



National Audit Office

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**Department of Health**

Care services for people with learning disabilities and challenging behaviour

**Appendix Four**

# Appendix Four

## Progress against key 'Transforming care' commitments

The Department of Health has developed a record of progress against all of the Transforming care commitments, using a red – amber – green (RAG) rating system to monitor risks to delivery (**Figure 13**). Key partners report progress to the Learning Disability Programme Board, including NHS England, the Care Quality Commission and the Joint Improvement Programme.

**Figure 13**

Responsible organisation	Commitment	Target delivery date	Date achieved	RAG rating	Explanation
<b>Right care, right place, right time</b>					
NHS England and the Local Government Association	Create a Joint Improvement Programme Board to provide leadership and support to improve services at a local level.	December 2012	January 2013	Amber	The Joint Improvement Programme Board was established in January 2013. However, in July 2014, its members recognised that it was not providing strong enough leadership and so new governance arrangements were established, including a new Transforming Care Assurance Board.
NHS England	Create local registers of all people with learning disabilities in NHS-funded care.	April 2013	October 2013	Amber	Clinical commissioning groups and NHS England report that they have registers in place. However, as NHS England recognises, more work is needed to ensure they are complete.
NHS England	NHS England will make clear to clinical commissioning groups when they takeover responsibilities for commissioning from primary care trusts, what is expected of them in maintaining local registers, reviewing individuals' care and assigning a care coordinator.	April 2013	January 2013	Green	NHS England wrote to its regional directors in January 2013 and again in June 2013, to remind them of their responsibilities for key Concordat commitments.
NHS England, the Association of Directors of Adult Social Services, the Association of Directors of Children's Services and the Joint Improvement Programme	Local commissioners to use pooled budget arrangements or provide a justification where they are not being used.	April 2013	Not Achieved	Red	A survey carried out by the Joint Improvement Programme in July 2013 found that just 27% of local areas were using pooled budget arrangements, and 20% were using other risk sharing agreements. Local commissioners have not provided an explanation where pooled budgets are not in use.
NHS England, the Joint Improvement Programme and local commissioners	Commissioners to work with providers to review the care of people in mental health hospitals and agree a personal care plan based around the needs of the individual and their families.	June 2013	November 2013	Amber	Commissioners report that they have agreed personal care plans for all people with learning disabilities in mental health hospitals. However, NHS England is yet to carry out any reviews of the quality of plans.

**Figure 13** *continued*

Responsible organisation	Commitment	Target delivery date	Date achieved	RAG rating	Explanation
<b>Right care, right place, right time</b> <i>continued</i>					
NHS England, the Joint Improvement Programme and local commissioners	Commissioners should put personal care plans into action so that individuals are receiving personalised care and support in appropriate community settings.	June 2014	Not achieved	Red	There has been no progress with moving people with learning disabilities in mental health hospitals to the community. The total number of people with learning disabilities in hospital has increased from 2,577 in December 2013 to 2,600 in September 2014.
NHS England, the Joint Improvement Programme and local commissioners	Clinical commissioning groups and local authorities will set out a joint plan for commissioning health, housing and care services for people with learning disabilities in their area.	April 2014	Not achieved	Red	In March 2014, 65 local areas reported to have local area plans in place. The Learning Disability Programme Board does not know how many local areas have put plans in place since then.
<b>Regulation, accountability and corporate accountability</b>					
The Care Quality Commission and the Department of Health	The Commission will make unannounced inspections of learning disability providers using people who use services and their families as members of the inspection team.	June 2012	February 2012	Amber	The Commission carried out 150 unannounced inspections of hospitals and care homes providing care for people with learning disabilities between September 2011 and February 2012. The Commission's inspectors were supported by 53 experts by experience (that is, people with learning disabilities and, or their carers). However, it is not clear how many of the inspections carried out since February 2012 were unannounced or used experts by experience.
The Care Quality Commission and the Department of Health	The Commission will include the model of care described in the Concordat as part of its inspection and registration of services from 2013.	April 2013	April 2014	Amber	Providers are required to set out how they will meet the model of care as part of the new registration process, introduced for all providers from April 2014. Its new regulatory framework for inspections also includes questions that are focused on relevant aspects of the model of care. However, there is no evidence of whether these changes have made a difference in terms of the numbers of providers following the model of care.

**Figure 13** *continued*

Responsible organisation	Commitment	Target delivery date	Date achieved	RAG rating	Explanation
<b>Regulation, accountability and corporate accountability</b> <i>continued</i>					
The Department of Health	The Department will examine how corporate bodies and individuals can be held to account for providing poor care and (causing) harm. It will set out proposals during Spring 2013 on strengthening the system where there are gaps.	Spring 2013	July 2014	Amber	The Department consulted on proposals for strengthening corporate governance in July 2013. In response it has introduced new Fundamental Standards, aimed at strengthening the Care Quality Commission's ability to prosecute providers for failures, as well as a requirement for directors to be "fit and proper persons". However, these powers have not yet been tested and whether they will work in practice is untested.
Department of Health	Establish a Learning Disability Programme Board to oversee progress with the Concordat commitments and monitor delivery risks.	November 2012	November 2012	Green	The Learning Disability Programme Board was established in November 2012. It is chaired by the Minister of State for Care and Support and members include organisations with responsibility for delivering Transforming care and Concordat commitments and organisations representing the views of people with learning disabilities and their families. The Board papers and minutes are published on the gov.uk website for transparency. However, it is our view that the board did not provide effective leadership given that the main Concordat commitment to move people in inpatient care to an appropriate community setting was not met.
<b>Information and data</b>					
Department of Health, NHS England and the Joint Improvement Programme	Monitor and report progress with the Concordat, including comparative information on local areas.	December 2013	December 2013	Amber	The Department reported national progress with delivering the Concordat commitments in December 2013, in its report One Year On. NHS England has collected and reported data on people in mental health hospitals on a regular basis to monitor progress, although our work suggests the data is poor and lacks details required to identify and share best practice.
Department of Health	Publish a second progress report by December 2014.	December 2014	Not achieved	Amber	The Department intends to publish a second progress report by February 2015. This is slightly later than the original December 2014 deadline as partner organisations decided to delay publication so the report could include census data from 2014.

**Figure 13** *continued*

Responsible organisation	Commitment	Target delivery date	Date achieved	RAG rating	Explanation
<b>Good practice, standards and advocacy</b>					
Department of Health	The Department will work with independent advocacy organisations to improve the quality of independent advocacy.	In 2013	2013	Amber	The Department reports that it is working with independent advocacy organisations to improve the quality of independent advocacy. For example, it has funded work to develop a Quality Performance Mark and a review of the Code of Practice for advocates. However, there is no systematic evidence on the quality of independent advocacy.
Department of Health	The Department will work with independent advocacy organisations to identify factors to take account of, in commissioning advocacy for people with learning disabilities in hospitals.	December 2012	September 2013	Amber	The Department has supported work by the not-for-profit organisation Inclusion North to examine different forms of advocacy. Inclusion North published a report in January 2014 which identified the factors to consider in commissioning advocacy for people with learning disabilities. However, there is no evidence of the extent to which the guidance is being used.
<b>Medication and positive behaviour support</b>					
Department of Health	Partners to ensure that safeguarding boards are fully effective in safeguarding children, young people and adults.	No date specified in Concordat	Not achieved	Red	Partners have taken action aimed at achieving this commitment, such as by publishing guidance. The Department has also carried out a survey of local authorities to ascertain whether safeguarding boards are ready to take on their functions under the Care Act and it reports that this did not flag any risks. However, there is no systematic evidence on the extent to which safeguarding boards are operating effectively in practice.
Department of Health	Revise statutory guidance and good practice to reflect Care Act 2014 changes to local authority responsibilities for protecting adults with care and support needs from abuse.	April 2015	Not achieved	Amber	The Department published statutory guidance in October 2014. It has established a working group to help develop good practice guidance, which it plans to publish by March 2015.

**Figure 13** *continued*

Responsible organisation	Commitment	Target delivery date	Date achieved	RAG rating	Explanation
<b>Children and transition to adulthood</b>					
Department of Health and Department for Education	The two responsible departments will work with the independent experts on the Children and Young People's Health Outcomes Forum to prioritise improved outcomes for children and young people with learning disabilities and agree how best to support them in making the transition to adulthood.	June 2013	August 2013	Amber	The Department of Health reports that the Children and Young People's Health Outcomes Forum is supporting improved outcomes for children and young people with challenging behaviour through its work programme. In particular, the Forum asked the National Network of Parent Carer Forums to develop guidance on what good integrated care should look like for young people making the transition to adulthood, which was published in August 2013.
Department of Health and Department for Education	The two responsible departments will work together to introduce a new single assessment process and Education, Health and Care Plans for children and young people with special educational needs.	No date specified in Concordat	September 2014	Green	The Children and Families Bill introduced a new single way to assess children with Education, Health and Care Plans. The two departments have published statutory guidance on managing the transition to the new system.
The Office for Standards, Children's Services and Skills (Ofsted) and the Care Quality Commission	Ofsted, the Care Quality Commission, HM's Inspectorate of Constabulary, HM's Inspectorate of Probation and HM's Inspectorate of Prisons to introduce new joint inspection arrangements for the protection of children in England.	June 2013	Not achieved	Red	Partners launched a consultation in June 2014 on the proposal to introduce multi-agency inspection arrangements. Pilot inspection visits are planned for Autumn 2014, with the view to introducing integrated inspections in full by April 2015.

**Notes**

- 1 Key commitments include those identified as such in the Concordat and Transforming care.
- 2 The NAO assessed progress against each commitment:
  - those met without significant concerns or follow-up actions required were rated green;
  - those met, but with areas for concern or follow-up action were rated amber;
  - commitments not met but on track to deliver by the target date were also rated amber; and
  - commitments not met and with an expired delivery date were rated red.

Source: National Audit Office assessment of progress with key Concordat commitments