

Regional Learning Disability Day Opportunities Model

**Health and Social Care Board
Public Health Agency**

**Written Evidence submitted by the
Commissioner for Older People for Northern Ireland**

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Summary and Recommendations

The Commissioner for Older People for Northern Ireland (the “Commissioner”) welcomes the publication of the Regional Learning Disability Day Opportunities Model by the Health and Social Care Board (HSCB) and the Public Health Agency (PHA). The Commissioner welcomes the many changes that have taken place in Northern Ireland over the past 11 years since the publication of the Bamford “Equal Lives” Review and believes it only right that today people with learning disabilities and their families have greater expectations for their lives and futures. The commitment of all the organisations working with HSCB and PHA to improve day opportunities for adults with learning disabilities is strongly supported by the Commissioner but she feels that more needs to be done to increase and improve the day time support currently on offer.

The Commissioner supports the aim of the Day Opportunities Model as a template for facilitating people with a learning disability to lead full and meaningful lives in their communities. The Commissioner agrees that people with learning disabilities should undertake activities that have a purpose; be in places and do activities that most members of the community would do; do things that are right for them personally; receive support that meets their individual requirements; and meet local people, develop friendships and a sense of belonging.

In light of the HSCB and the PHA Learning Disability Service Team requesting a review of day services for people with a learning disability, the Commissioner welcomes the publication of recommendations. She is hopeful that this will lead to a more regional approach to day opportunities across Northern Ireland, reducing the current varied practice across the individual Health and Social Care Trusts, but at the same time encouraging a diverse and geographically responsive collection of services. The proposed recommendations are agreeable to the Commissioner. The Commissioner is particularly keen that changes are logically planned in a two-stage, regional then local approach and believes that the modernisation of service delivery needs to be accepted and actions undertaken cross-departmentally in Government. As outlined in HSCB and PHA documentation, the Commissioner also feels it vitally important that additional resources are identified to implement these changes and to cope with the rising demand for Day Services.

As people are living longer and generally healthier lives, so too are those living with a learning disability. These people will of course be impacted by the current recommendations, and consideration of their needs and preferences must be given due weight in this consultation and when developing their care plans through effective and appropriate engagement with them and their carers/families.

Introduction

1. The office of the Commissioner for Older People for Northern Ireland is an independent public body established under the Commissioner for Older People Act (Northern Ireland) 2011.

2. The Commissioner has an extensive range of general powers and duties which will provide the statutory remit for the exercise of her functions. In addition, the Commissioner may provide advice or information on any matter concerning the interests of older people. Her wide ranging legal powers and duties include amongst others:

- To promote and safeguard the interests of older people (defined as being those aged over 60 years and in exceptional cases, those aged over 50 years);
- To keep under review the adequacy and effectiveness of law and practice relating to the interests of older people;
- To keep under review the adequacy and effectiveness of services provided for older persons by relevant authorities (defined as being local authorities and organisations including health and social care trusts, education boards and private and public residential care homes);
- To promote the provision of opportunities for and the elimination of discrimination against older persons;
- To review and where appropriate, investigate advocacy, complaint, inspection and whistle-blowing arrangements of relevant authorities;
- To assist with complaints to and against relevant authorities;
- The power to bring, intervene in or assist in legal proceedings in respect of relevant authorities;
- To issue guidance and make representations about any matter concerning the interests of older people.

3. The Commissioner's powers and duties are underpinned by the United Nations Principles for Older Persons (1991) which include Independence, Participation, Care, Self-fulfilment and Dignity.

4. The Commissioner welcomes the opportunity to provide comments to the HSCB and the PHA on their Regional Learning Disability Day Opportunities Model.

COMMUNITY BASED OPPORTUNITIES

The Commissioner notes that there has been a significant shift from a concentration on buildings-based services towards community-based day opportunities over recent years and welcomes this modernisation. In relation to the investment from independent and third sector organisations, the Commissioner feels there is merit in the partnerships with non-statutory bodies as they can provide modern, fit for purpose services via innovative ideas and new approaches. However, she would be mindful of the commercial focus which independent and third sector organisations may have and the potential that the businesses could, at any time, cease operating and leave those people with learning disabilities who were previously reliant on their services, at a significant loss.

CORE VALUES

The Commissioner agrees that the learning disability 'core values' outlined in the Bamford "Equal Lives" Review: social inclusion, citizenship, empowerment, working together and individual support should continue to influence the progression of the development of learning disability services as we move forward. The standards of care as detailed in the Service Framework for Learning Disability (September 2012) are important and the Commissioner believes they should also influence the current recommendations. The PHA and the HSCB must ensure that all proposals and any subsequent actions reflect these standards of care.

The Office of the First Minister and Deputy First Minister's publication, "A Strategy to improve the lives of people with disabilities 2012-2015" sets out a number of strategic priorities. The Commissioner advises that the current proposals must be reflective of these priorities, especially number 12: "Transform the process of transition from adulthood to later life for people with a disability".

TRANSPORT

The Commissioner further believes that it is also of paramount importance that the numerous pieces of research committed to in the Department of Regional Development's "Accessible Transport Strategy (ATS) Draft Action Plan 2012-2015", are considered in depth and fully applied to any implementation of change to the provision of day opportunities.

In light of the fact that the current day opportunities model does not provide transport to/from placements/activities, the Commissioner feels that this has the potential to be a significant barrier to access to the scheme for service-users and their

parents/carers. There is an obvious contradiction when transport to/from schools for people with learning disabilities and to/from the traditional day centres has been and is provided by the local Health & Social Care Trusts. The Commissioner would ask the HSCB and the PHA to be mindful of the situation where a service-user is willing and capable of a day opportunities placement but is unable to transport themselves to/from the placement. The lack of Trust transport provision will be an additional strain on the parents/carers of these service users. The HSCB and the PHA state in the consultation document that “the outcome of the changes is not to reduce support”. The Commissioner would find this claim hard to reconcile with the complete withdrawal of transport provision and the fact that the day opportunities activities are also to be financed by the service-users themselves.

EMPLOYMENT & EDUCATION

In relation to the supported **employment** opportunities, the Commissioner would remind the HSCB and the PHA that these opportunities should also be realistically offered to older people with a learning disability who have the capability and willingness to work. The same is true for educational opportunities – older people with a learning disability must not be overlooked in the offering of this day opportunity too. In relation to social provision, local activities generally directed towards older people should be sourced, considered and offered as appropriate as a day opportunity to older people who have a learning disability. This will assist greatly in the integration of people with a learning disability into the local community and reduce segregation.

ENGAGEMENT

In the development of social ‘club houses/bases’ and ‘drop-in’ centres, the needs and wishes of older people with a learning disability must also be valued. The possibility that the old-style day centres may be better suited to the needs and wishes of older people should not be disregarded. The Commissioner notes that there is discussion around extending the opening hours of these facilities into the evenings and weekends and would ask that the HSCB and the PHA again be mindful of the needs and wishes of older people who may just wish to socialise a few days a week, for a few hours in the morning or early afternoon, have a hot meal and return home.

PLANNING

The Commissioner would also wish to highlight the fact that as people are living longer, the proportion of day centre/day opportunities for users with complex physical and healthcare needs will increase significantly over the coming years. This needs to be acknowledged and planned for appropriately. The HSCB and the PHA further need to give consideration to the 'retirement' of people with learning disabilities – their withdrawal from supported employment or vocational opportunities must be planned for and progressed at a pace agreeable to the needs and wishes of the individual and their carer, who may also have their own 'retirement' requirements.

ADDITIONAL SERVICES/THERAPIES

In the relocation of activities etc out of the traditional 'day-centre' the HSCB and PHA must acknowledge that this may eliminate the opportunity for associated therapies and allied health professionals to deliver their services to people with a learning disability, especially those who are older, as this cohort generally require greater support. Alternative opportunities for the provision of these services must be identified and secured for those who need them in advance of the withdrawal of the current service. The alternative opportunities must also be communicated to those affected well in advance of any change.

SELF-DIRECTED SUPPORT

In relation to the planned increase of self-directed support and individualised budgets, the Commissioner would seek reassurance that all people who contemplate self-directed support or an individualised budget receive the appropriate advice and guidance before making the decision. If they elect for either option, advice and support will need to be continued throughout. This will reduce the potential for service users who have a learning disability to be overwhelmed and confused by the responsibility of managing their own monies and will also reduce the possibility that they could be financially abused.

PRIVATE FACILITIES

There must also be consideration of those people with learning disabilities who reside in private residential or care facilities in statutory funded placements – it must be ensured that the 'day opportunities' these people are offered by the care provider

are meaningful, and personalised to the needs, wishes and aspirations of the individual.

Finally, it is noted that equality screening impact assessments have been carried out in respect of the proposed changes and these form part of the consultation document. Depending on the outcomes from consultation responses and where appropriate, full equality impact assessments may need to be carried out in order to ensure the proposed changes fully meet all legislative equality requirements in both effect and intent and that the ultimate outputs are affordable, sustainable, transparent and fair.

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