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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**