and gain an understanding of the current projects, plans, proposals and assessment process around out of county placement for adults with a learning disability.
- Members also received evidence from the Cabinet Member for Social Care, Health and Well-being, senior officers within the Social Services directorate and external witnesses from both out of county and local providers during their visits including: Bridgend College, Coleg Elidyr, Glasallt Fawr, Values in Care, Vision 21, Dimensions Cymru, Innovate Trust and Mirus.
- In order to ensure the inquiry received far reaching evidence, a Call for Evidence was also requested to both local and out of county providers in order to further understand both the Council and provider's role within a transition process.
- During the course of this Inquiry, the task group also commissioned primary research with both parents and advocates in order to establish the information and support requirements of service users and their families within a transition process. The research relied on qualitative research methodologies such as one to one interviews and focus groups. In total 12 young adults with disabilities were represented within the work. Parents of a further two individuals who had transitioned from out of county residential settings were invited to participate however for different reasons the scheduled interviews could not be undertaken.
- Members also reviewed a number of background documents which had been identified as relevant to the work of this Inquiry.

## POLICY CONTEXT FOR OUT OF COUNTY PLACEMENTS FOR ADULTS WITH A LEARNING DISABILITY

### Legislative Framework

15. There are several pieces of legislation that have contributed to shape out of county provisions for adults with a learning disability in Wales. Chronologically they are as follows:

- **All Wales Strategy 1983** – this was designed to deliver a range of community services for individuals with a range of disabilities. Prior to the 1980's, there was no supported living accommodation for people with a learning disability in Wales – instead they resided in Hospitals or in their own homes. The vision of community based support for adults with a learning disability was the key driver of this policy and the subsequent hospital resettlement programme. Locally in Cardiff, Ely Hospital closed in 1999.
- **Welsh Mental Handicap Strategy 1994 (Guidance)** - recognised that individuals with learning disabilities should have the same freedom as anyone else to choose where they live and whom they live with.
- **Learning and Skills Act 2000** – holds the Welsh Government as responsible for securing the provision of a range of facilities for education and training for young people aged 16-25 (*with or without Learning Disabilities*). This includes the provision of further education institutions such as specialist post-16 education.
- **Social Services & Well-being (Wales) Act 2014** – focuses on improving outcomes for individuals by encouraging independence and keeping people out of long term or institutional care. The local authority has a duty to assess an adult if it appears that they have needs for care and support, and if they are ordinarily resident in the authority's area (s19). The duty to provide accommodation if required is laid out in s34-35 of the Act.
- **Well Being of Future Generations Act 2015** – requires the local authority to make “reasonable adjustments” in how services are provided in order to reduce preventable inequalities in health for people with a learning disability

- **Regulation and Inspection of Social Care (Wales) Act 2016** – provides the statutory framework for the regulation and inspection of social care in Wales. Regulations within the Act states that within seven days of an individual being placed, the service provider must assess how the individual’s care and support needs can be best met, achieve their outcomes, ascertain the individual’s views and assess any risks.
- **Additional Learning Needs and Educational Tribunal (Wales) Act 2018** – under the Act, local authorities will become responsible for learners with Additional Learning Needs from the age 0-25, ensuring they can access suitable education and/or training, including compulsory education and specialist post-16 education or training where necessary.

Although not legislation, the Joint Commissioning Strategy for Adults with a Learning Disability (2019-2024) sets out how Cardiff and Vale of Glamorgan Council’s and Cardiff and Vale University Health Board will work together to respond to the needs and aspirations of the adult learning disability population within the context of national legislation and guidance, wider local plans and available resources. At a local level, the strategy will inform what services each of the three organisations will individually or jointly commission to meet personal outcomes, encourage participation and promote independence over the next five years.

#### **KF6**

Key priorities of the Cardiff and Vale Joint Commissioning Strategy relevant to this inquiry are:

- Information; accessible and easy to understand;
- Choice and control – listening to the person and carer’s views;
- Right care at the right time – early crisis and respite support;
- Day opportunities – volunteering and work experience;
- Transitioning should be joined up and planned well.

#### **KF7**



## **Special Educational Needs (SEN)**

16. Special Education Needs legislation is set out in Part IV of the Education Act 1996. Legislation relating to post-16 learners in further education with learning disabilities is included in the Learning and Skills Act 2000.
17. The Welsh Government currently have a general duty under sections 31 and 32 of the Learning and Skills Act to secure 'proper provision' for the education and training of learners aged between 16 and 19, and 'reasonable facilities' for those over the age of 19. This Act also requires Welsh Government to secure the provision of boarding accommodation for children and young people with learning disabilities if they cannot otherwise secure provision of facilities for education and training which are sufficient in quantity and adequate in quality for those aged 19 to 25.
18. Section 140 of the Learning and Skills Act 2000 places a duty on Welsh Ministers to make arrangements for the assessment of young people who have SEN, where they are likely to leave school at the end of the last year of compulsory schooling, to receive post-16 education, training or higher education. It also gives Welsh Ministers a power to do so in relation to those up to the age of 25 who do not have a statement of SEN but who appear to have a learning difficulty.
19. This legislative framework is based on a model introduced more than 30 years ago and is deemed as no longer fit for purpose.
20. A series of enquiries and reviews of SEN provision in Wales by Estyn, the Wales Audit Office and the National Assembly's former Education, Lifelong Learning and Skills Committee have highlighted that the current system is complex, bewildering and adversarial. The evidence points to an assessment process that is inefficient, bureaucratic and costly, as well as being insufficiently child-centred and user-friendly.

21. Key weaknesses which have been identified within the current SEN system are:

- The existing SEN Code of Practice is not always applied rigorously or is interpreted differently by different local authorities;
- Trust between parents and local authorities or schools, is often undermined and this leads to dispute;
- It is difficult to adopt a flexible approach to the delivery of special educational provision<sup>7</sup>.

The primary research conducted by this inquiry highlights that under current arrangements, the majority of parents interviewed would request better understanding and guidance of the transition process involved in moving their child from specialist further education to the appropriate care and support arrangements in Cardiff. In particular, parents highlighted the need to improve engagement between themselves and the service area along with greater recognition that their input significantly assists the objective of meeting a child's 'best interest.'

### **KF30**

22. During the inquiry Members heard that within current systems, there is a vast variation in schools with regard to the practice of ALN, as currently there is no statutory expectation for schools to have a SENCo (*Special Education Needs Coordinator*), which at present, is just seen as good practice. The Additional Learning Needs and Education Tribunal (Wales) Act 2018 looks to unify practice by implementing a requirement that all mainstream schools have a designated Additional Learning Needs Coordinator.

23. During the course of the inquiry it was also confirmed to Members that prior to 2013, there was no disability register for children which also led to difficulties in assessment.

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<sup>7</sup> <http://www.assembly.wales/research%20documents/18-023/18-23-web-english.pdf>. Accessed 5 September 2019.

## **Additional Learning Needs and Educational Tribunal (Wales) Act 2018**

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (*hereafter referred to as 'The ALN Act'*) makes provision for a new statutory framework for supporting children and young people with additional learning needs. It replaces the existing legislation detailed above surrounding special educational needs (SEN) and the current assessment of children and young people with learning disabilities in post-16 education and training. The Act instead places the responsibility of learners with additional learning needs from the age of 0-25 with local authorities.

### **KF6**

During the course of the inquiry, Members received a briefing from the Additional Learning Needs Transformation Lead for Central South Consortium and Cardiff Council's Senior Achievement Leader Inclusion and were advised that confusion can arise from the interpretation that this Act provides a right for a child with additional learning needs to stay in education up until the age of 25. It was confirmed that the principles of this Act stem around parity and are laid out to ensure that a child with Additional Learning Needs has equal rights in accessing further education courses as a child without Additional Needs, and can therefore access and receive training up until the age of 25.

### **KF9**

Due to the consensus set by Welsh Government policy publications and guidance, the further education option for those with additional learning needs is seen by governing bodies to be one which offers the 'college experience' equating to two years of education, not the 'university experience' which would be three years of education.

### **KF10**

23. It is proposed that the ALN Act will provide a complete overhaul and create:

- A unified legislative framework to support all children of compulsory school age or below with ALN, and young people with ALN in school or further education (FE);

- An integrated, collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions;
- Improved collaboration between local authorities and health boards; and
- A fair and transparent system for providing information and advice, and for resolving concerns and appeals.

Primary research conducted for this inquiry has shown that the parents of people with a learning disability involved in this inquiry currently have limited or no knowledge of the ALN Act and the changes it will bring.

#### **KF12**

A key element of the ALN Act is its endeavour to increase participation of the individual with learning disabilities, stating that it is imperative individuals see the planning process as something which is done with them as opposed to for them. As such, they and their families should actively be encouraged to participate in the planning process for their educational opportunities through the provision of clear, impartial advice, information and advocacy.

#### **KF11**

24. The Act continues the existence of the Special Educational Needs Tribunal for Wales, which provides individuals and their parents with the ability to appeal against decisions made by the local authority in relation to their or their child's ALN; it makes no changes to how the Tribunal will hear appeals but instead renames it the Education Tribunal for Wales.
25. During consultation and pre-legislative scrutiny of the Bill, Assembly Members criticised the Tribunal as having 'lack of teeth' in relation to directing health bodies. In response to these concerns, the Welsh Government inserted, through amendment, a power for the Tribunal to require health bodies to give evidence regarding a case of ALN and for the Tribunal to issue non-binding recommendations to an NHS body

(section 76). The NHS body must then report back to the Tribunal stating the action it has taken in response to the recommendation or why it will not be taking any action<sup>8</sup>.

#### Timeline of Additional Learning Needs and Educational Tribunal (Wales) Act 2018

26. The Additional Learning Needs and Education Tribunal (Wales) Bill was passed by the National Assembly for Wales on 12 December 2017, the legislation then received Royal Assent on 24 January 2018 and became the Additional Learning Needs and Education Tribunal (Wales) Act 2018.

27. Following consultation with stakeholders, the Welsh Government decided to adopt a phased approach to implementation. On 3 September 2020, the Welsh Government Minister for Education, Kirsty Williams, issued a Written Statement providing an update on the position in relation to Additional Learning Needs (ALN) reform in Wales. The statement acknowledged that 2020 has been an extremely difficult time due to the pressures and disruptions caused by the Covid-19 pandemic. However, the implementation of the ALN Act remains a government priority, and there will be no further extension to the timescales for implementation;

- Implementation will begin in September 2021, for completion by August 2024.
- The final ALN Code and operational guidelines will be laid before the Senedd in February 2021.
- The timeline for commencement of the three statutory posts is by January 2021. The three posts are
  - o ALN Coordinator, or ALNCO (a school post);
  - o Designated Education Clinical Lead Officers, or DECLO (a health post); and
  - o Early Years ALN Lead Officers, or EY ALNLO (a local authority post)
- To support the implementation of the Act from September 2021, information will be provided by Welsh Government around the implementation and transitional arrangements.

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<sup>8</sup> <http://www.assembly.wales/research%20documents/18-023/18-23-web-english.pdf> Accessed 5 September 2019.

## Draft ALN Code

28. The Act requires the Welsh Government to produce an ALN Code<sup>9</sup> which will provide most of the detail for the way assessments and decisions about provision will be carried out; with the Act setting the overall framework.

29. The ALN Code will impose mandatory requirements on local authorities in respect of:

- Information and advice services;
- Independent advocacy services;
- Preparation, content, form, review and revisions for Individual Development Plans (IDPs *-further detail later in the report*)

30. Initial consultation on the Code ended in March 2019 and received over 800 responses. It is believed that due to the high level of discussion and input within the consultation, along with the significant implications for local authorities and health boards, the Welsh Government agreed to change its timetable for implementation (*to that of point 27*).

31. Originally, the implementation period for the ALN Act was to begin in September 2020 and end August 2023. However, on 17 Sep 2019, the Cabinet Secretary for Education announced a revised implementation approach as follows:

- Three-year implementation period, to start in September 2021 as opposed to September 2020;
- mandatory phased approach - learners with existing Statements will transfer to the new system within two years, and all other learners with non-statutory plans within three years;
- old system entirely phased out by Summer 2024; and,
- mandatory new roles expected to be operational by January 2021.

32. It is to be noted that at the time of writing this report, the Welsh Government had not yet confirmed the date from which responsibility for specialist further education provision placements will transfer to local authorities.

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<sup>9</sup><http://www.senedd.assembly.wales/documents/s59527/Draft%20Additional%20Learning%20Needs%20Code%20February%202017.pdf>. Accessed 6 Sep 2019.

### Early Years Additional Learning Needs Officers

33. The ALN Act will also bring the introduction of local authority Early Years Additional Learning Needs Officers (*one post for Cardiff*). The purpose of this role will be in contributing to improve early identification in relation to ALN along with ensuring better planning for future provision.
34. It will be the local authority's responsibility to designate an Early Years Additional Learning Needs Lead Officer to co-ordinate the strategic delivery of early year's functions. The Draft Code sets out guidance on the role, experience and expertise that is required. Early Years Additional Learning Needs Lead Officers are also expected to assist local authorities in the delivery of Additional Learning Need functions -such as provision.
35. Under the ALN Act, local authorities will also have a duty to take all reasonable steps toward securing provision in Welsh where required, and when reviewing Individual Development Plans (*detailed below*) consider the sufficiency of Welsh language within additional learning provision.

Primary research conducted for this inquiry highlighted parents' expectations on the need to expand the availability of locally based care and support provision in the Welsh language.

### **KF63**

### Individual Development Plan

36. As mentioned earlier in the report, the ALN Act provides a new, unified system for people with ALN; Section 11 of the Act sets out a duty on governing bodies of both schools and Further Education Institutions (*FEI*) to decide whether students have ALN 'where it is brought to their attention or otherwise appears to them' that they may have ALN<sup>10</sup>.
37. Where a governing body of a school or FEI decides that a student does have ALN, Section 12 of the Act requires them to prepare and maintain an Individual

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<sup>10</sup> <http://www.legislation.gov.uk/anaw/2018/2/section/11/enacted> Accessed 10 Sep 2019.

Development Plan (IDP) for them (bringing an end to the current distinction between school led interventions and local authority issued statements and integrating the current separate legislative arrangements that exist for pupils in schools and post-16 students in colleges). Meaning that all learners with ALN will have the same type of statutory plan irrespective of their age or whether they are in a school, a school sixth form or a FEI.

38. The Welsh Government state this will place learners in further education who currently have separate Learning and Skills Plans (LSPs) on a more equal footing with their school-based counterparts and improve transitioning between school and post-16 education<sup>11</sup>.
39. In a further bid to improve transitioning, the Act also introduces the transfer of responsibility for access to specialist post-16 provision from the Welsh Government to local authorities. The Welsh Government believes this will encourage local authorities and post-16 providers to work together to plan and make provision, as well as incentivising local authorities to plan for the individual beyond the age of 16 in a way they do not necessarily have to at present<sup>12</sup>.
40. The introduction of IDP's were originally scheduled to commence in 2020 within a three year roll out; however due to the pre-determined delays mentioned earlier in this report, implementation is expected to begin in September 2021.

### Referrals

41. Under the Act, it will be the responsibility of the school to decide if their student has Additional Learning Needs (ALN). If a child is then deemed as having ALN, the school must provide additional learning provision for that child and formulate the IDP. Local authorities will only prepare and maintain an IDP where the young person's needs are more complex.

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<sup>11</sup><http://www.senedd.assembly.wales/documents/s59527/Draft%20Additional%20Learning%20Needs%20Code%20February%202017.pdf>. Accessed 6 Sep 2019.

<sup>12</sup><http://www.senedd.assembly.wales/documents/s59527/Draft%20Additional%20Learning%20Needs%20Code%20February%202017.pdf>. Accessed 6 Sep 2019.



42. As such, the ALN Act introduces a distinction with the most severe and complex cases IDP's becoming the direct responsibility of the local authorities, whilst the others remain the responsibility of schools or FEI's.
43. Along with an IDP being transferred to local authorities due to complex needs, schools can also refer cases to a local authority where the pupil has ALN:
- that may call for additional learning provision (ALP) which would not be reasonable for the school to secure,
  - the extent or nature of ALN which the school cannot adequately determine, or for which the school cannot adequately determine ALP
44. Before directing a school to maintain an IDP, the local authority needs to determine, with due regard to the guidance set out in Code, whether it is reasonable for a school to secure the ALP called for by the child or young person's needs.

#### Disputes to IDP's

The ALN Act places greater emphasis on disagreement avoidance and dispute resolution. Due to schools maintaining IDP's, the ALN Act will introduce different appeal procedures. Should a young person or parent (*or any other stakeholder*) wish to challenge an individual's IDP or the learning provision they have been provided with, there will be clear routes for them to do so and local authorities must provide access to independent advocacy services for this route.

#### **KF13**

45. Within a grievance process, schools can only take the dispute so far (for instance by holding a meeting with the parent to discuss and 'work through' their concerns). If no resolution is found, the school can then go to the local authority to ask for assistance in resolving the matter. It must be noted, that it is the local authorities' recourse to decide if they agree to get involved with disputes put forward to them by the school. As such, it is essential that local authorities provide schools with concrete arrangements for avoiding and resolving disagreements, ensuring any grievances are resolved at the earliest, local level.

46. It is also essential that the local authority puts in place clear guidance for schools on when they should incorporate local authorities in an appeal process.

47. If the local authority agrees with the school on the IDP, the parents would then be advised. However, if the parent is still in disagreement, they will have the right, and be provided with the option, in going to tribunal.

#### Post 16 Arrangements under the Act

48. As already mentioned, the ALN Act requires local authorities to become responsible for securing places for further education including within specialist further education institutions.

Under the ALN Act, the assessment process for determining further education will focus on educational need; looking at the realistic prospect of an individual completing a course and achieving educational goals.

#### **KF14**

49. To elaborate, regulation on post 16 specialist education placements will need to consider the following:

- Does the young person have reasonable need for education or training and if so, what are they?
- Is there a realistic prospect of the young person achieving a desired objective within a reasonable period of time by undertaking a course of education or training?
- Does the young person require additional time to complete post-16 education or training in comparison to the majority of others of the same age who do not have ALN?
- Has there been a previous period of post-16 education or training?
- What courses may be available which would be expected to equip the young person to meet the desired objective within a reasonable period?

50. During the inquiry it was confirmed to Members that under the new assessment process brought in by the Act, consideration will also be given to location and that the offerings of local provisions will be considered first in line with Welsh Government policy. However, as is with current arrangements, if needs cannot be met locally, out of county provisions will be considered.
51. In its document, *Securing Provision for Young People with Learning Difficulties at Specialist Further Education Establishments* (April, 2017) the Welsh Government states that, '*In regards to post-16 education, that all young people who have a learning difficulty should be provided equitable access to further education at a mainstream FE establishment, through the delivery of inclusive options available locally to meet their needs. It is therefore the Welsh Government's expectation that mainstream FE establishments will normally meet the education and training needs of the majority of young people who have a learning difficulty*<sup>13</sup>.'
52. Further education institutions (FEI) will normally be responsible for preparing and maintaining IDPs for their enrolled students, but as with schools, FEIs may also refer more severe and complex cases to local authorities to decide. Where a referral is made, a local authority will be required to prepare and maintain an IDP. However there is no power for the local authority to direct a FEI to maintain an IDP (*this is due to FEI's being independent bodies*).
53. Although, a local authority may request that a FEI takes over responsibility for an IDP, if the FEI does not agree, the local authority may refer the matter to Welsh Ministers for determination. The draft ALN Code describes some of the proposed regulatory detail around such referral including the timescales within which referrals to the Welsh Ministers can be made. However, due to the uncertainty in how this will be managed between the local authority and further education institutions specific regulation from the Welsh Government on determining decision making for post 16 is anticipated.

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<sup>13</sup> <https://dera.ioe.ac.uk/28271/1/170124-securing-provision-for-learners-with-learning-difficulties-en.pdf>  
Accessed 27 Jan, 2020.

### Impact on LA's

54. The local authority must ensure there are effective, efficient systems and process in place for the changes the ALN Act will bring.
55. The unification presented by the ALN Act stipulates great changes for schools as they will now be expected to become strategic leaders. As such, due to the current differing practice there is a need to influence and change the quality of learning for pupils with ALN – with the need to reinforce basic principles on what every school must do. During the inquiry it was confirmed to task group Members that preparation within this respect has begun and that both school and social services staff are beginning to receive training on this Act and its implications.

The challenge under the ALN Act will likely be around capacity and demand, and although responsibility for further education provision will begin at school, the ALN Act places emphasis on relevant bodies, such as adult services becoming involved to ensure every child and young person with a learning disability known to services is aware of all of the options available to them.

### **KF15**

56. During evidence gathering sessions for this inquiry, Members received the concern from one out of county provider that within the upcoming ALN Act there is a lack of recognition towards specialist provision as part of the post-16 education offer which could result in local authorities acquiring and distributing information about post-16 options which do not include specialist provision.

### Funding (under current arrangements)

57. Under current arrangements, funding of post-16 specialist placements is currently provided by Welsh Government. All year 11 plus pupils with 'statements', who are expected to leave school at the end of the current school year and wish to continue their educational provision will receive assessment by Careers Wales under section 140 of the Learning and Skills Act.

58. Where the outcome of an assessment proposes placement for a learner at a specialist further education institution, an application for funding on the learner's behalf is made to the Welsh Government.

59. The Welsh Government considers applications in the light of its published guidance, 'Securing provision for Young People with Learning Difficulties at Specialist Further Education Establishments' (April 2017). When appropriate, Welsh Government will look to health or social services to enter into an arrangement to joint fund specialist placements.

60. Within the current system there is no direct responsibility of the local authority in determining further education provision however as detailed within this report, this will change under the ALN Act.

The proposal under the ALN Act is for funding for all placements to come from local authorities; however the Welsh Government is yet to work out how this will be done in practice. At the time of writing this report, there is no known formula for how funding will be determined and for this reason there are significant concerns within this authority with regard to discrepancies between Welsh local authorities. For instance there is concern that those authorities which display higher trends could be seen as having equal costs to local authorities with much lower trends and expenditure.

#### **KF19**

61. Due to the high numbers of those with ALN residing in Cardiff (*and the high numbers likely to move in due to city facilities*) there is major concern with the parity of the formula. It was confirmed to inquiry Members that although the exact funding formula is not yet known what is known is that an average cost will be determined when the Welsh Government are considering the formula which could mean no additional funding and /or increments. It was confirmed to Members that Cardiff is in consultation with the Welsh Government regarding the formula and officers are ensuring that concerns are being widely communicated.

62. In terms of timing, Members were advised that the formula will likely be in place by April 2021.

### Children and Families Act 2014

63. It is to be noted that similar reform to that of the ALN Act has already been implemented in England. The Children and Families Act 2014, obtained royal assent and became law (in England) on 13 March 2014. It is seen as a wide-ranging Act designed to fully reform services for vulnerable children by providing them with greater protection, paying special attention to those with additional needs.

64. Part 3 of the Act deals with laws and provisions relating to children who have special educational needs or disabilities. In line with the reasoning's for the requirement of the ALN Act in Wales; it was also determined that the existing system in England did not perform well enough for these particularly vulnerable groups of people, and that a new approach was required.

65. Provisions put in place by the Children and Families Act included the following:

- A new Education, Health and Care (EHC) Plan (*English equivalent to IDP*) based on a single assessment process to replace special education statements. EHC plans are documents that support children, young people and their families from birth to 25.
- The commissioning and planning of services for children, young people and families is now run jointly by health services and local authorities as a result of the Act.
- Local services available to children and families must be made available in a clear, easy to read manner.
- Local authorities must involve families and children in discussions and decisions relating to their care and education; and provide impartial advice, support and mediation services.

### Lessons Learnt from the Children and Families Act 2014

66. Due to the requirement of both social care and medical professionals being involved in the assessment of children with special educational needs, it became apparent that there were not enough medical professionals and social workers to meet requirements.

67. The Children and Families Act also placed requirements on local authorities to carry out a complete Education, Health and Care (EHC) needs assessment when transitioning from a Statement of SEN. It was expected and known, that the cost of transitioning all

Statements to EHCs would come at considerable cost to local authorities. An estimate of the national cost is around £1.2 billion – however little planning by the Department of Education appeared to have taken place in preparation for such costings, nor was additional funding provided.

68. Discrepancies in local authorities' in issuing an EHC assessment has also become apparent – with some authorities seen to be only transferring an individual's statement of SEN into a new document with a different layout<sup>14</sup> - as such failing to adhere to any of the assessment process requirements.

69. During an evidence gathering session of this inquiry, Members were also advised that under this Act, only one year of funding towards further education provision is provided by English government to local authorities.

### **Proposed Arrangements under ALN Act (2018)**

During the course of the inquiry, Members heard first-hand the concerns from some of the specialist further education providers on what the proposed arrangements under the ALN Act may bring. The concerns raised to Members included:

- There is a lack of recognition in the Draft ALN Code of specialist provision as part of the Post-16 further education offer;
- Possible lack of provision for independent advice and guidance for parents and young people with both complex and low incidence additional learning needs;
- Possible risk of young people with complex needs being denied Additional Learning Provision by the nature of their ALN.

Further concerns raised were that local authorities:

- Could be compromised by their role as assessors, commissioners and funders;
- May only provide access to information about local post-16 options other than specialist further education provisions (*which are all currently out of county*);
- May end an IDP rather than consider a placement at a specialist further education provision.

### **KF16**

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<sup>14</sup> <https://www.senexpertsolicitors.co.uk/site/news/the-children-and-families-act-2014-one-year-on> Accessed Nov 2019.

## Increased Collaboration between Local Authorities and Health Boards for Educational Provision

70. The Additional Learning Needs and Educational Tribunal (Wales) Act seeks to improve collaboration between local authorities and health boards, by ensuring that local authorities and health bodies work together in the best interests of the learner.

71. Section 61 of the Act imposes a duty on health boards to appoint a 'Designated Education Clinical Lead Officer' who will serve as a primary point of contact for local authorities. It is anticipated that this officer will not only prompt and facilitate effective collaborative working between the health boards and local authorities, but also ensure appropriate health board input into an individual's IDP.

72. To note, the Wales Audit Office publication, *Strategic Commissioning of Accommodation Services for Adults with a Learning Disability* states that '*despite progress in many areas, local authorities and their partners must do more to integrate services and resolve a number of complex challenges if they are to achieve the ambition of sustainable accommodation-based services.*'

73. Findings from an independent consultancy review which occurred during the course of this inquiry stated that due to current difficulties, Cardiff should look to improve its multi-disciplinary team working. During the inquiry this challenge was also confirmed by staff members who noted that possible solutions, such as possible co-location of working environments between local authority and health board colleagues are being looked into.



## **Multi-Agency Protocol for Children and Young People with Additional Learning Needs: Cardiff and the Vale of Glamorgan**

74. During the course of this inquiry, Members were informed of the development of a regional multi-agency Transition Protocol which is being developed as a result of the Additional Learning Needs and Education Tribunal (Wales) Act (2018) which will look to provide and reinforce joint working, and align process across various partners.

The 'Multi-Agency Protocol for Children and Young People with Additional Learning Needs' (*currently in draft form*) is being developed in line with the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act (2018), the principles of the Social Services and Well-Being Act (2014) and the application of the Mental Capacity Act (2005) amongst other key legislation and guidance. The protocol has been coproduced with stakeholders from Education, Health Services, Social Services, schools, further education institutions and the third sector through attendance at meetings, workshops and engagement events throughout 2018-19. The protocol also links into to the Joint Commissioning Strategy for Adults with Learning Disabilities (2019-2024) as a work stream from the strategy will develop an action plan specific for those with learning disabilities within the transition period.

### **KF1**

75. This multi-agency development of the draft protocol looks to strengthen transition services into adult life or further education, and should help ensure consistency and standardised practice across not just the region but inter-departments of Cardiff council. At present, there is a Transition Steering Group of operational managers to oversee the final phase of protocol development and set out expectations across the service area. The expected launch date for this protocol is to be confirmed.

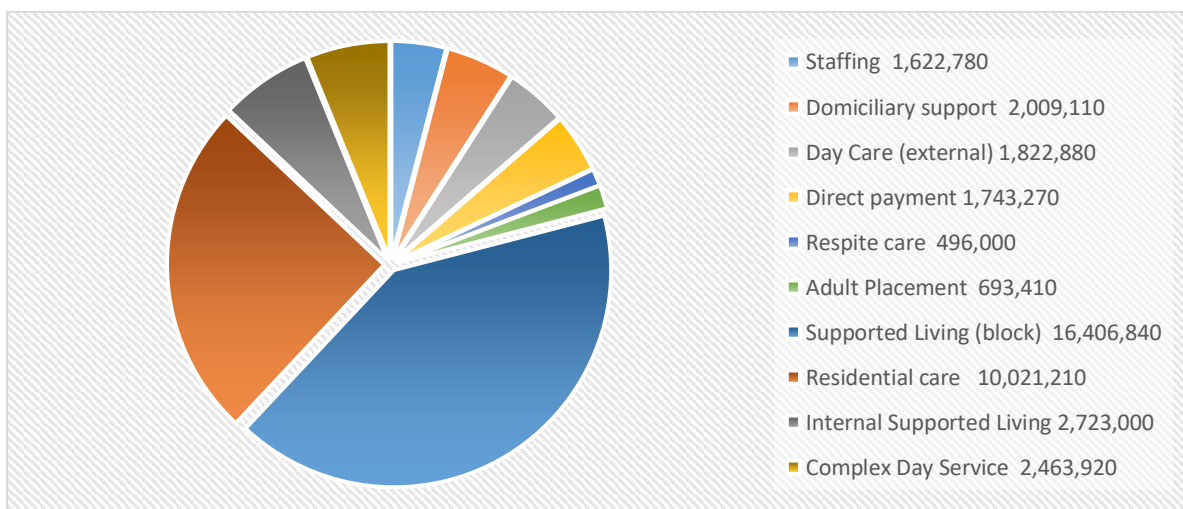
# THE CURRENT POSITION IN CARDIFF COUNCIL

## Finance

76. As illustrated in the National Commissioning Board's guidance document, *Commissioning Accommodation and Support for a Good Life for People with a Learning Disability* (March, 2019) the financial context for health boards and local authorities over the past ten years have proved very challenging; with sustained pressures on budgets along with increasing demand for services. Such settings have consequently impacted upon people with a learning disability and poses a significant risk to the sustainability of services.

77. During the course of this inquiry it became apparent that there is a shared, collective vision on the significance of funding and need to achieve required savings across the service area.

78. At the time of writing this report, Cardiff Council's budget for adults with a learning disability is £38,970,590pa. Due to the cost pressures mentioned above, a key priority for the service area is to ensure they are using resources wisely to certify maximum quality and effectiveness in meeting people's outcomes. The chart below outlines the service area's key expenditures.



During this inquiry, an independent consultancy confirmed that Cardiff is a comparatively low spending authority in Wales on support for adults with learning disabilities whilst still maintaining good levels of satisfaction with support. This finding suggests scope to increase the quality of local provision for those with complex needs and to consider increasing access to out of county provisions when required.

### **KF23**

#### Cost of Supported Living

79. As detailed in the above chart, contracts for supported living services for adults with learning disabilities represent a significant proportion of expenditure within Social Services. The overall cost of this service, prior to the recent retendering process, came to £18.2m (domiciliary care element £16.3m, housing related support element £1.9m). Within this figure, support packages range from £9,256.00 per year (less than 20 hours targeted support per week) to £79,746.16 per year (over 112 hours support per week) however, it is to note that costs do differ between support providers.

#### Cost of Residential Care

80. The average the council fund for residential care for people with learning disabilities is £76,048.96 per year. This figure reflects the fact that many of the Council's residential placements tend to be joint funded with the Health Board as the average price of a residential placement for people with challenging behaviour is £133,217.24 per year. However, it is to note that residential costs have increased significantly as during the last year, residential placements for people with challenging behaviour have been costing on average over £156,000.00 per year.

81. Within residential placements, the council funds the individual's care and accommodation costs (including food, household costs and some activities). The benefits the individuals are entitled to, are reduced as care is provided. On average, an individual within residential care has benefits of approximately £29.50 a week to fund necessities. Additionally, they also retain eligibility for any mobility benefits. In Supported Living, individuals are given tenancies and have control over their own benefits and are entitled to claim for housing benefit to cover rent.

### Cost of residential colleges

82. Under current arrangements, the council generally only funds the social care element of residential college courses as typically, along with funding educational costs, the Welsh Government will also fund boarding costs (*unless the person was previously identified as requiring accommodation*).
83. Previously the Welsh Government tended to initially agree course funding for a period of three years, however as of 2019 this has reduced to a period of 2 years with exception sometimes being passed for three years funding if the Welsh Government assess that the individual's identified educational outcomes have not been met during the second year.
84. During this inquiry it became apparent that such discrepancies in placement duration, and the lack of reasoning for such discrepancies stimulates confusion, uncertainty and angst amongst the parents who engaged with this inquiry, with the consistent concern being that such discrepancy could potentially jeopardise their child's learning and development.

It was agreed by the majority of stakeholders who engaged in this inquiry that in order to effect positive change, the decision on the duration of an individual's placement in further education should consider the individual's specific characteristics including their scope and abilities (rate of learning) for developing the skills that they hope to achieve. It is widely suggested by both providers and parents that governing bodies must sufficiently recognise that individuals with a learning disability will take time to settle into a course and that the first year of a course tends to act as an induction period, the second year is developing new skills and the third year provides opportunity for such skills to be consolidated.

### **KF20**

The reduction in Welsh Government funding for further education provision from three years to two, has also had a knock-on effect for local authorities', as more 'move on' accommodation is now needing to be sourced.

### **KF21**

85. Under current arrangements, the local authority does not hold a statutory duty to fund education costs. For instance if an individual requests another year at college to continue receiving educational provision, the council is not able to fund the education element. The council is however able to fund residential placements within a college site if the individual's needs cannot be met locally.

86. Between 2018-2019 residential college funding from social services ranged from £46,000 to £178,000 for a 38-week education year, depending on the college and the student's level of need.

Currently, there are around 300 specialist post-16 placements funded across Wales by the Welsh Government at any one time. The average combined cost for these placements is currently around £21m per annum – with around 50% of cost coming from the Welsh Government, 42% social care (local authorities) and around 5% health funding.

#### **KF18**

87. These figures, along with the upcoming shift in responsibility for determining an individual's further education provision (from the Welsh Government to the local authority), and the uncertainty surrounding the funding formula to facilitate this change, presents a significantly concerning reality.

#### Requests to fund an extension to an agreed programme of study

88. Policy laid out in Welsh Government's, '*Securing provision for young people with learning difficulties at specialist further education establishments*' states that request to extend a young person's educational placement beyond the programme's original agreed end date will only be agreed in exceptional circumstances. The policy specifies that the Welsh Government will need to be satisfied that the circumstances giving rise to the need for the extension were unavoidable and that the extension is objectively necessary to ensure that the young person's identified educational and training needs are met.

Funding will not usually be provided for more than one extension to the same agreed programme of study<sup>15</sup>.

89. Further to this, the policy states that the Welsh Government will not consider any extension requests seeking to offer additional time at a specialist FE establishment for the reason of transition planning. The document also outlines responsibility for further education provisions to submit requests for extension to the Welsh Government. In the best interests of the young person, extension requests must be submitted in the individual's final academic year as soon as the need for an extension is known, but no later than 30 April. Where the request is submitted after this date, the Welsh Government cannot guarantee to make a decision before the end of that academic year<sup>16</sup>.

### Health Funding

90. During their meeting with frontline staff, Members were informed that when determining eligibility for health funding a Decision Support Tool will be utilised by the social worker to determine if any health needs are present in order to assess if an individual may qualify for health funding within their package. There is also a continuing Health Care Court of Protection which ensures the right funding is in place.

Findings from an independent consultancy confirmed that currently there is a disconnect between local authority and health colleagues. It was reiterated that better communication with health colleagues would ensure more efficient working and possibly greater levels of funding. Which in turn will provide more effective services.

### **KF24**

#### Communication on Funding

During the inquiry Members heard from providers that frustration for both themselves and parents tends to arise where there is uncertainty or questions surrounding funding. Primary research commissioned by this inquiry found a strong desire amongst parents to better understand the funding process. **KF22**

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<sup>15</sup> <https://gov.wales/sites/default/files/publications/2018-04/securing-provision-for-young-people-with-learning-difficulties-at-specialist-further-education-establishments.pdf> [Accessed 30 Jan 2020, pg20]

<sup>16</sup> <https://gov.wales/sites/default/files/publications/2018-04/securing-provision-for-young-people-with-learning-difficulties-at-specialist-further-education-establishments.pdf> [Accessed 30 Jan 2020, pg20]

## The Transitioning Pathway

91. Currently in Cardiff, individuals are placed in out of county accommodation when local provision is not available to meet their needs. This also occurs for individuals who require specialist further education provision. Occasionally the service area may also have a request to place someone out of county due to the family moving away.

92. It is important to note that many people accessing out of county residential provisions have complex needs. Below is a table detailing the number of individuals (*aged 18-30*) placed within out of county accommodation during the years 2013-2019.

	Supported living	Colleges (Res)	Residential	Adult Placement Scheme
2013	4	13	25	4
2014	7	20	24	10
2015	7	24	27	11
2016	0	20	27	12
2017	0	21	29	11
2018	1	17	25	11
2019	1	14	25	12

93. During the course of the inquiry, the task group had the opportunity to meet with frontline social workers to discuss the current parameters for decision making and the processes currently in place which help determine appropriate pathways for individuals who require transition between provisions.

94. The task group found Cardiff Council social services work-force to be highly professional and were assured by their recognition that every individual is different, and that such uniqueness will undoubtedly always result in different needs. During a meeting with frontline staff it was reiterated to Members that although cost is a factor within the decision-making process, the most important factor is meeting and developing an individual's outcomes.

95. Currently, Cardiff's Learning Disability team is divided into two areas; Cardiff East and Cardiff West, with each area holding team managers, social workers (two of which are transition social workers addressing an individual's transition from children to adults' services), social worker assistants and support planners.

#### Children to Adult Services Pathway

96. During the meeting Members were advised that if an individual is known to Children Services, around the age of the individual turning 15/16 the Children's Transition Social Worker (TSW) will complete a transition report and forward it to the Adults Services TSW. The transition report is conducted at home with the young person and parent/guardian. This meeting is used to inform the individual of the transition process, the expected next steps (which is when the full assessment of needs will be undertaken), and to obtain the individual's plans/goals/outcomes. The Adult TSW then meets with the family, child, school, Children's TSW to complete a Wellbeing Assessment and Care & Support Plan.

97. Provided the individual meets the eligibility criteria as per the Care and Support (Eligibility, Wales) Regulations 2015, the young person will transfer over to Adult Services at the age of 18.

98. During the course of this inquiry an external consultancy undertook a review of twenty cases and found that generally cases were transferred from Children Services to Adult Services in a timely manner. However seven of the twenty cases reviewed found that assessments were not completed until late in the process.

#### Determining Accommodation Provision

99. If an individual is identified as requiring accommodation, (under the Social Services Well-being (Wales) Act 2014), this will lead to an accommodation referral which will specify what kind of accommodation they may need.

100. During this time the Supported Accommodation team will offer to meet with families to discuss supported accommodation options in more detail and answer any questions – leaflets and DVDs are also available to help individuals understand the accommodation options available to them. The team also offer to take families and individuals to see



some of the supported living schemes, working with the individual and their family to identify the right option.

101. At the age of 18, a Financial Assessment is undertaken as, depending on circumstances, there is a possibility that an individual can contribute to their care. To note, it is the Council's finance department who undertake these assessments on the individual's financial position via Financial Visiting Officers – the finance team are also informed if an individual receives health funding.

102. If it is not possible to meet the individual's needs locally, it is likely the individual will have multi-disciplinary input with involved social and health care professionals<sup>17</sup> working with the person and their family to identify what provision they require. A complex needs accommodation referral will then be completed which has more in-depth information; this is used to identify what kind of placement is required.

#### The Current Pathway into Further Education

The current transition planning process following secondary education is set out in the Special Educational Needs Code of Practice for Wales (Welsh Government, 2004) and begins in Year 9 SEN annual review. During the inquiry Members heard that an individual with learning disabilities will typically transition from school to further education around the age of 19 and may transition again 2 – 3 years later. During the inquiry it was confirmed to Members that during this time an individual may remain with the same adult social worker or may be reallocated to another social worker depending on capacity.

#### **KF28**

103. As detailed earlier in the report, under the Learning and Skills Act 2000, the Welsh Government are currently responsible for securing the provision of further education and will carry out an assessment (through Careers Wales) of educational needs with the person, their family, the school and Cardiff and the Vale College (under s40 of the Act). Policy specifies that a placement at a local college must be considered and only if this is not suitable, alternative placements will be identified.

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<sup>17</sup> This could include social work, community nursing, psychology, psychiatry, occupational therapy, speech and language therapy, physiotherapy and other services who know the person such as education, day service and domiciliary agencies.

104. In order to secure a placement at a specialist further education provision (*which are currently all placed out of the authority*) – the local colleges must first express that they cannot meet an individual's 'reasonable' education and training needs. It is then for Careers Wales to start an application process (S140) whereby the Welsh Government administers applications and monitors progress.

105. During the assessment process a 'school review' is held between the child's current school, Careers Wales, family, social worker and the individual (*if able*) and is usually conducted when the individual is around the age of 14 (*year 9*). Due to the social care element within the S140 application, social services will also provide their assessment to Careers Wales and in turn Carers Wales will provide a copy of their assessment to social services.

106. When the Welsh Government agrees the college placement, they advise the local authority and request funding for the social care elements of the placement such as support for personal care, daily living needs etc. For those pupils, where there are healthcare costs (*such as equipment / therapy*) Cardiff and the Vale Health Board are responsible.

107. Although most out of county residential students with significant disabilities have an element of local authority funding, there are some students with no social care needs who only receive education funding (through the Welsh Government). Thus, under current arrangements, the vast majority of funding comes from the Welsh Government.

Primary research conducted with parents during this inquiry found that most parents have limited knowledge and understanding of the assessment process for accessing specialist further education provision including eligibility requirements, duration of funding and the roles of various stakeholders involved in the process.

**KF27**

During this inquiry, both parents and out of county providers highlighted the need for consistency in the representation of social workers during the review process of further education placement.

#### **KF29**

108. The specialist further education providers who engaged in this inquiry confirmed to Members that course enrolment is matched to both the individual and the students already engaged on the course. This is to ensure the dynamics are right and that no one's learning experience is jeopardised. 'Taster days' are also offered to each potential new student in a bid to ease transition and reduce anxiety. The individual's parent/carer and support worker/social worker are also involved with the 'taster day'.

#### Benefits of Out of County Placements

109. In the out of county provisions visited by the task group, many of the learners (and/or) residents came from local authorities across England and Wales. The range of disabilities encountered was very broad and often complex. Most have moderate to severe learning difficulties accompanied by another disability and may also exhibit emotional and behavioural difficulties or challenging behaviour.

During the inquiry the following benefits of out of county placements (*both within further education colleges and residential settings*), proposed by out of county providers included:

- Better social mobility;
- Wider relationships;
- Increased-self-understanding;
- Improved self-advocacy and self-reliance;
- Reduction of stress on families;
- Improved mental health outcomes;
- Families able to enter employment / increased employment opportunities;
- Improved health, well-being and quality of life and;
- Reduced elective and non-elective hospital admission.

#### **KF31**

Specialist further education institutions visited during the inquiry had the benefit of many on-site facilities and services, including but not limited to:

- Speech and language;
- Counselling;
- Occupational therapy assessment.

### **KF32**

The benefits and outcomes were strongly acknowledged amongst the parents (*of those with children in out of county specialist further education provision*) who engaged with this inquiry who in the majority noted their content with the;

- Individualised support programmes;
- Availability of specialist staff;
- Remarkable development in their child's skills, knowledge and independence.

### **KF33**

110. During the course of the inquiry it became evident to Members that there appears to be a clash in ideologies, between the professional perspective of governing bodies and that of the parents on the benefits of alternative provisions and it is strongly felt amongst Members that this discrepancy must be resolved.

The importance of environmental factors and their significant benefit on individual's (with certain needs) physical and emotional well-being was widely recognised by all stakeholders who engaged in this inquiry.

### **KF34**

111. To further elaborate on the environmental benefits of the out of county providers visited by the task group, Members were informed that residents within certain sites were also provided with the opportunity of working on an on-site working farm, and/or tending to animals along with access to on-site allotments.

112. It was felt by Members that due to the environmental settings of out of county provisions, along with onsite access to facilities, the majority of out of county provisions offer an environment where an individual's skill set is continually developed.

113. In terms of the location of out of county provision, many sites visited were set within rural, spacious settings. During the inquiry it was also reiterated to Members by the out of county providers that although more rural in nature, sites do have easy access to their local community and that the providers strive to help residents build and maintain strong relationships by establishing strong links with the local community. To note, during the course of the inquiry Members were also informed of the benefit of more urban settings which can help an individual develop further strategies for managing daily life within more busy, urbanised settings.

114. During evidence gathering sessions for this inquiry Members witnessed residents in out of county provisions having access to onsite, arts and crafts, weaving and cookery classes (amongst others). Members were further informed that Residents are also encouraged to undertake work experience in the local community.

Although for some young people with disabilities, a specialist further education college may not suit, the perspective presented to Members by specialist further education providers during this inquiry is that the opportunity offered by a specialist setting, for an individual to learn and live amongst peers with similar needs and life experiences can be a very effective way to help them achieve long-term sustainable outcomes that enable them to become active participants in, and contributors to society along with aiding their progression into adulthood.

### **KF35**

115. Both out of county and local provisions visited during this inquiry placed emphasis on the importance of self-advocacy skills (such as social, communication and listening skills) which promote health and well-being through the encouragement of hobbies, healthy eating, and household skills such as cooking and laundry.

116. During the inquiry Members were informed of the HACT Social Value Bank<sup>18</sup>, which is a tool used to provide a social impact measurement. During the course of the inquiry Members were provided with information from two out of county providers which states that within specialist provisions every £1 spent sees a social return of £1.38. It is to note, that further information is required on whether this measurement is verified and for what institutions.

117. All provisions visited during the course of this inquiry recognised and placed emphasis on the importance of effective staff who receive continuous, high quality training (*as set out in the Regulation and Inspection of Social Care (Wales) Act 2016*) along with the importance of a low staff turnover.

118. Although recognised in all provisions, Members noted that the specialist further education provisions visited during the inquiry hold the benefit of offering an on-site multi-disciplinary team, including a speech and language therapist and a clinical psychologist (amongst others).

The majority of parents who engaged in this inquiry believe that within a specialist further education provision there is a much stronger opportunity for their child to grow in maturity, develop independence and gain additional skills away from the home environment and that recognition of such skills and opportunity by professionals is paramount.

### **KF36**

119. During their engagement with local authority officers, Members felt that such positive recognition of the benefits of provisions such as specialist further education was not as commonly replicated.

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<sup>18</sup> <https://www.hact.org.uk/social-value-bank> accessed: 20 Jan 2020

## **The Current Pathway for an Individual Returning from an Out of County Placement**

During this inquiry, Members were unable to obtain published information which confirmed and clearly laid out the transitioning pathway for adults with a learning disability who may undergo transitioning from an out of county provision. It became apparent that the service area lacked a published framework and guidelines on how identified individuals are brought back from out of county in a structured, personalised way. While a wealth of information was provided to the task group, there was no evidence that this had yet been consolidated into one robust 'pathway' used as a blueprint for returning identified adults into their local county.

### **KF37**

120. While officers were able to provide information when requested and articulate how the transition is accomplished, this had not yet been set out and evidenced into a formal framework. Members were concerned that a structured strategy for those adults with a learning disability, identified as wishing to, or those benefiting from a return to their local county along with college leavers in out of county placements had not yet been completed.

121. At the time of writing this report, there are currently around 150 individuals on the Council's 'move on' list which include those placed out of county identified as wanting to return to the authority, residential college leavers, those currently living at home and so on. Although those labelled as 'high priority' within this number are very small, it is recognised by the service area that this figure does indicate the need to ensure the right properties are being developed locally.

122. In line with the recommendation found in Welsh Government's *Improving Lives Programme* (2018), and *Joint Commissioning Strategy for Adults with a Learning Disability 2019-2024* which endorses an increase in local accommodation options for adults with a learning disability through collaborative working between local authorities, housing, health board and the third sector, Cardiff and the Vale of Glamorgan Council have developed a 'Closer to Home' project which is an informal collaboration between Health, local authority social services and the third sector to

explore ways in which the professional bodies could better collaborate to deliver better accommodation and support services to those with learning disabilities.

123. The project places emphasis on co-production, integrated working, collaboration with the third sector, prevention, evidence-based practice, person-centeredness, quality of life and wellbeing.

124. It is recognised by the service area that placing even a relatively small number of people out of area places major financial strain on statutory bodies which in turn can prevent investment in local service infrastructure and expertise. It is also contended that higher cost and better care are not always correlated and that out of county placements can also place local commissioners in the position where they recognise the need to develop appropriate local services but are unable to do because of lack of available resources to invest. As such, there is a growing consensus, across the UK that the solution lies in the proactive commissioning of local infrastructure of services.

125. It is important to note that individuals who are identified for this project are those who have expressed a wish to return to the authority, where there are concerns surrounding the placement, or where local supported living provision has been identified as meeting their need. During the meeting with frontline staff Members were informed that if an individual has capacity and does not wish to be moved from their out of county residential placement they will not be moved; movement only occurs for those identified as wanting to move or not classed as residential.

126. Currently, the majority of people who have returned from out of county residential care have been individuals stepping down from a history of hospital care.



127. During the course of this inquiry, an independent consultant was commissioned by the service area to undertake a review on the quality and cost effectiveness of current practice. The review included the following key considerations:

- Current service;
- The incorporation of choice and control within the current decision making process;
- Closer to Home Regional Services;
- An opportunity assessment on learning disability provision;
- Quality assurance on the initial transition into Adult Services and;
- To include, and make reference to national academic research on service models for provision.

128. Toward the end of the inquiry Members were presented with the findings from the external consultancy which found that there is a coherent vision across the service area to ensure individuals have equal access to support, which in turn ensures independence and control, and that an individual's outcome and quality of life is at the centre of the authority's decision making. It was also confirmed that there is a strong culture for improvement and self-drive across the service area in order to continue on its 'journey for improvement' and in order to ensure it operates within an open and responsive culture.

If an individual transitions from an out of county residential provision there is a high multi-disciplinary team (MDT) involvement, including health colleagues, specialist behaviour team and so on. Further to this, a wealth of risk assessments along with a full assessment and analysis of care package is also undertaken. This is conducted in full consultation with the family and individual (as appropriate). It is to note that although full and thorough risk assessments and analysis of care package is provided for all individuals, MDT involvement does not commonly occur for those transitioning out of residential college.

**KF38**

129. Members were also pleased that the sensitivity of such movement is also recognised by staff as it was confirmed to Members that an individual's wants and rights are always at the forefront when decisions are made. However, Members were concerned to hear from frontline staff that due to the lengthy nature of the transition process, on occasion it can be perceived as taking too much time and being too resource intensive.

130. If a local opportunity is deemed the most appropriate option, or can be developed for an individual currently residing in out of county residential accommodation, staff will approach the person and family to consider whether a move back to Cardiff would be beneficial.

The key drivers in determining an individual's provision were confirmed to Members as:

- The individual's wishes
- Families wishes
- Persons needs
- Budgetary position.

Each driver was confirmed as equal in weighting.

#### **KF39**

131. Local authority staff who engaged in this inquiry confirmed they always support 'choice' so long as it is in line with the service user's best interest. Members heard that essentially the final decision for the package of care is down to managers. However key stakeholders such as family members, providers, educational facilities are key toward the information gathering which lays the foundation for such decisions.

Members were advised that due to the current climate of austerity and cuts there are requirements for officers to remain within certain budgets. Members were further advised that the level of justifying and producing sufficient evidence in support of a more expensive placement is due to the budgetary position along with Key Performance Indicator requirements.

#### **KF25**

132. During the meeting with frontline staff, Members were informed that if an individual is placed out of county, it does place difficulties on the social worker to effectively monitor an individual in their placement due to distance and time required for travel—presenting the argument that it could be deemed that those out of county could be perceived as more vulnerable.

During their review of 20 cases' written records, the independent consultants found that information kept in an individual's case file lacked definition on how the decision-making process within a transition (either from a residential college or from the family home) was undertaken. To elaborate, it lacked detail on the contributing factors and how evidence was weighed. The review also showed that outcomes captured within the data appeared to be too generalised making it difficult to hold providers to account and effectively monitor an individual's progress when a transition has occurred.

#### **KF45**

133. However, the independent consultants found there to be strong, coherent positive visions within the service area with regards to transition, with a significant amount of good practice displayed.

#### Schedule of Transitioning Process

134. The importance of early planning when an individual transitions was both recognised and emphasised by all stakeholders involved in the process. There appeared to be a shared view amongst all stakeholders within this inquiry that early, detailed planning for those due to transition will ensure an individual's needs are best met, minimising disruption and distress and maximising smooth transition.

Based on the views of the parents who engaged in this inquiry, the guidance and scheduling involved in transitioning individuals out of specialist further education provision appeared to be considerably inconsistent.

#### **KF40**

Members heard from Council officers that for those placed in a specialist further education provision, the year before their course is due to end a reassessment phase will begin; this inquiry's research found that the transition period tended to be initiated (*with the parents*) around 6 months prior to course end. Parents perceived this as too late in the process with parent suggestions that discussion regarding transitioning for those currently placed in out of county further education provision should start at the end of first year (*for two year funding*) or at the end of second year (*for three year funding*).

#### **KF41**

#### Disputes

135. During the inquiry both local authority staff, providers and the consultants drew Members' attention to difficulties which can arise when there are discrepancies between an individual and a parent's 'wants'.
136. It was further mentioned how in some cases, parents 'wants' could dominate and therefore override the wants of the young person; in turn reducing an individual's opportunity. An out of county providers engaged in this inquiry informed Members that challenges can also arise if parents have unrealistic expectations in terms of their relative's requirements.
137. It was confirmed by local authority staff that disputes are always aimed to be avoided, however if they do occur, they are always looked to be addressed early.

#### Transitioning from a Residential College

138. If a further year at a residential college is requested, and Welsh Government funding has been denied, the service area will assess an individual's outcomes through a wellbeing assessment and consider the options of a residential placement along with local options with a mindful approach to current resources.
139. During the meeting with frontline staff, it was confirmed to Members that decisions made always have to be evidence based and taken on a need not want basis. As such, when making decision over a possible continuation of placement (*at a residential college*) a level of evidence would be required in order to determine if

continuation at the placement is required and why it would be deemed as being in the best interest of the individual.

### Support Planners

140. During the year before a transition is due, Support Planners come in to the process specifically addressing what the service user wants – drawing up possible activities and timetables to suit the individual.

During a transition process, a Support Planner works with individuals to listen to their aspirations & needs with regards to meaningful occupations. The Support Planner has expertise in knowing what opportunities are available locally and becomes involved with an individual following a referral from a social worker should an individual wish to do activities in the community, instead of college, or after college, or while also attending college. Support Planners are involved with over 80 providers and services in Cardiff with a wide range of volunteering, social, sport, arts, health and adult education (life-long learning) opportunities. Since introducing Support Planners, the service area confirmed they have been able to offer a much wider range of occupation options, increasing an individual's skills, confidence and social networks.

### **KF47**

### Determining Provisions

During the inquiry it was confirmed to task group Members that a wealth of work goes into identifying properties for an individual – noting that compatibility with current residents, the environment, the needs of the individual and that staff members have the right skills is central to the decision making process. Members found that the significant of these factors was recognised amongst all stakeholders involved in this inquiry.

### **KF42**

141. As supported living is seen as the main model of care which can accommodate the broadest range of needs, supported living routes are the ones explored first in an assessment. It is significant to note that each individual will receive individual care when formulating their care package, for instance some individuals may request a

more holistic approach whilst others may not consider themselves as having a disability and will not want (*or necessarily need*) high level provision.

Although it was reiterated to Members that all provisions are equally acknowledged, valued and utilised, Members hold concerns that under current practice it appears that provisions perceived as 'intentional communities' and their benefit as a provision is not widely recognised. Members wish to reiterate the importance of seeing the value in every provision as stated in the Welsh Government's *Prosperity for All* document.

#### **KF43**

142. Once accommodation has been identified, an individual will have the opportunity to visit the property, meet other residents and those that will be supporting them. Once provision is agreed, together, with the individual and involved family members the service area will implement a detailed plan for the move including 'tea visits' and overnight stays before the final moving date. In order to ensure there is compatibility, the service area look to have this 'transition' period complete within three months however in some instances, this can take longer. The average duration of a transition period significantly highlights the sensitive approach taken by the service area and reaffirms that compatibility is at the forefront of an individual's transition.

Through engagement with both parents and providers, this inquiry found that during the transition process following further education provision, incompatible options are suggested and it appears that a process is followed even when known and advised by stakeholders that the suggested placements won't work.

#### **KF44**

An out of county provider who engaged in the inquiry, provided the group with an example of one resident who transitioned home after extended funding had not been agreed and the provider was then contacted by social services three weeks later inquiring if provision for this individual was still available as it had been determined that there were no suitable provisions available locally.

#### **KF46**

Primary research conducted with parents during this inquiry found variability in their understanding of the overall transitioning process. It became evident they require clarity on the roles of stakeholders involved in the process, including their own role, along with an indicative timeline and greater detail of the specific stages involved.

#### **KF48**

#### Engagement with parents during the transitioning process

143. Improved access to information is a key priority in the Cardiff & Vale Joint Commissioning Strategy and a stakeholder project group is being set up under the Learning Disability Stakeholder Group to develop an implementation plan regarding this.

During the inquiry Members were informed by officers that when required, future placement options are continuously discussed with the individual and the family. Findings by the consultants further confirmed that, in the twenty cases they reviewed, good evidence was displayed demonstrating that young people and their parents/carers are actively involved in the process. However, primary research commissioned by this inquiry found that, out of six parents involved in the research whose children had gone through the transitioning process, two confirmed a positive experience. The other parents cited improvements could be made in engaging with them.

#### **KF49**

144. Such information suggests that although engagement is happening, there are questions surrounding its effectiveness.

#### Incorrect Assessments

145. During the Call for Evidence undertaken by the inquiry, both local and out of county providers alerted Members to the potential ramifications of incorrect assessments which fail to capture relevant or accurate data, which could possibly result in negative consequences for the individuals and family members during a transition process. Members' raised this issue with frontline staff who confirmed the importance of the final transition meeting (*which includes all professional bodies and family members*

*along with the individual)* along with the significant need to ensure that there is a correct balance between all of the pertinent factors when determining placements. During the inquiry Members were informed that typically, incorrect assessments occur due to the variance of environments where an assessment is undertaken.

#### **KF54**

146. The ramifications of incorrect assessments were recognised by the service area who confirmed to Members that in order to address these issues they are currently working with providers to initiate earlier provider assessments. It is hoped that such assessment would be carried out several months before the individual was due to finish college in order to help understand the individual's needs better and match them with upcoming vacancies earlier in the process. Members were advised this approach has been discussed with all providers with a view to formalising this arrangement in the near future.

147. During their attendance at a Learning Disability Wales conference, Members became aware of Conwy Council's work in partnership with a third sector organisation to deliver a 'Planning for the Future Service' which is designed to support individuals with learning disabilities and their parents/carers to plan for and help during their transition period into more independent living.

Conwy Council's 'Progression Project' is designed to assist the assessment process through the development of a more informed understanding of accommodation and support needs. The Project consists of a refurbished bungalow which provides individuals with a 'come and try it' service for independent living. With individuals residing for the day, overnight or staying for a few days in order to ensure their needs are best determined.

#### **KF55**

148. During an individual's stay at the bungalow, assessment is undertaken of their daily living skills and support needs led by an Occupational Therapist. It is felt that spending time at the bungalow not only provides an individual with the opportunity to see if they are ready to move on from their current living arrangements but also helps to:



- Understand what the person needs to do to become ready to move on;
- Develop a thorough understanding of the person's outcomes and;
- Consider how the person's outcomes can be best supported before a longer term service is commissioned.

149. When visiting a specialist further education institution who engaged in the inquiry, Members learnt about their onsite 'independent training flat' which the provider draws on in preparation for an individual transitioning.

150. It was highlighted by the provider, that such facilities are a firm avenue for potentially avoiding 'incorrect assessments'. It was felt by Members that such resources would help better gauge correctly how an individual's needs can be both met and developed. It was also discussed that such facilities could be accessed if any delays should occur in sourcing longer term provision. Ensuring an individual's skills are maintained during a potential interim period, resulting in better transition planning and ensuring smooth transitions.

As a result of the Call for Evidence Members initiated with both local and out of county providers, it was confirmed that when an individual's placement is confirmed they, as the provider, will receive a Care Plan and/or a Unified Assessment which outlines the individual's abilities, capacity and needs, providing a brief overview of an individual's communication abilities, mobility, physical and emotional needs, special equipment, adaptations, educational need, medical information and so on. It was also confirmed that if the individual is a college leaver, they (*as a local provider*) would also receive a written assessment from the educational facility and/or a psychology report. However, one local provider noted that they tend to only receive such introductory information on an individual post entry.

#### **KF56**

In order to ensure the process of sharing information between providers is both efficient and effective, Cardiff Council's Learning Disability team are currently working with one out of county provider on developing an all-encompassing document to assist in this process. **KF57**

### Supported Living Placement Following Out of County Provision

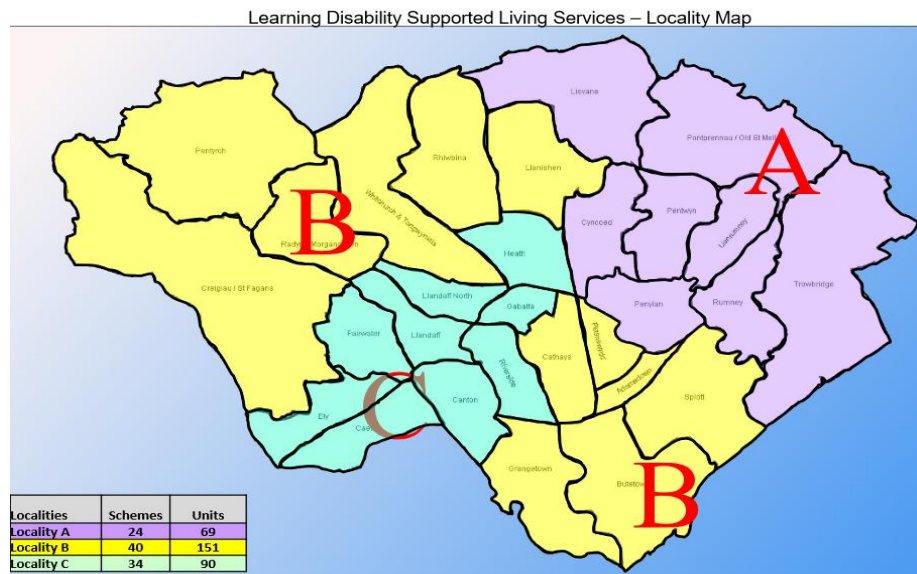
151. Supported living models currently available in Cardiff include:

- Living in a rented or owned property and getting an individual support package;
- Shared Housing - sharing with other adults with a learning disability in a rented property (*usually a Registered Social Landlord*) with each person receiving an individual support package;
- Extra Care or Sheltered Housing;
- Adult Placement / Shared Lives - lodging in someone else's home and receiving an individual support package;
- Living in an extension to a family home and receiving an individual support package;
- Core and Cluster accommodation and support - living in a network of houses or flats with others whilst in receipt of an individual support package.

152. Within Cardiff support is delivered by commissioning with external organisations in the main, with internal support offering a service to 27 individuals. During the course of the inquiry Members were informed that the Council has recently completed a supplier and gap analysis which has identified the need to develop more supported living services locally.

153. During 2019, Cardiff Council undertook a competitive retendering of its supported living providers, with Supported Living Service being divided into geographical localities across the city and independent providers bidding to provide and manage the schemes within each locality.

The geographical locality used within the retendering process was as follows:



154. It is to note, that the evaluation process for the retendering was 60:40 (*with 60 being on quality of care 40 on cost*). This approach was implemented in order to ensure all providers selected presented robust, high quality support. After thorough assessment, 8 year contracts were awarded to the following providers:

- Innovate Trust
- Dimensions Cymru
- Mirus Wales

#### Local Provision for Lifelong Learning

155. It was confirmed to Members that the provision for lifelong learning is initially assessed within an individual's Care Plan and then developed in the individual's Personal Plan. Within the assessment, it may be identified that an individual would benefit from, or may request, formalised learning where they attend providers such as Vision 21, Community Adult Education and Innovate Training Work Opportunity, whereby formal accreditation is offered.

156. During this inquiry Members had the opportunity to visit some of the lifelong learning opportunities available within Cardiff. One of the providers visited, provides realistic, work-based training opportunities for people with learning disabilities across 17 training enterprises located across South Wales. An example of some of the training delivered by this provider included:

- Horticulture experiences,
- Retail,
- Catering,
- Woodwork,
- Ceramics,
- ICT
- Small Animal Care,
- Pottery

157. Local vocational provision available in Cardiff is available to individuals with a range of abilities from high need to low need. Support levels vary according to the individual's needs and the type of project. Members were informed that a lot of trainees tend to be on a staffing ratio of around 1:5, although there are trainees with 1:1 ratio support, it was confirmed to Members those with the higher level of need tend to bring in their own support staff.

158. In line with the Cardiff & Vale's Joint Commissioning Strategy priority (*Work, Volunteering & Day Opportunities*), local provisions also offer individuals work experience.

The importance of a lifelong learning framework which allows for exceptional development of an individual, encouraging growth in confidence, developing an individual's independence and having an all-round positive impact on an individual's life was shared by all stakeholders who engaged in this inquiry.

**KF50**

Although all local providers who engaged in this inquiry reiterated that the retention and development of an individual's skill set are at the forefront of their organisation, this inquiry's primary research found that out of the parents whose child had transitioned, most were unsure whether their child has sufficient opportunities in their current provision to undertake the activities and tasks that would help to maintain the knowledge and skills that they acquired during their college placement.

#### **KF51**

Croen et al (2015) identified that people with autism are at increased risk of physical health issues including diabetes, gastrointestinal disorders, high cholesterol, hypertension and obesity. Relationships with food can also be complex due to sensory needs, obsessive behaviour, anxiety or isolation. Such concerns were reiterated by some of the parents involved in this inquiry, who voiced their concerns that they were unsure if their child, who now resided in local provision, is encouraged to undertake sufficient physical activity and make healthy food choices.

#### **KF52**

The findings of the primary research, commissioned by this inquiry show that parents of those currently residing in local provisions are unsure whether activities for their child are carried out as planned.

#### **KF53**

159. The concerns captured by parents within this inquiry's primary research are recognised by the service area who informed Members that greater communication and more publications for those who have transitioned is required in order to strengthen the parents knowledge and dispel any possible concerns.
160. During the course of the inquiry Members were informed of a mobile 'app' developed by one local provider which provides family with a safe environment to communication with each other – share pictures, stories etc. See written reports on their child and be provided with 'live' class information, for instance if a class their child was due to attend was postponed / cancelled – providing involved family members with accessible monitoring information. Members were informed that families have responded well to the app and due to the successful feedback the

provider are hoping to be Cardiff wide and are therefore looking at possibly expanding the app out to all support users. However to ensure regulations are met, particularly with regarding to personal data which could be stored on the app the provider noted that Care Inspector Wales will need to be involved.

161. It is felt that such proposed development could also be utilised to address the issues captured within the primary research surrounding parents perception on staff competencies and the effective delivery of care and support plan by local providers.

### Positive Behaviour Support

162. During the course of the inquiry, Members received a wealth of information surrounding the nationally recognised Positive Behaviour Support (PBS) model *(which was both recognised and in practice in the majority of out of county and local provisions visited during this inquiry)*.

163. Members were informed that PBS is an evidence-based, values-led, person-centred, proactive model which focuses on improving an individual's quality of life and preventing challenging behaviour.

164. PBS looks to promote an individual's physical and emotional well-being, addresses physical and mental health issues, emphasises personal and skill development, promotes human rights, dignity and respect and aims to enhance an individual's living accommodation whilst striving to reduce challenging behaviour for individuals with a learning disability.

165. PBS is widely recommended across the UK (and internationally) as best practice in supporting individuals with challenging behaviour. Within the model of PBS, emphasis is placed on understanding the factors which influence behaviour whilst developing strategies which seek to improve quality of life and minimize (or eliminate) challenging behaviour.

166. During the course of the inquiry, Members were also informed by a local provider of the (national) STOMP project which looks to stop the over medication of psychotropic medicines for individual's with a learning disability. Members were informed by the

local provider that, where appropriate, they will undertake this project looking at an individual's needs, understanding why the medication may have been prescribed (and when), verifying how the medication is reviewed and undertake relevant analysis to see if there are other methods (*such as PBS, active support or certain communication strategies*) which could be drawn on to determine if a reduction plan could possibly be put in place to support an individual more effectively.

167. Members were further informed of one service user supported by the local provider who went through the STOMP project who 'had an exceptional turnaround with an unrecognisable amount of new energy'.

## **Monitoring & Evaluation Arrangements**

### Supported Living & Residential Placements (CIW regulated)

168. Whether an individual resides in a supported living model of care, or residential, their placement is closely monitored by their social worker and any involved family. The individual will also receive a wellbeing review at least annually, or more often if required. The service provider will also hold an annual placement review with the individual which the social worker and family are invited to – although again this may occur more often if required. For example, some providers will have 6 weekly multi-disciplinary meetings if required for those with more complex needs. Social Workers tend to visit those people who are experiencing difficulty or crisis regularly to monitor and review their wellbeing and support. Family's may also visit regularly and are encouraged to feedback any concerns or observations.

### Residential colleges (Estyn regulated)

169. Colleges tend to hold bi annual or annual reviews of the person's education and social progress with the individual, their family, college staff, Careers Wales and the social worker. It is during such reviews that Careers Wales will assess the educational progress in order for the Welsh Government to decide if the person has met their educational outcomes or whether to extend funding. Social Work wellbeing assessment reviews are also held as required (*at least annually*). In some instances, the individual may have a different care and support package during college holidays

so the social worker will therefore monitor their progress both at college and in the local services.

Dr Edwin Jones' report on Western Bay's Closer to Home project places significant emphasis on the success of the Positive Behaviour Support model and the use of a core multi-disciplinary team within the transition process. In addition, the report also highlights the importance of data, which is captured both pre and post move, being utilised in order to best understand and monitor the impact on an individual who has moved in order to ensure full quality of life is achieved.

#### **KF60**

When meeting frontline staff, Members queried what data is kept on those who have transitioned from an out of county provision and if the impact on an individual who has transitioned is specifically measured in order to ensure progress is sustained.

Members were advised that following a transition, social workers will undertake an 8 week review which is then repeated at 6 and 12 months; to note, additional reviews will also be conducted if required. Such work is called 'person centred planning reviews' or 'pathway plans'.

#### **KF58**

170. Members believe that a clear, defined focus on an individual's outcomes following a transition in provision is paramount toward providing, developing and maintaining effective services. Although it was confirmed to Members during this inquiry that the outcomes of a person who has transitioned is a crucial part of the current process and actively tracked in line with the requirements set out by the Social Services Wellbeing Wales Act, it was unclear what specific measures were used to effectively capture the data.

171. During the meeting with frontline staff Members were advised that there is an element of quantitative scoring mechanism within the assessment process, however the effectiveness of the data it provides could easily be questioned which is why a narrative /qualitative approach is drawn upon more.



In line with the Wales Audit Office Report recommendation (*Strategic Commissioning of Accommodation Services for Adults with a Learning Disability, 2018, R6*), there appears to be a lack of formal, systematic monitoring and evaluation process on individuals who have transitioned which is managed by the authority .

#### **KF61**

#### **Providers Assessments**

172. In line with Regulation and Inspection of Social Care (Wales) Act 2016, Supported Living providers develop an outcome-based service delivery plan with the person which includes preferred daily routines, occupation, skill building and social opportunities. This is monitored by involved families, professionals and the supported living team.

173. The Call for Evidence undertaken by the inquiry confirmed that a structured needs assessment is in place by both local and out of county providers. However, it was unclear how information captured by local providers is shared with parents. It was also unclear what Cardiff Council's role was in facilitating the movement of such data.

This inquiry's Call for Evidence confirmed that local providers (*in line with the Care Plan developed by social workers*) will develop a Personal Plan with the individual, which includes lifelong learning and skill development opportunities. This Personal Plan is reviewed at least 3 monthly by provider staff. However, a majority of the parents who engaged with this inquiry whose child resided in local provisions, were unaware of such reviews. **KF59**

#### Cardiff Council's Role in Monitoring Provider Services

174. It was confirmed to Members that Cardiff Council has a good relationship with providers and undertakes monitoring of providers in a variety of ways. Some of the examples provided to Members of such monitoring included through feedback from social workers and other health professionals and writing to families for their feedback.

175. Of the 20 cases reviewed by the external consultants, 10 cases confirmed that the provider was reviewed and monitored, 2 cases partially confirmed monitoring, 1 case was unclear and 7 were not applicable (*for instance the individual's placement had only just begun*).

176. Primary research conducted for this inquiry highlighted how parents would like to have a better understanding on how Cardiff Council monitors the effectiveness and quality of services provided by commissioned care providers. With some parents holding the perception that the Council is not fully aware of the issues parents have on the effectiveness and quality of services provided. Parents would like to understand how they can support Cardiff Council in monitoring the delivery of care and contribute to validating the effectiveness of the commissioned care and support services.

#### **Current Provisions Available in Cardiff**

177. The Council has developed 97 schemes across the city that offer supported accommodation for up to 342 people. The schemes vary greatly as the service is aimed at meeting a wide range of need. To date, the current schemes available in Cardiff can be broken down as follows;

1 person schemes	9
2 person schemes	27
3 person schemes	34
4 person schemes	17
5 persons schemes	4
6 person schemes	1
Core & Cluster schemes	5

Total : 97

178. Community Residential Care provision is utilised when an individual is identified as requiring nursing needs. During the inquiry it was confirmed to Members that Cardiff is limited in this area and further provision is required.

#### Core & Cluster

179. Core & Cluster schemes provide a group of houses or flats with individual tenancy. Within the schemes, individuals are able to access specifically determined direct support within the comfort of their own property. However staff are based at the scheme twenty four hours a day, providing tenants with the safety and confidence along with ensuring early intervention should any unforeseen issues arise.

180. During this inquiry, Members heard from a local provider that Core & Cluster schemes allow for individuals to reach their maximum independence, providing them with space to grow and develop in ways they might not in other provisions. Members were further provided with an example of one individual who previously resided in a shared house supported living scheme who has thrived since moving to a Core & Cluster.

181. Members concurred that the Core & Cluster flats visited during this inquiry were of a very high standard, and were informed that all were developed with full Occupational Therapist specification. In terms of costings, it was confirmed to Members that support packages within Core & Cluster properties are around the same price as a shared house supported living support package.

182. However during the visit, it was recognised that, as with all provisions, this scheme would not work for all, and alternative schemes such as shared housing with more social interaction may work better for some individuals.

## **Developing Local Accommodation**

183. The vision for ensuring local authorities develop appropriate local accommodation for people with learning disabilities is laid out within recent Welsh Government guidance; *Learning Disability Improving Lives Programme* (June, 2018) and the *Commissioning Accommodation and Support for a Good Life for People with a Learning Disability* (March, 2019).

184. Local accommodation is also a commissioning principle for Cardiff and the Vale Regional Partnership Board and ensuring good local provision and supporting people to live close to their families and friends (if appropriate), is also one of the 8 priorities in the Cardiff and Vale Joint Commissioning Strategy.

### Gaps in local provision

185. The Wales Audit Office, Strategic Commissioning of Accommodation Service for Adults with a Learning Disabilities recently found that although local authorities are generally meeting accommodation needs of adults with a learning disability, the existing commissioning arrangements are unlikely to be fit for the future.

186. At the time of writing this report, there are currently 38 individuals placed in out of county specialist further education. During the inquiry Members were informed that officers are currently in the initial scoping phase, mapping out needs in order to understand what is required to meet more of these needs locally and that both strategic and operational discussions are currently ongoing along with a pilot project.

187. Members were further advised that Cardiff Council's Supported Living team are continuously looking at what local provisions need to be developed to better suit people's need. Their most recent work found that Cardiff requires a 'complex needs' core cluster and additional adapted bungalows.

### The Future

188. The number of people with a learning disability is increasing. People with a learning disability are living longer and there is a known expectation surrounding an increase in the number of adults with profound and multiple needs transitioning from children's into adult services over forthcoming years.

189. In general, individuals placed out of county due to a lack of suitable local provision, tend to have more complex needs including challenging behaviour. The common consensus shared amongst all stakeholders who engaged in this inquiry is that careful consideration is required for all future accommodation and support models to ensure the specific needs of these individuals are met.

As stated in the National Commissioning Board's guidance document (*Commissioning Accommodation and Support for a Good Life for People with a Learning Disability, 2019*), provision of the right kind of housing can either help or hinder an individual's social integration. It can also be fundamental in achieving a number of the outcomes set out in the Social Services and Well-being (Wales) Act 2014. It is therefore essential that when a decision is made concerning accommodation provision, the full spectrum in meeting that individual's needs is considered.

**KF62**

190. It is essential that local authority housing strategy teams identify the accommodation needs that are emerging over the next three to five years to inform decisions which commission the right provision. Members were pleased to be reassured by officers throughout the inquiry that work has begun in this respect and the service area are looking to develop an 'Accommodation Strategy' to assist in identifying, developing and improving local options to ensure individuals are offered with a wider range of choice.

The Mansell Report (*Services for People with Learning Disabilities and Challenging Behaviour or Mental Health Needs, 2007*), described as 'definitive UK guidance on the development of services for people with challenging behaviour', recommends that local services, including educational, training and day services are developed and expanded for people with a learning disability. The report also recommends that specialist services be developed locally which can support good, mainstream practice and improve the quality of life for those served.

**KF64**

During the course of the inquiry it was confirmed to Members that the service area are currently planning to develop an accommodation strategy to assist with long term planning on local provisions and are also working toward developing clear transitional pathways to ensure individuals and their families acquire full understanding of the options available in line with their need.

**KF65**

## INQUIRY METHODOLOGY

The Community and Adult Services Scrutiny Committee task group was tasked by the full committee with delivering a report for its consideration. This report uses the evidence gathered by the task group to make key findings and recommendations to the Cabinet of the Council in respect of the current arrangements in place for transitioning identified individuals with learning disabilities who reside out of county. To achieve this, the Principal Scrutiny Support Officer has worked closely with the Council's Social Services teams to identify appropriate witnesses and taken a steer from all members of the task group.

The task group received evidence from the following witnesses:

Date of Meeting	Witnesses
Meeting 1 – 7 Feb 2019	<p><b>Cllr Susan Elsmore</b> (Cabinet Member for Social Care, Health &amp; Well-being)</p> <p><b>Claire Marchant</b> (Cardiff Council's Former Director of Social Services)</p> <p><b>Louise Barry</b> (Assistant Director, Adult Services)</p> <p><b>Emma Mulinder</b> (Operational Manager - Learning Disabilities)</p> <p><b>Denise Moriarty</b> (Strategic Lead Planning Officer, Social Services)</p>
Meeting 2 – 5 March 2019	<p>Members of the task group were invited to attend the launch of, <i>Improving Lives Improving Practice Guidance: Commissioning Accommodation and Support for a Good Life for People with a Learning Disability.</i></p>

<p>Meeting 3 – 16 July 2019</p> <p>Briefing Report and site visit to Values in Care</p>	<p><b>Emma Mulinder</b> (Operational Manager - Learning Disabilities)</p> <p><b>Emma Jo McDonald</b> (Supported Living)</p> <p><b>Senior Management Team of Values in Care.</b></p>
<p>Meeting 4 – 17 July 2019</p> <p>Site visit to Glasallt Fawr &amp; Coleg Elidyr</p>	<p><b>Emma Mulinder</b> (Operational Manager - Learning Disabilities)</p> <p><b>Denise Moriarty</b> (Strategic Lead Planning Officer, Social Services)</p> <p><b>Senior Management Team of Glasallt Fawr</b></p> <p><b>Senior Management Team of Coleg Elidyr</b></p>
<p>Meeting 5 – 19 Sep 2019</p> <p>Site Visit to Vision 21 and Bridgend College</p>	<p><b>Denise Moriarty</b> (Strategic Lead Planning Officer, Social Services)</p> <p><b>Emma Jo McDonald</b> (Supported Living)</p> <p><b>Senior Management Team of Vision 21</b></p> <p><b>Senior Management Team of Bridgend College</b></p>
<p>Meeting 6 – 30 Sep 2019</p> <p>Meeting with frontline staff</p>	<p>Meeting with frontline staff, including three social workers (two of which were transition social workers) and a social worker assistant.</p>
<p>Meeting 7 – 1 Oct 2019</p> <p>Briefing with Education officers on the upcoming Additional Learning Needs and Education Tribunal (Wales) Act 2018.</p>	<p><b>Jennie Hughes</b> (Senior Achievement Leader Inclusion)</p> <p><b>Elizabeth Jones</b> (Additional Learning Needs Transformation Lead Central South Consortium)</p>
<p>Meeting 8 – 3 Oct 2019</p> <p>Site Visit to Local Providers</p>	<p><b>Emma Mulinder</b> (Operational Manager - Learning Disabilities)</p> <p><b>Emma Jo McDonald</b> (Supported Living)</p>



	<p><b>Denise Moriarty</b> (Strategic Lead Planning Officer, Social Services)</p> <p><b>Senior Management Team of Dimensions Cymru,</b></p> <p><b>Senior Management Team of Innovate Trust</b></p> <p><b>Senior Management Team of Mirus.</b></p>
<p>Meeting 9 – 18 Dec 2019</p> <p>To receive the findings of the Primary Research</p>	<p><b>Therese Gladys Hingco</b> (Principal Research Officer)</p>
<p>Meeting 10 – 6 January 2020</p> <p>To receive the findings from independent consultants - Alder Advice</p>	<p><b>Cllr Susan Elsmore</b> (Cabinet Member for Social Care, Health &amp; Well-being)</p> <p><b>Claire Marchant</b> (Director of Social Services)</p> <p><b>Louise Barry</b> (Assistant Director, Adult Services)</p> <p><b>Emma Mulinder</b> (Operational Manager - Learning Disabilities)</p> <p><b>Denise Moriarty</b> (Strategic Lead Planning Officer, Social Services)</p> <p><b>Rob Griffiths</b> (Alder Advice)</p> <p><b>Paula Close</b> (ICF Outcome Delivery Officer)</p>

Written evidence was also received from both local and out of county providers during the inquiry's Call for Evidence. The Call for Evidence sought to obtain information on the whole transition process including initial assessment, review of placement, the providers' involvement in any transition and the monitoring arrangements in place from any individuals who may have transitioned.

Inquiry Members also commissioned independent research into this area, tasking Scrutiny's Research Officer to address, through consultation with parents and

advocates, the current pathway in place for transitioning identified individuals in order to identify possible areas for improvement.

Although the scope of the research was to engage with parents of those who had transitioned from both out of county residential placements and out of county specialists further education placements, the parents of those who had resided in out of county residential placements were unfortunately unable to engage with the inquiry. As such, the primary research conducted, liaised with parents who had children placed in out of county educational provision; pre or post transition.

The key findings and recommendations are the unanimous view of the task group. Details of all evidence considered by the task group and used in the preparation of this report are contained within a record of evidence that is available for inspection upon request

## LEGAL IMPLICATIONS

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. Any report with recommendations for decision that goes to Executive/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers of behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## FINANCIAL IMPLICATIONS

There are no direct financial implications arising from this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications

COMMUNITY & ADULT SERVICES SCRUTINY  
COMMITTEE MEMBERSHIP



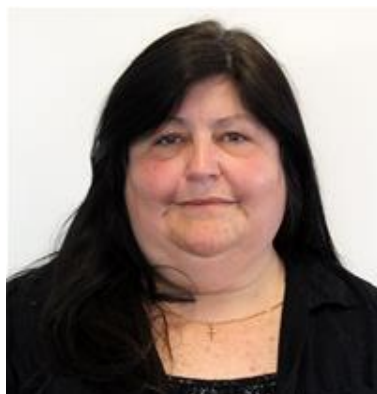
Councillor Ali Ahmed



Councillor Shaun Jenkins  
(Chairman)



Councillor Joe Carter



Councillor Andrea Gibson



Councillor Norma Mackie



Councillor Ashley Lister



Councillor Philippa Hill-John



Councillor Sue Lent



Councillor Mary McGarry

## TERMS OF REFERENCE OF THE COMMUNITY & ADULT SERVICES SCRUTINY COMMITTEE

To scrutinise, measure and actively promote improvement in the Council's performance in the provision of services and compliance with Council policies, aims and objectives in the area of community and adult services, including:

- Public and Private Housing
- Disabled Facilities Grants
- Community Safety
- Neighbourhood Renewal and Communities First
- Advice & Benefit
- Consumer Protection
- Older Persons Strategy
- Adult Social Care
- Community Care Services
- Mental Health & Physical Impairment
- Commissioning Strategy
- Health Partnership

To assess the impact of partnerships with and resources and services provided by external organisations including the Welsh Government, joint local government services, Welsh Government-sponsored public bodies and quasi-departmental non-governmental bodies on the effectiveness of Council service delivery.

To report to an appropriate Cabinet or Council meeting on its findings and to make recommendations on measures which may enhance Council performance and service delivery in this area.

To be the Council's Crime and Disorder Committee as required by the Police and Justice Act 2006 and any re-enactment or modification thereof; and as full delegate of the Council to exercise all the powers and functions permitted under that Act.

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## Scrutiny Research

**Click on link to access report:**

# Parents Information and Support Needs

**Research report for the  
Community & Adult Services Scrutiny Committee**

**April 2020**





Cardiff Council Scrutiny Services,  
Room 263, County Hall, Atlantic Wharf, Cardiff CF10 4UW Tel: 029 20872953.  
Email: [scrutinyviewpoints@cardiff.gov.uk](mailto:scrutinyviewpoints@cardiff.gov.uk) © 2020 Cardiff Council

Mae'r dudalen hon yn wag yn fwriadol

**CYNGOR CAERDYDD  
CARDIFF COUNCIL**

**COMMUNITY & ADULTS SERVICES SCRUTINY COMMITTEE**

**10 NOVEMBER 2021**

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**COMMITTEE BUSINESS REPORT**

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**Reasons for this Report**

1. To update Members on scrutiny of the Replacement LDP.

**Replacement Local Development Plan - Joint Task & Finish Group**

2. In September 2021 the five Scrutiny Committees individually considered the draft report titled *Cardiff Replacement Local Development Plan: Vision, Issues and Objectives and Integrated Sustainability Appraisal Scoping Report* prior to its consideration by Cabinet. Following this Scrutiny, a collective letter was sent to the Cabinet capturing the concerns and observations of all five committees.
3. The five Scrutiny Chairs considered it would be good practice to pool scrutiny expertise and continue a culture of collaboration when considering the Replacement LDP. As a result, it was agreed to progress scrutiny of the next stages of the Replacement LDP via a Task and Finish Group, with cross-representation from all five Committees.
4. The Chair of the Environment Scrutiny Committee proposed his Committee lead the task group and membership, whilst primarily taken from the Environment Scrutiny Committee, is open to representation from all Scrutiny Committees.

5. During the Community & Adult Services October meeting, Committee Members were invited to express an interest in joining the RLDP Task & Finish Group to represent this Committee, with Cllr Sue Lent declaring an interest to join.
6. The next stage of the RLDP is the consultation around the proposed Strategic Options. Members are to note, the Strategic Options will be out for a 10-week consultation in late November 2021 until January 2022 and will be used to develop and inform the Preferred Strategy which is scheduled to be presented to Cabinet in September 2022.
7. The first meeting of the RLDP Task & Finish group took place on the 2<sup>nd</sup> November 2021, where Group Members considered the areas they wished to explore in their examination of the Strategic Options. During the meeting, Group Members also considered and established the Group's Terms of Reference. The output from this meeting is attached at **Appendix A** for Committee Member's reference.
8. Timelines for the work of the task group are to complete and report any findings and recommendations for this stage of the Plan's development back to Cabinet by March 2022.

## **Legal Implications**

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct legal implications. However, legal implications may arise when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the

Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

### **Financial Implications**

The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters, there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

### **RECOMMENDATIONS**

Members are recommended to:

- a. Note the update on the Replacement LDP Task & Finish group

**Davina Fiore**

**Director of Governance & Legal Services**

**4 November 2021**

Mae'r dudalen hon yn wag yn fwriadol

**ENVIRONMENTAL SCRUTINY COMMITTEE  
SCRUTINY INVESTIGATION SCOPING EXERCISE SUMMARY SHEET**

<b>PROPOSED TOPIC: Cardiff Replacement Local Development Plan</b>	
<b>PROPOSED TYPE OF SCRUTINY INVESTIGATION: Joint Inquiry</b>	
<b>Proposed Terms of Reference</b>	<ul style="list-style-type: none"> <li>• To explore, scrutinise and act as a consultee on the Strategic Options for the Replacement LDP focusing on how these have addressed: <ul style="list-style-type: none"> <li>○ Accessibility and Inclusivity</li> <li>○ One Planet Cardiff.</li> </ul> </li> <li>• To review the Council's consultation process to date; to examine its effectiveness and make recommendations for future consultation on the next stages of the Replacement LDP</li> <li>• To understand the supporting rationale for the projected growth provided by Welsh Government in order to consider whether the evidence base is robust, realistic, and viable.</li> <li>• To consider how Cardiff's replacement LDP and the Strategic Options are aligned with regional planning.</li> <li>• To hear and consider views of stakeholders to inform the recommendations of Scrutiny on both the Strategic Options and the Council's consultation processes.</li> <li>• To coordinate and provide a single joint response from the Scrutiny Committees.</li> <li>• To make recommendations that will inform the decisions and considerations that the Council's Executive will make in the development of the Preferred Strategy.</li> <li>• To make recommendations that will inform any future scrutiny of the replacement LDP.</li> </ul>
<b>Task &amp; Finish Recommended.</b>	Yes
<b>Stakeholders</b>	Cabinet Members Senior Managers External Stakeholders TBC
<b>Number of meetings required</b>	
<b>Meeting 1</b> Mid November 2021	<b>Consultation Process – Strategic Options</b> To examine the consultation document and explore the consultation processes planned for engagement around the Strategic Options. To have a particular focus on the plans and approaches for involving hard to reach and under-represented groups.

## APPENDIX A

	Desktop based research on best practice consultation to enable Members to compare, contrast and assess the Council's own consultation.
<p><b>Meeting 2</b></p> <p>Beginning December 2021</p>	<p><b>Internal Evidence on Strategic options</b></p> <p>To receive a presentation from the Cabinet Member and Senior Officers on the Strategic Options.</p> <ul style="list-style-type: none"> <li>• <b>Role of Scrutiny</b> - To examine the Strategic Options.</li> </ul> <p>To receive information regarding the evidence base provided by Welsh Government to consider its robustness realism, and viability of projected growth and examine the rationale behind the options being presented.</p> <p>To receive information on how Cardiff's replacement LDP and the Strategic Options align with regional planning.</p> <p>To explore the Strategic Options through focus on the two areas identified; 'Accessibility and Inclusivity' and 'One Planet Cardiff'; to ascertain how these have been addressed in the Strategic Options put forward.</p> <p><b>Invitees</b></p> <p>Cllr Wild, Andrew Gregory, Stuart Williams, Simon Gilbert</p>
<p><b>Meeting 3</b></p> <p>1<sup>st</sup>/2<sup>nd</sup> week January</p>	<p><b>External Evidence on Strategic Options</b></p> <p>To hear evidence from key stakeholder witnesses to help inform the T&amp;F Group's views and recommendations on the strategic options.</p> <p><b>Selected stakeholder witnesses will be invited to attend the meeting to provide verbal evidence to the T&amp;F Group on their views of the strategic options.</b></p> <p>External Stakeholder witnesses TBC</p>
<p><b>Meeting 4</b></p> <p>3rd week January 2022</p>	<p><b>External Evidence on Strategic options</b></p> <p><b>Part 1</b></p> <p><b>Stakeholder Research</b></p> <p>Report of the key findings of the Call for Evidence from key stakeholders – written summary of main points provided by Gladys Hingco, Principal Scrutiny Research Officer.</p> <p><b>Part 2</b></p> <p>Discuss evidence received with Cabinet Member and Senior Officers</p>
<p><b>Meeting 5</b></p>	<p><b>External Evidence on Consultation Process</b></p>



## APPENDIX A

<p>4<sup>th</sup> week of January 2022</p>	<p>Explore views of stakeholders on the consultation processes undertaken in developing the Strategic Options as well as the Vision, Issues &amp; Objectives/ISA. This meeting will assess the effectiveness of the consultation approach and processes that have been adopted by the Directorate. The findings of this meeting will inform the recommendations that will be made on the future consultation on the Preferred Strategy.</p> <p><b>Selected stakeholder witnesses will be invited to attend meeting to provide verbal evidence to the T&amp;F Group on their views of the strategic options</b></p> <p><b>Stakeholder Research</b></p> <ul style="list-style-type: none"> <li>• Reporting of the summary findings of the Call for Evidence from key stakeholders – provided by Gladys Hingco, Principal Scrutiny Research Officer.</li> </ul> <p>External stakeholders TBC</p>
<p><b>Meeting 6</b> February 2022</p>	<p><b>Sum Up Meeting</b></p> <p>Consideration of all information received during the inquiry and agree way forward for draft report/recommendations</p> <p><b>Consideration of draft report/recommendations</b></p>
<p style="text-align: center;"><b>Proposed Reporting Arrangements</b></p> <ul style="list-style-type: none"> <li>• Investigation to be undertaken by middle of February 2022</li> <li>• Report to be considered by the Scrutiny Committees – end of February/March 2022</li> <li>• Report from Scrutiny to Cabinet - March 2022</li> </ul>	
<p style="text-align: center;"><b>Potential Outputs/Outcomes from this investigation</b></p> <p>As a key consultee, the T&amp;F will produce a report that will outline and illustrate Members views on the strategic options being consulted on at this stage of the development of the RLDP process. The recommendations of this report will be informed by consideration of evidence and views from selected stakeholders who have contributed to the scrutiny of the RLDP's strategic options and will assist the Directorate and Cabinet in the development of the Preferred Strategy.</p> <p>The findings and recommendations of the T&amp;F will also inform Scrutiny's, Cabinet's, and the Directorate's views on future consultations of the next stages of the development of the RLDP.</p>	

Mae'r dudalen hon yn wag yn fwriadol