

# Scottish Borders Health and Social Care Partnership Integrated Joint Board

20 September 2023

## Scottish Borders HSCP Learning Disability Service Coming Home Programme



Scottish Borders  
Health and Social Care  
PARTNERSHIP

Report by Simon Burt – General Manager Mental Health and Learning  
Disability Services

### 1. PURPOSE AND SUMMARY

1.1. To seek support of the Integrated Joint Board regarding the initiatives being developed in Scottish Borders towards achieving the Scottish Governments strategic aims set out in the “Coming Home: A Report on Out-of-Area Placements and Delayed Discharge for People with Learning Disabilities and Complex Needs” and the [‘Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge’ \(2022\)](#).

#### Summary of the main points of the report

- 1.2. The 2018 Scottish Government report, “Coming Home: A Report on Out-of-Area Placements and Delayed Discharge for People with Learning Disabilities and Complex Needs” concluded that all adults with learning disabilities, including those with complex needs, should experience meaningful and fulfilled lives close to home. There is an urgent need to address this and an expectation that this should be achieved by March 2024.
- 1.3. Scottish Government will be monitoring Health & Social Care Partnerships progress in achieving these strategic aims through the [“Dynamic Support Register”](#).
- 1.4. Locally we have a total of 17 people who have complex support needs who require suitable accommodation and support locally. 5 of the 17 currently live within the Borders and the remaining 12 are out of area requiring to return home. 3 of the 17 are under 18 years of age.
- 1.5. We have assessed 8 of the 17 individuals are likely to need alternative accommodation and support within the next 12 months, 6 within the next 24 months and the remaining 3 at some point in the future.
- 1.6. Our modelling indicates that there will be an average future demand of 3 new people per year.
- 1.7. Our modelling also indicates that on average we require 2 specialist inpatient beds for adult with learning disabilities and complex needs. We have no such beds within the Borders. We are therefore dependent upon expensive private specialist beds within England due to lack of availability throughout Scotland.
- 1.8. Locally, we have developed the “Coming Home Programme” which will oversee the development of services for those in scope.
- 1.9. We currently have 4 work streams reporting into a Coming Home Programme Board:

- Supported Living Service (previously known as Tweedbank Supported Living Service)
- Kelso Supported Housing
- Lives Through Friends
- Remaining and future demand (Individual assessment and care management led support planning)

## 2. RECOMMENDATIONS

### 2.1. The Scottish Borders Health and Social Care Integration Joint Board (IJB), SBC H&SC Partnership Executive and the IJB Strategic Planning Group is asked to: -

- Support the initiatives being developed to achieve the Scottish Governments strategic aims set out in the “Coming Home: A Report on Out-of-Area Placements and Delayed Discharge for People with Learning Disabilities and Complex Needs” and ‘Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge’ (2022).
- Note that Scottish Government will be monitoring H&SC partnerships progress in achieving the Strategic aims set out in the reports in 2.1a via the “Dynamic Support Register”.
- Note that based upon our current forecasts, to deliver placements for all 17 people in scope creates a financial plan gap.
- Develop a future funding model between NHS Borders, Scottish Borders Council and the IJB, which will require resources to be identified within the totality of the IJBs financial plan.
- The Integration Joint Board remits the Chief Officer to escalate the funding risk to the Scottish Government on behalf of the Integration Joint Board and the Health and Social Care Partnership, and to seek a national risk share approach to better support the financial risk for areas with relatively smaller populations.

## 3. ALIGNMENT TO STRATEGIC OBJECTIVES AND WAYS OF WORKING

3.1. It is expected that the proposal will impact on the Health and Social Care Strategic Framework Objectives and Ways of Working below:

Alignment to our strategic objectives					
Rising to the workforce challenge	Improving access	Focusing on early intervention and prevention	Supporting unpaid carers	Improving our effectiveness and thinking differently to meet need with less	Reducing poverty and inequalities
x	x	x	x	x	x

Alignment to our ways of working					
People at the heart of everything we do	Good agile teamwork and ways of working – Team Borders approach	Delivering quality, sustainable, seamless services	Dignity and respect	Care and compassion	Inclusive co-productive and fair with openness, honesty and responsibility
x	x	x	x	x	x

#### 4. INTEGRATION JOINT BOARD DIRECTION

- 4.1. No Direction required

#### 5. BACKGROUND

##### ***Reasons for change – Strategic drivers***

- 5.1. The 2018 Scottish Government report, “Coming Home: A Report on Out-of-Area Placements and Delayed Discharge for People with Learning Disabilities and Complex Needs” concluded that all adults with learning disabilities, including those with complex needs, should experience meaningful and fulfilled lives. This covers where individuals live, as well as the services that they receive. The report stressed that some people with learning disabilities and complex needs are living far from home or within NHS hospitals and that there is an urgent need to address these issues.
- 5.2. One of the recommendations of the recent Independent Review of Adult Social Care is for people to stay in their own communities and to exercise as much autonomy as possible in decisions about their lives.
- 5.3. On 16 February 2021, in a Parliamentary debate on the Independent Review, the Cabinet Secretary announced the “Community Living Change Fund” which consisted of £20 million “to deliver a redesign of services for people with complex needs, including intellectual disabilities and autism, and those who have enduring mental health problems”. A letter to IJB Chief Finance Officers, NHS Directors of Finance and Local authority Directors of Finance (24th March 2021) gave further guidance as to how the Fund should be allocated and emphasised in Annex B, under the sign-off arrangements for accessing the Fund, “must bring in to play the wider resources under discussion, including large hospital budgets (the “set aside”), third sector funding and housing contributions.” We do not have any large hospital budgets for LD (set aside). The fund will focus on delivering a proper sense of home for people with complex needs, including those who have encountered lengthy hospital stays or who might have been placed outside of Scotland, and who could, and should, be more appropriately supported closer to home”. The full £20m was allocated to Integration Authorities, via NHS Boards, in February 2021. NHS Borders share of this fund is £377,966 (non-recurring).
- 5.4. On 21<sup>st</sup> February 2022 Scottish Government produced the “Coming Home Implementation: report from the Working group on Complex Care and Delayed Discharge”. Its mission statement was set out as:

*“By March 2024 we want and need to see real change with out-of-area residential placements and inappropriate hospital stays greatly reduced, to the point that out-of-area residential placements are only made through individual or family choices and people are only in hospital for as long as they require assessment and treatment.”*

It went on to recommend that a framework towards implementation is set up named the “Coming Home Implementation Framework”. A National Support Panel will be created bringing together expert advice available to HSCPs.

Scottish Government and COSLA have agreed to implement the five key recommendations of the Coming Home Implementation Report which are:

- 1) Scottish Government and COSLA should make a policy commitment to take forward the proposed framework. There may be a financial implication for Scottish Government, e.g. to set up the Register and to support the Panel, in addition to administrative and civil service support. The

framework may also require legislative support and will sit alongside other relevant ongoing work such as the National Care Service and Mental Health Reviews.

2) The current sample Dynamic Support Register should be developed into a tool for national use. This will require digital and information management expertise and resource to produce a secure and useful electronic database that gives visibility to this hidden population on both a local and national scale.

Detailed operational guidance should be developed for the use of the Dynamic Support Register, co-produced with HSCPs.

3) A National Support Panel should be established in order to provide support and oversight of the Dynamic Support Register. The National Support Panel will bring sector expertise together to provide an open collaborative forum that can troubleshoot individual cases in partnership with local areas. Scottish Government should consult on the precise role and remit in order that the panel provides value and achieves the objectives of reducing inappropriate hospital admissions and out-of-area placements. (Scoping work is included in Appendix Two).

4) A National Peer Support Network should be established to facilitate people coming together to learn and share best practice, and to get support when planning services for individuals with particularly complex care needs. This network should offer support and advice informally to allow cases to be discussed openly and frankly, with input from clinicians, commissioners, social care providers, social workers and family members from around Scotland who have expertise and experience in developing and delivering services to people with learning disabilities and very complex support needs.

5) Recognising the lack of available evidence for people with enduring mental health conditions and the expertise of the contributors to the SLWG, further work should be undertaken to explore the issues in relation to people with enduring mental health conditions who are subject to delayed discharge from hospital. This should include sector experts in mental health and social work, as well as people with lived experience.”

5.5. Scottish Government and COSLA have agreed to implement the Dynamic Support Register through a Memorandum of Understanding published on 23<sup>rd</sup> May 2023.

The Register will, in respect of relevant individuals:

- Aid monitoring, local planning and decision making for those currently in hospital or in out-of-area placements;
- Identify and address risks of breakdown of current support arrangements and admission/re-admission to hospital or out-of-area placement; and,
- Support the development of person-centred and appropriate local community placements.

## **6. Coming Home Programme – Scottish Borders Health & Social Care Partnership**

6.1. The range of needs and potential solutions required to meet the strategic drivers set out above requires a coordinated approach. As such we have set up the “Coming Home Programme”.

6.2. The Coming Home Programme’s membership includes representation from Children’s social work to ensure that we are collaboratively planning for future demand.

6.3. Currently there are 4 work streams sitting under the Coming Home Programme as set out below:

### **6.3.1 Supported Living Service (previously Tweedbank Supported Living Service)**

A paper was presented to the IJB on the 14th September 2021 recommending that it supports the inclusion of the charity Cornerstone to deliver an 8-10 bed housing and support facility at Tweedbank (the Tweedbank Supported Living Service – TSL) as part of Scottish Borders Tweedbank development plans. Unfortunately, the availability of land on this site has been delayed requiring an alternative approach to increase housing and support capacity. We published a further Prior Intentions Notification (PIN) on 23 August 2023 to set out the demand locally for this type of housing and support with the aim of attracting alternative solutions from the relevant care, support and housing sectors. The previous PIN was issued several years ago and therefore requires updating to ensure that the provider sector has a renewed opportunity to consider our current commissioning priorities for accommodation and support for adults with learning disability and complex needs.

### **6.3.2 Kelso Housing Development**

Eildon Housing Association, as part of a wider housing development in Kelso, have made available two accessible bungalows providing 4 tenancies. These properties will be subject to an agreement between Scottish Borders Council and Eildon Housing Association allowing us nomination rights to these 4 tenancies. 4 possible tenants who have critical needs for this level of support have been identified to occupy these tenancies. Work is underway to ensure that the appropriate commissioning processes are followed to procure the support required.

### **6.3.4 Lives Through Friends (LTFs)**

LTFs are a Social Enterprise with experience of supporting Health & Social Care Partnerships across the UK to design individualised accommodation and support solutions for people with complex support needs. We have commissioned LTF's to support us in developing bespoke accommodation and support for 2 adults and 1 young person who are currently in specialist Learning Disability Hospitals where they are in a position of 'delayed discharge'. Over the next 12 months we will be working with these individuals, their support networks and other key stakeholders to design and deliver suitable accommodation and support arrangements.

### **6.3.5 Remaining and future demand**

The Coming Home Programme Board is currently considering additional projects to meet the housing and support needs of those in scope currently without a housing and support plan in place. We envisage that learning through LTF's will allow us to develop in-house knowledge and skills across the Health & Social Care Partnership and apply this to designing support solutions with both now and in the future.

## **7. Demand**

### **7.1 Current demand**

As at July 23 we have 14 people distributed across a large geographical area who are within scope as set out within the Coming Home report. There are a further 3 individuals who are 16/17 years of age with complex support needs whom we also need to plan for, as they are currently or will be placed out of area.

Of these 17 individuals:

- 3 are classed as 'delayed discharges' in specialist hospitals
- 9 are in out of area placements
- 5 are living within the Borders and are at risk of placement breakdown

We have estimated approximate likely time frames for each person in scope to find alternative accommodation and support. The table in 8.2 below sets this out. In summary we require 8 placements within 12 months, a further 6 within 24 months and 3 at some point thereafter. It should be noted that these are estimations for which changes in circumstances can significantly alter the required timescales.

## 7.2 Future Demand

Previous modelling indicates that on average we will require 3 new placements for adults with complex needs going forward. As such we will need to maintain this programme approach to ensure timely and robust accommodation and support plans are in place for individuals with this high level of need.

## 7.3 Specialist hospital placements

Our modelling also indicates that on average we require 2 specialist in-patient beds for adults with learning disabilities and complex needs. We have no such beds within Scottish Borders and nationally all NHS Scotland inpatient beds are constantly at full capacity. We are therefore dependent upon commissioning expensive specialist private inpatient beds within England.

We are awaiting the redesign of NHS Lothian's specialist Learning Disability in-patient services within which we intend to purchase 2 beds, subject to a further business case being accepted by the IJB.

Currently there is no established budget to commission these beds creating a cost pressure as and when they are required.

## 1. IMPACTS

### Community Health and Wellbeing Outcomes

a. It is expected that the proposal will impact on the National Health and Wellbeing Outcomes below:

N	Outcome description	Increase / Decrease / No impact
1	People are able to look after and improve their own health and wellbeing and live in good health for longer.	increase
2	People, including those with disabilities or long term conditions, or who are frail, are able to live, as far as reasonably practicable, independently and at home or in a homely setting in their community.	Increase
3	People who use health and social care services have positive experiences of those services, and have their dignity respected.	Increase
4	Health and social care services are centred on helping to maintain or improve the quality of life of people who use those services.	Increase
5	Health and social care services contribute to reducing health inequalities.	Increase
6	People who provide unpaid care are supported to look after their own health and wellbeing, including to reduce any negative impact of their caring role on their own health and well-being.	Increase
7	People who use health and social care services are safe from harm.	Increase
8	People who work in health and social care services feel engaged with the work they do and are supported to continuously improve the information, support, care and treatment they provide.	Increase
9	Resources are used effectively and efficiently in the provision of health and social care services.	Increase

### Financial impacts

#### 8.1 The Community Living Change Fund

As set out in section 5.3 above, Scottish Government have allocated £377k to the H&SC partnership. This is intended to be spent by March 2024. Approximately £50k is currently committed to the LTF's contract.

Beyond that, we anticipate using the funding for transitional costs and capital expenditure upon adaptations as required.

## 8.2 Spending analysis

The table below sets out the current recurring funding and estimated forecast funding for all 17 people in scope at July 2023:

Ref LDS	Current placement:	RAG	Projects (Kelso, LTF, other supported living -OSL, SL Supported Living	NHS recurring funding £000	SBC recurring funding £000	Total combined recurring funding £000	Forecast cost £000	On- going Variance £000
1	Home In area		Kelso	0	22	22	104	-82
2	Out of area (OOA)		Kelso	0	242	242	188	54
3	Home in area (young person)		Kelso	0	0	0	78	-78
4	OOA (Until May 2024)		OSL	0	227	227	193	34
5	Hospital delayed discharge (Young person)		LTF	0	0	0	458	-458
6	Hospital delayed discharge		LTF 23/24	132	0	132	458	-326
7	Hospital delayed discharge		LTF 23/24	132	0	132	458	-326
12	Family home In area		OSL	0	208	208	264	-56
			Sub total	264	699	963	2,201	-1,238
8	OOA		OSL	75	126	201	264	-63
9	Family Home In area		SL	0	121	121	171	-50
10	Care Home OOA		OSL	0	198	198	264	-66
11	Care Home OOA		OSL	0	264	264	264	0
16	OOA		OSL	140	143	283	264	19
17	Home in area		SL/Kelso	0	20	20	86	-66
			Sub total	215	872	1087	1313	-226
13	Care Home OOA		LTF	0	170	170	196	-26
14	Care home OOA		LTF	0	69	69	196	-127

15	OOA Residential School (Young person)		OSL/LTF	0	0	0	264	-264
			Sub total	0	239	239	656	-417
	2 on-going Hospital placement, assumed to be required on a recurring			761		761	1800	-1,039
				<b>1,240</b>	<b>1,810</b>	<b>3,050</b>	<b>5,970</b>	<b>-2,920</b>

### **Estimate timescales for alternative placement**

24 months plus	
12 – 24 months	
0 -12 months	

### **8.3 Current recurring funding**

As set out in 8.2 above, the total current combined annual funding is £3,050k. While the recurring funding deficit in this project is highlighted as £3m, the expenditure on these placements is currently £5.2m (a £2.2m cost pressure). This high level of additional spend is unfunded and is partly due to the fact that we have a small number of people who are in high cost hospital placements, some of whom are also delayed discharges. At this point in time there are no alternative suitable placements for these people.

It is important to note that while the coming home project will only increase the current level of expenditure by approximately £0.8m, this will mean that the level of overspend on the funded recurring budget will continue to impact detrimentally on the ability of the partnership to achieve a balanced budget.

**8.3.1** The current lack of suitable community alternatives for the 3 people currently delayed in hospital placements (July 2023) needing to be discharged from hospital is currently costing £3,159k pa. which is above current available budget.

### **8.4 Future predicted spend**

As the housing and support arrangements have yet to be finalised for any of the 17 people in scope, estimates of future predicted spend have been made.

Our estimate based upon modelling is that a total of £5,970k will be required to accommodate and support these 17 people. This includes a predicted £1,800k pa for future specialist hospital beds as described below. This is an estimated cost and is subject to change, reflecting the nature of the individual support packages and the timescale for each package being put into place.

### **8.5 Specialist Hospital beds**

As set out in 7.2 above, the Health and Social Care Partnership requires on average 2 specialist inpatient beds pa, commissioning these from the private sector.

We estimate the typical inpatient bed to cost circa £900 k pa including enhanced care, but as recent experience has shown this can increase significantly where particular complexities exist.



The partnership therefore needs to maintain £1,800k pa to fund such beds until the NHS Lothian facilities are available. Ongoing inpatient funding will be required to purchase the NHS Lothian beds for which the bed price has yet to be established.

### **8.7 Future funding model**

The current funding model across SBC and NHSB is currently under review. A funding proposal will come back to the IJB Strategic Planning Group and IJB within this financial year. This will include consideration of approval mechanisms and delegated authority for individual packages, arrangements for jointly funded packages and risk share arrangements.

### **Equality, Human Rights and Fairer Scotland Duty**

An assessment of proportionality and relevance to the Equality Act 2010 (Stage 1 Integrated Impact Assessment) was undertaken in July 2023, reviewed in September 2023 and is attached for reference. Stage 2 Integrated Impact Assessment Empowering People – Capturing their Views has been undertaken in September 2023 and is attached for reference. This details who was consulted with, what they said and how this has been used to influence and inform the development of the programme. Stage 3 of the Integrated Impact Assessment – Analysis and Findings is also attached for reference.

### **Legislative considerations**

- b. All housing and support solutions are underpinned by existing NHS and Community Care Act legislation. Individual circumstances may require adherence to the Adult with Incapacity (Scotland 2000) Act.

### **Climate Change and Sustainability**

- c. The Coming Home Report requires Health & Social Care Partnerships to accommodate people closer to home. Therefore, these housing and support solutions will have a reduced impact on the environment due to the reduction in travel relating to professional support and access to families.
- d. Any new build housing solutions will be compliant with the relevant building and environmental standards.

### **Risk and Mitigations**

- e. **Delayed discharge from hospital**

#### Risk

We currently have 3 people in hospital delayed discharges. Not providing alternative community placements runs the risk of legal challenges and Judicial review. The cost of private hospital placements is extremely high and a cost pressure to the H&SC Partnership

#### Mitigation

The 3 people in delayed discharges have been prioritised and community placements are in development to be delivered by March 2024. We estimate that these community placements will significantly reduce costs. The clinical teams at each hospital are aware of the discharge planning.

#### **The risks of not developing alternative community placements**

#### Risk

We are finding the availability of specialist placements for these individuals difficult if not impossible to access both within the Borders, across Scotland and the wider UK. The

placements that are available are increasing in cost, difficult to monitor (due to geographical distance from the Borders) and often don't meet the needs of individuals. This in turn increases cost and reduces their quality of life. The likelihood of placement breakdown and hospital admission, if no other resources are available will also increase. Without a programme to return people to the Borders we will not be meeting Scottish Government's strategic direction to Health and Social Care Partnerships.

#### Mitigation

The Coming Home Programme is managing the planned return of those in scope utilising a multi-agency approach based upon individual need.

### **Increase in adults with complex needs living in the Borders**

#### Risk

Currently the majority of the 17 people living out with Scottish Borders are receiving Health services from the host Health service. When these people return to the Borders the Health service will be delivered by our Health Board increasing demand upon resources.

#### Mitigation

Currently we are assessing the likely impact upon local services. We will take into consideration any estimated increase in demand on services within our Coming Home Programme planning. We will liaise with Primary Care colleagues.

### **Finance**

#### Risk

The current lack of suitable community alternatives for the 3 people currently delayed in hospital placements (July 2023) needing to be discharged from hospital is currently costing £3,159k pa. Without creating community alternatives, these costs will continue and increase as more people are admitted to hospital where suitable community alternatives are not available

#### Mitigation

The Coming Home Programme Board is overseeing the planning of more cost effective housing and support solutions for all currently in hospital.

### **Recruitment**

#### Risk

An increase in the number of people living within the Borders will require a significant recruitment of additional staffing. In the current climate there is a risk that this additional recruitment may not be possible or that it draws staff from other segments of the care and support sector causing shortages elsewhere.

#### Mitigation

We are working collaboratively with Learning Disability providers with regards to the Coming Home Programme initiatives. Our consultants, LTF's, have experience in other areas in regards to recruitment where, with careful and collaborative workforce planning, we have been assured that recruitment is feasible. The LTFs approach seeks to maximise independence, support from local communities and informal family support evidencing a reducing demand for staffing over time. Other work streams are looking at potentials for some shared accommodation maximising the possibility for shared staffing arrangements.

### **Placement breakdown**

#### Risk

There is a risk that placements may breakdown due to the complexity of individual's support needs and staff burnout.

### Mitigation

The Learning Disability Service has significant experience in providing housing and support arrangements for adults with complex needs. We have excellent partnership working arrangements with our housing and support providers. We have a resilient and committed group of support providers within the Borders. That said, there are a small number of individuals with highly complex support needs whom we are attempting to place within the Borders. Working with LTFs, with expertise in successfully supporting partnerships develop, will mitigate against future placement breakdown. The contract with LTFs includes post placement support to assist with challenges that may arise.

### **Financial**

#### Risk

Until actual placements are finalised, accurate costs cannot be established. There is therefore a risk that the costs are higher than estimated. Conversely they may also be lower. Transition costs will also be required where people are moving from an existing placement.

### Mitigation

For the 3 patients who are a delayed discharge, we have commissioned LTFs to support us in planning. Their experience is that this approach provides the most cost effective and resilient support arrangements and that costs reduce as people settle into their new accommodation.

The service, within its current budget, is able to accommodate some flow into and out of services. It is likely that some of the additional costs forecast may be met within this normal movement. This is currently being worked through with finance business partners.

The service will look to manage the transition of people moving back to the Borders based upon risk of placement breakdown. This will allow the estimated cost pressure to be managed over several years.

## **2. CONSULTATION**

### **Communities consulted**

- a. Assessment and care management processes will be adhered to in relation to planning support around the individual. This takes into account the assessed needs of family and informal caring arrangements where applicable.

In addition, the following groups have been consulted:

- Care Sector – Learning Disability Providers
- Housing Providers – Registered Social Landlords

To be consulted:

- Clinical Groups – NHS Borders Clinical Reference Groups (GP Subcommittee, Area Clinical Forum, Area Dental Committee, Area Pharmacy Committee, Area Optometry Committee)
- IJB– if supported by the Strategic Planning Group
- Health & Social Care Partnership Joint Executive

### **Integration Joint Board Officers consulted**

- b. The IJB Chief Officer and the IJB CFO have been consulted. The HSCP Joint Executive have been consulted. The IJB Board Secretary, and Corporate Communications will be consulted, and all comments will be incorporated into the final report.

- IJB Equalities, Human Rights and Diversity Lead has been consulted with, to assure Equality, Human Rights and the Fairer Scotland Duty requirements have been appropriately considered.

- c. In addition, consultation will occur with our statutory operational partners at the:
- IJB Strategic Planning Group

**Approved by:**

Approved by Chris Myers, Chief Officer IJB.

**Author(s)**

Simon Burt – General Manager Mental Health and Learning Disability Services

**Background Papers:**

Coming Home Implementation Report

Equality and Human Rights Impact assessment: Stages 1,2,3

## Scottish Borders Health and Social Care Partnership



### Equality, Human Rights and Fairer Scotland Duty Impact Assessment – Stage 1 Proportionality and Relevance

Completion of the template below will give senior officers the confidence that the Equality Duty, the Scottish Specific Public Sector Equality Duties, Human Rights and the Fairer Scotland Duty have been considered at the beginning of and throughout the proposal development and that action plans are in place, where applicable, to; identify relevant stakeholders, undertake robust consultation to deliver a collaborative approach to co-producing the E&HRIA.

**What Integration Joint Board (IJB) report or Partnership decision does this proportionality and relevance assessment relate to:**

Scottish Borders HSCP Learning Disability Service Coming Home Programme

**Relevant protected characteristics materially impacted, or potentially impacted, by proposals (clients, customers, employees, people using services) indicate all that apply**

Age	Disability Learning Disability, Learning Difficulty, Mental Health, Physical Autism/Asperger's	Gender	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity	Race	Religion and Belief (including non-belief)	Sexual Orientation
X	X		X			X		X

**Equality and Human Rights Measurement Framework – Reference those identified in Stage 1**

<b>Education</b>	<b>Work</b>	<b>Living Standards</b>	<b>Health</b>	<b>Justice and Personal Security</b>	<b>Participation</b>
Higher education Lifelong learning	Employment Earnings	Poverty Housing Social Care	Social Care Health outcomes Access to health care Mental health Palliative and end of life care*	Hate crime, homicides and sexual/domestic abuse Reintegration, resettlement and rehabilitation*	Political and civic participation and representation Access to services Social and community cohesion* Family Life*

\*Supplementary indicators

<b>Main Impacts</b>	<b>Are these impacts positive or negative or a combination of both</b>	<b>Are the impacts significant or insignificant?</b>
People with Learning Disability who are currently placed out of Scottish Borders due to lack of availability of appropriate support and accommodation or at risk of being placed out of area will return home.	Positive for individuals and their families returning to live/remaining in the Scottish Borders.	Significant

<b>Is the proposal considered strategic under the Fairer Scotland Duty?</b>	Yes
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<b>E&amp;HRIA to be undertaken and submitted with the report – Possibly for Project 1</b>	<b>Proportionality &amp; Relevance Assessment undertaken by:</b> Susan Henderson Planning and Development Officer 27 July 2023 Reviewed 4 Sept 2023
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# Equality Human Rights and Fairer Scotland Duty Impact Assessment

## Stage 2 Empowering People - Capturing their Views



Scottish Borders HSCP Learning Disability Service Coming Home Programme

**(People with learning disabilities will continue to live and be supported in Scottish Borders)**

### Equality Human Rights and Fairer Scotland Impact Assessment Team

Role	Name	Job title	Date of IA Training
E&HR Service Specialist			
HSCP Senior Mgt Team Member	Simon Burt	General Manager Learning Disability and Mental Health	
Responsible Officer	Susan Henderson	Planning and Development officer	
Main Stakeholder (NHS Borders)	Peter Old	Assistant Team Manager	
Mains Stakeholder (SBC)	Douglas Ireland	Acting Group Manager Learning Disability and Mental health	
Third/Independent Sector Rep			
Service User			

## Evidence Gathering (will also influence and support consultation/engagement/community empowerment events)

Evidence Type	Source	What does the evidence tell you about the protected characteristics affected?
What equalities information is routinely collected from people currently using the service or affected by the policy?	MOSAIC and EMIS records Age, Gender, Disability (Learning)	Higher percentage of male population; spread of age from 14-55 (CHECK) Physical disabilities, neurodiversity,
Data on populations in need	National report Coming Home programme LD transitions tracker Scottish Borders Dynamic Support Register	Information on the Scottish Wide data is available here: <a href="#">Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge - gov.scot (www.gov.scot)</a>
Data on relevant protected characteristic	Not collated locally	Embedding these into the recently implemented Dynamic Support register will result in collation of this data
Data on service uptake/access	Not applicable	Currently services are in development. Subject to future reporting.
Data on socio economic disadvantage	Financial assessments	18 years plus. All in receipt of welfare benefits. <a href="#">Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge - gov.scot (www.gov.scot)</a>
Research/literature evidence	Coming Home Report Coming Home Implementation report	Health inequalities add in SCLD info reports <a href="#">Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge - gov.scot (www.gov.scot)</a>
Existing experiences of service information	Winterbourne review; service user family feedback;	Negative experience living far from families; restrictive practices; living in hospital when ready for discharge
Evidence of unmet need	Service referrals; dynamic support register; transitions tracker	People with learning disability and very complex support needs right to be accommodated and live near their families and loved ones is infringed.
Good practice guidelines	no	
Other – please specify		



Risks Identified	<a href="#">Coming Home Implementation: report from the Working Group on Complex Care and Delayed Discharge - gov.scot</a>	Breach people's human rights by detaining them in hospital longer than necessary; Legal action due to failure to comply (Check coming home report); infringing people's rights to choose support, where they live; Families increased costs due to travelling – a negative impact on the Fairer Scotland Duty (socioeconomic impacts)
	<a href="#">(www.gov.scot)</a>	
Additional evidence required		

## Consultation/Engagement/Community Empowerment Events

### Event 1 – conversations with families impacted

Date	Venue	Number of People in attendance by category*	Protected Characteristics Represented
Various dates in 2023	Individual homes	7 families	Learning Disability; Age;

Views Expressed	Officer Response
Will improve family life by having people closer to family homes.	To gather views from families and evaluate following the move home to Scottish Borders.
Person centered support is essential	Packages of support will be tailored to each person to involve all important people in that person's life, including fostering good relationships with new neighbours and building links in their communities to enhance and sustain their community presence.
Some anxiety if the support breaks down – what then?	Learning disability service to support the support team and each individual in their new accommodation.
Some people would like to be involved in group family meetings	Meetings to be arranged from end September onwards

## Event 2 – work with Live Through friends (LTF)

Date	Venue	Number of People in attendance by category*	Protected Characteristics Represented
During 2023	MS teams meetings; in person workshops	3-12	Learning Disability, Age

Views Expressed	Officer Response
<p>LTF currently providing guidance and support to Learning Disability service, individuals, families and co-opting Studio 3 to support robust support planning.</p> <p>Good life planning gathers information to build robust support packages.</p> <p>LTF told us this approach has worked well for other people.</p>	<p>Member of the learning disability service will gather the learning gained from the Good Life Planning approach to share with wider learning disability team to influence and inform future approaches, planning and commissioning.</p>

## Event 3 – Conversation with AVATAR

Date	Venue	Number of People in attendance by category*	Protected Characteristics Represented
7/9/23	Conversation with AVATAR	1	Learning disability; autistic people

Views Expressed	Officer Response
<p>Agrees that person centered approach is appropriate and would welcome further conversation when we plan the larger supported housing project.</p>	<p>Will include AVATAR in consultation when moving onto the larger supported housing project and in future learning disability consultations.</p>

# Equality, Human Rights and Fairer Scotland Duty Impact Assessment

## Stage 3



## Analysis of findings and recommendations

**Report Title** - Scottish Borders HSCP Learning Disability Service Coming Home Programme

**Please detail a summary of the purpose of the proposal being developed or reviewed including the aims, objectives and intended outcomes**

The 2018 Scottish Government report, “Coming Home: A Report on Out-of-Area Placements and Delayed Discharge for People with Learning Disabilities and Complex Needs” concluded that all adults with learning disabilities, including those with complex needs, should experience meaningful and fulfilled lives close to home. There is an urgent need to address this and an expectation that this should be achieved by March 2024. Scottish Government will be monitoring Health & Social Care Partnerships progress in achieving these strategic aims. This is called the “Dynamic Support Register”. Locally, we have developed the “Coming Home Programme” which will oversee the development of services for those in scope.

A future funding model in the IJB between NHS Borders and Scottish Borders Council will require to be developed to support this going forward. A funding gap needs to be filled to achieve these projects.

**Equality Act 2010 – Relevant Protected Characteristics as identified in Stage 1 or during Stage 2 (include none identified at this stage)**

<b>Protected Characteristic</b>	<b>Equality Duty</b>	<b>What impact and or difference will the proposal have</b>	<b>Measures to evaluate/mitigating actions</b>
Age	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	None identified at stage	
	Advancing equality of opportunity	Adults carers will be closer to their adult children and their ability to continue to have a relationship will be enhanced.	Evaluate the impact on family carers 1 year on.
	Fostering good relations by reducing prejudice and promoting understanding	None identified at stage	
Disability	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	People with a learning disability and complex needs will no longer be accommodated and supported in inappropriate out of area placements.	People currently accommodated outwith, or at risk of being accommodated outwith will return to/remain in Scottish Borders or and reported through the Dynamic Support register.
	Advancing equality of opportunity	People with a learning disability and complex needs will be appropriately supported in area of their choice.	Reporting on success through Dynamic Support Register.
	Fostering good relations by reducing prejudice and promoting understanding	The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.	Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.
Gender Reassignment	Eliminating discrimination, harassment, victimisation, or any other prohibited conduct	The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.	Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.

	<b>Advancing equality of opportunity</b>	<b>None identified at stage</b>	
	<b>Fostering good relations by reducing prejudice and promoting understanding</b>	<b>The engagement of 'LivesThroughFriends' will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.</b>	<b>Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.</b>
<b>Marriage and Civil Partnership</b>	<b>Eliminating discrimination, harassment, victimisation, or any other prohibited conduct</b>	<b>None identified at stage</b>	
	<b>Advancing equality of opportunity</b>	<b>None identified at stage</b>	
	<b>Fostering good relations by reducing prejudice and promoting understanding</b>	<b>None identified at stage</b>	
<b>Pregnancy and Maternity</b>	<b>Eliminating discrimination, harassment, victimisation, or any other prohibited conduct</b>	<b>None identified at stage</b>	
	<b>Advancing equality of opportunity</b>	<b>None identified at stage</b>	
	<b>Fostering good relations by reducing prejudice and promoting understanding</b>	<b>None identified at stage</b>	
<b>Race</b>	<b>Eliminating discrimination, harassment, victimisation, or any other prohibited conduct</b>	<b>None identified at stage</b>	
	<b>Advancing equality of opportunity</b>	<b>None identified at stage</b>	
	<b>Fostering good relations by reducing prejudice and promoting understanding</b>	<b>None identified at stage</b>	

<b>Religion &amp; Belief including non- belief</b>	<b>Eliminating discrimination, harassment, victimisation, or any other prohibited conduct</b>	<b>The engagement of ‘LivesThroughFriends’ will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.</b>	<b>Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.</b>
	<b>Advancing equality of opportunity</b>	<b>None identified at stage</b>	
	<b>Fostering good relations by reducing prejudice and promoting understanding</b>	<b>The engagement of ‘LivesThroughFriends’ will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.</b>	<b>Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.</b>
<b>Gender (Sex)</b>	<b>Eliminating discrimination, harassment, victimisation, or any other prohibited conduct</b>	<b>None identified at stage</b>	
	<b>Advancing equality of opportunity</b>	<b>None identified at stage</b>	
	<b>Fostering good relations by reducing prejudice and promoting understanding</b>	<b>None identified at stage</b>	
<b>Sexual Orientation</b>	<b>Eliminating discrimination, harassment, victimisation, or any other prohibited conduct</b>	<b>The engagement of ‘LivesThroughFriends’ will enable conversations to take place in the local community as part of the new approach adopted to deliver positive and sustainable neighbourly / community relationships.</b>	<b>Measured through individuals being actively engaged in their local communities and evidence of natural friendships and networks outside of support arrangements.</b>
	<b>Advancing equality of opportunity</b>	<b>None identified at stage</b>	
	<b>Fostering good relations by reducing prejudice and promoting understanding</b>	<b>The engagement of ‘LivesThroughFriends’ will enable conversations to take place in the local community as part of the new</b>	<b>Measured through individuals being actively engaged in their local communities</b>

		approach adopted to deliver positive and sustainable neighbourly / community relationships.	and evidence of natural friendships and networks outside of support arrangements.
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**Equality and Human Rights Measurement Framework Human– Reference those identified in Stage 1 (remove those that do not apply)**

<b>Article</b>	Enhancing or Infringing	Impact and or difference will the proposal have	Measures to evaluate/mitigating actions
Education	Higher education and lifelong learning	People will be given the opportunity to learn new skills.	Support plans; participation in activities
Work	Employment Earnings	People will be given the opportunity to learn new skills, may gain access to volunteering opportunities and or supported employment where applicable.	Measure through support plans and local employment statistics.
Living Standards	Poverty Housing Social Care	Adult carers will have reduced travel costs. People will have security of tenure in housing in Scottish Borders.	Maintenance of tenancies
Health	Social Care Health outcomes Access to health care Mental health Palliative and end of life care*	Enhanced models of support will be developed to support these individuals. Close health monitoring between Learning Disability service and Primary Care will improve people’s health and wellbeing.	Number of people receiving health checks
Justice and Personal Security	Hate crime	Reduce potential incidence of hate crime due to fostering good relationships in neighbourhoods and local communities.	Number of incidences reported. Invite local safer communities team to participate in families and staff meetings.
Participation	Political and civic participation and representation Access to services Social and community cohesion* Family Life*	People will live closer to families and participate in family and community life	Measured by meaningful connections being made following transition to new support arrangements.

**Fairer Scotland Duty**

Identify changes to the strategic programme/proposal/decision to be made to reduce negative impacts on equality of outcome and or improving health inequalities	We need to further explore the Good Life planning process with 'Lives Through Friends' to embed into future planning and commissioning approaches.
Identify the opportunities the strategic programme/proposal/decision provides to reduce or further reduce inequalities of outcome and or improving health inequalities	We are currently unable to support this cohort of individuals to return to /continue to live successfully in Scottish Borders, close to family and able to participate in community life.

**Are there any negative impacts with no identified mitigating actions? If yes, please detail these below: Not applicable**

### **Equality, Human Rights & Fairer Scotland Duty Impact Assessment Recommendations**

What recommendations were identified during the impact assessment process:

Recommendation	Recommendation owned by:	Date recommendation will be implemented by	Review Date
Embed further data collection into the Dynamic Support register	Susan Henderson ( Planning and development Officer)	September 2023	September 2024
Meet with AVATAR	Susan Henderson ( Planning and development Officer)	March 2024	March 2025
Collate and report on measurements	Susan Henderson ( Planning and development Officer)	March 2024	March 2025
Set up families meetings	Susan Henderson ( Planning and development Officer)	September 2023	April 2024

### **Monitoring Impact – Internal Verification of Outcomes**

How will you monitor the impact this proposal affects different groups, including people with protected characteristics?



Bi-monthly report to Coming Home Programme Board  
Update report to Integration Joint Board  
Scottish Borders Equality Outcomes and Mainstreaming Report

**Procured, Tendered or Commissioned Services (SSPSED)**

Is any part of this policy/service to be carried out wholly or partly by contactors and if so, how will equality, human rights including children's rights and the Fairer Scotland duties be addressed?

Not a route identified at this time

**Communication Plan (SSPSED)**

Please provide a summary of the communication plan which details how the information about this policy/service to young people, those with a visual or hearing sensory impairment, difficulty with reading or numbers, learning difficulties or English as a second language will be communicated.

Members and IJB briefing papers.  
Easy read  
Families meetings

**Signed Off By**

**Name: Strategic Lead Simon Burt, General Manager Learning Disability and mental health**

**Date: 12-09-23**

Version 5 March 2023