

Building the Right Support

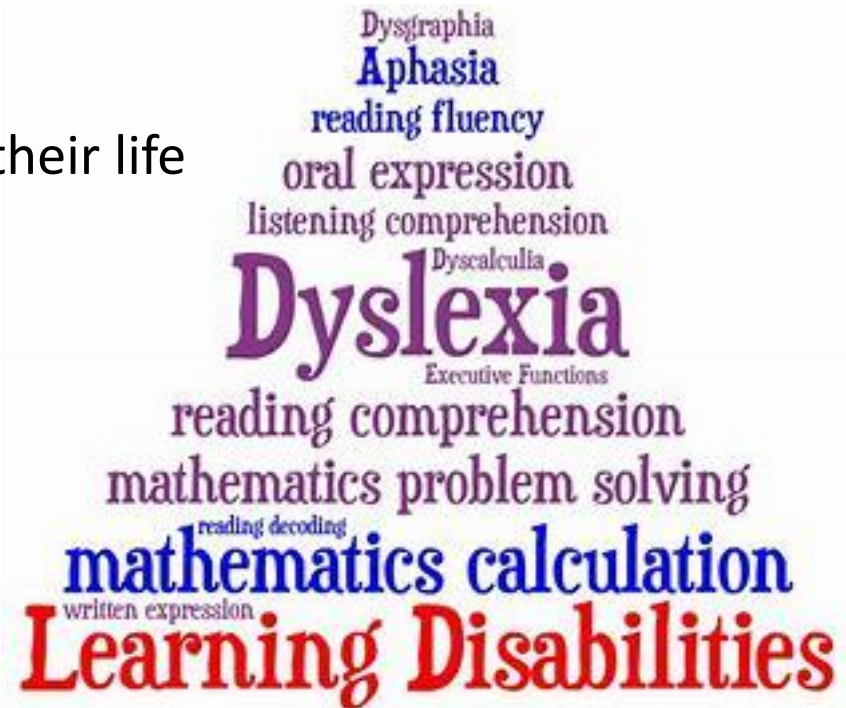
for people with learning disabilities
and/or autism in Derbyshire

National Safeguarding Week
November 2019

What is Learning Disability?

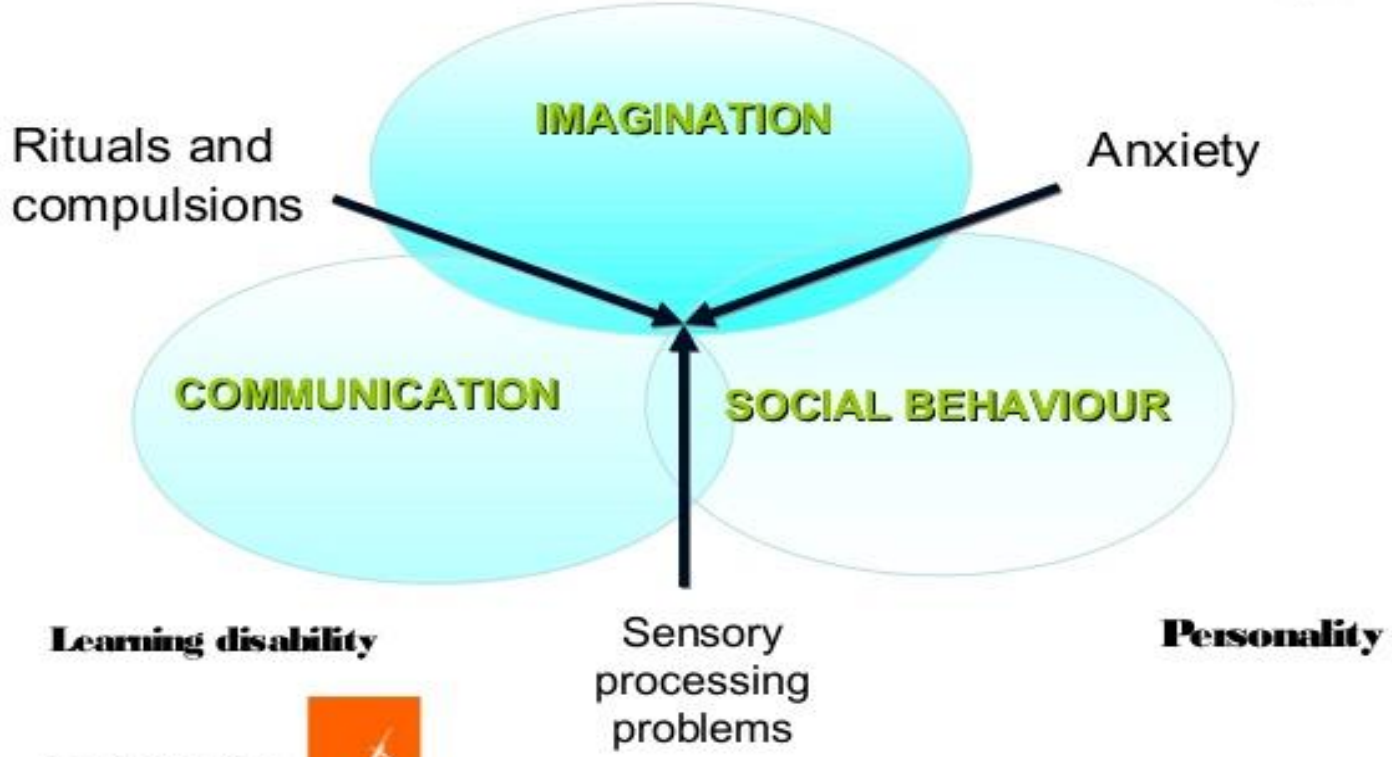
Medical Disorder which:

- Started in childhood
- IQ under 70
- Restricts the way someone can live their life



What is Autism?

The Triad of Impairments Wing and Gould 1979



What is transforming care all about?

Jim's story

https://www.youtube.com/watch?v=VgwNaMX6g-o&list=PL6IQwMACXkj18xTUh5ABspNC4q_dxLjKD&index=13&t=0s

The aim of the Derbyshire Transforming Care Partnership:-

Help people with learning disabilities or autism to live **happy, safe and well.**

To ensure **individuals, their rights and their quality of life at the centre of everything we do**

The Human Rights Act protects 16 rights



Derby and Derbyshire
Clinical Commissioning Group



Right to life
(Article 2)



Right not to be
tortured or treated in an
inhuman or degrading way
(Article 3)



Right to be free
from slavery or
forced labour
(Article 4)



Right to liberty
(Article 5)



Right to a fair trial
(Article 6)



Right not to be punished
for something which
wasn't against the law
when you did it
(Article 7)



Right to respect for private
and family life, home and
correspondence
(Article 8)



Right to freedom of
thought, conscience
and religion
(Article 9)



Right to freedom
of expression
(Article 10)



Right to freedom of
assembly and association
(Article 11)



Right to marry
and found a family
(Article 12)



Right not to be discriminated
against in relation to any of
the human rights listed here
(Article 14)



Right to peaceful
enjoyment of possessions
(Article 1, Protocol 1)



Right to
education
(Article 2, Protocol 1)



Right to
free elections
(Article 3, Protocol 1)



Abolition of the
death penalty
(Article 1, Protocol 13)



#HRAat17

#HRAunwrapped

The British Institute of Human Rights
bihr.org.uk



Safeguarding Principles

Empowerment: Personalisation and the presumption of person-led decisions and informed consent.

Prevention: Taking action before harm occurs

Proportionality: Proportionate and the least intrusive response appropriate to the risk represented.

Protection: Support and representation for those in need.

Partnership: Working with individuals, carers, agencies and communities to get the best outcomes.

Accountability: Ensuring all services are transparent.

Why are these things important?

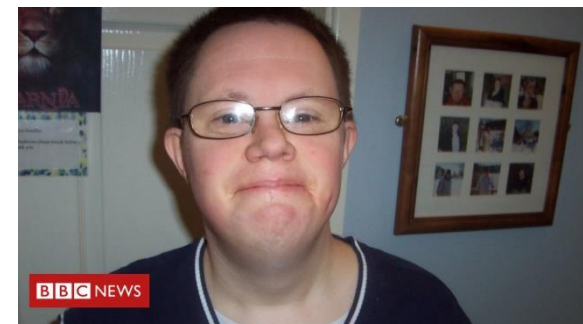




Fiona (38) & Frankie Pilkington (18)



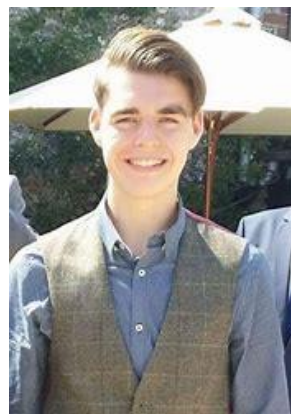
Steven Hoskins



Richard Handley



Bethany



Oliver McGowan



Connor Sparrowhawk

Steven's story

- <https://www.youtube.com/watch?v=N34QbWyuCjY>

Learning from Serious Case Reviews

- Multi-agency work and sharing of information is vital
- Greater awareness and understanding of coercion, control and masking behaviours especially for people with cognitive impairments and vulnerabilities is needed
- Resistance to care/self neglect
- Understand the difference between unwise/eccentric decisions versus vital interest data/public interest decisions

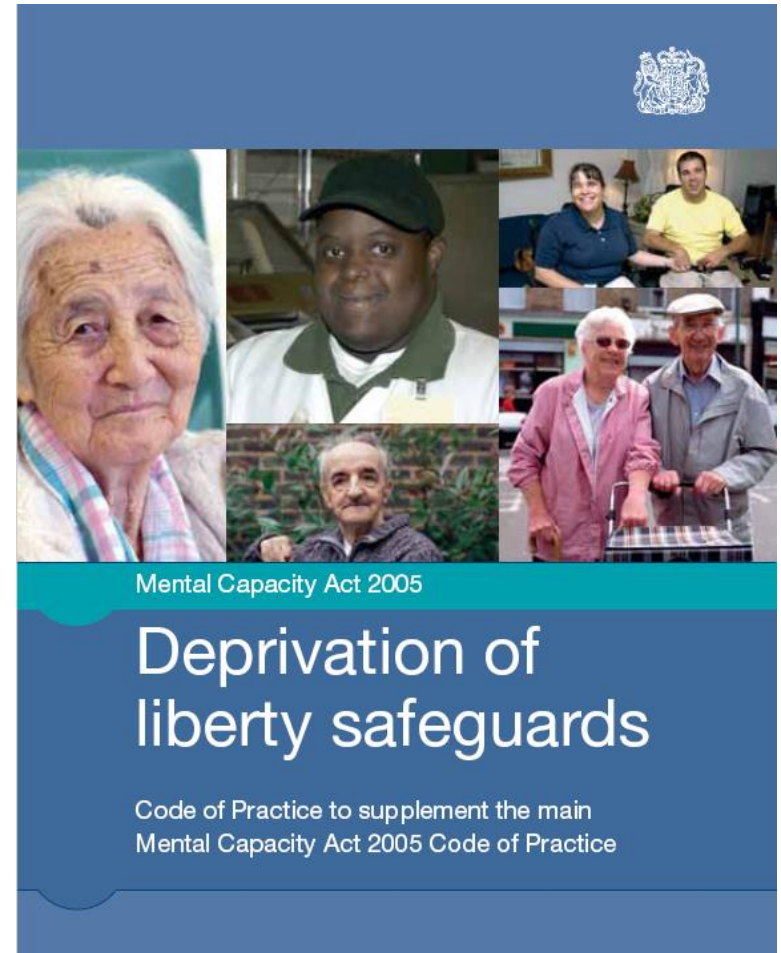
Capacity

- Mental Capacity Act

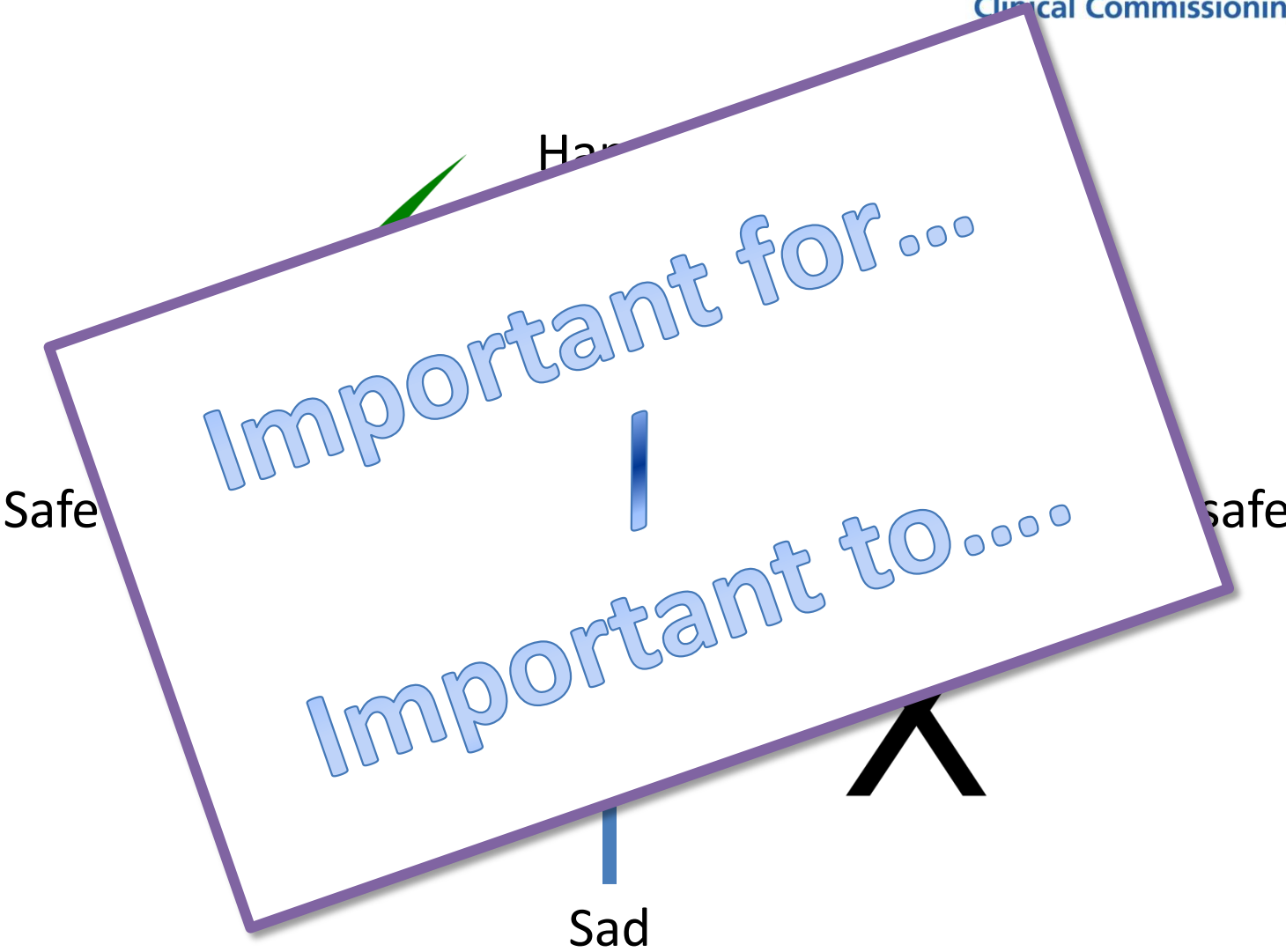
- The presumption that the person HAS capacity is fundamental to the act. The person has to ‘prove’ nothing.
- An assessment that a person lacks capacity, should never be based on their
 - Age
 - Appearance
 - Behaviour
 - Condition
 - MEDICAL DIAGNOSIS

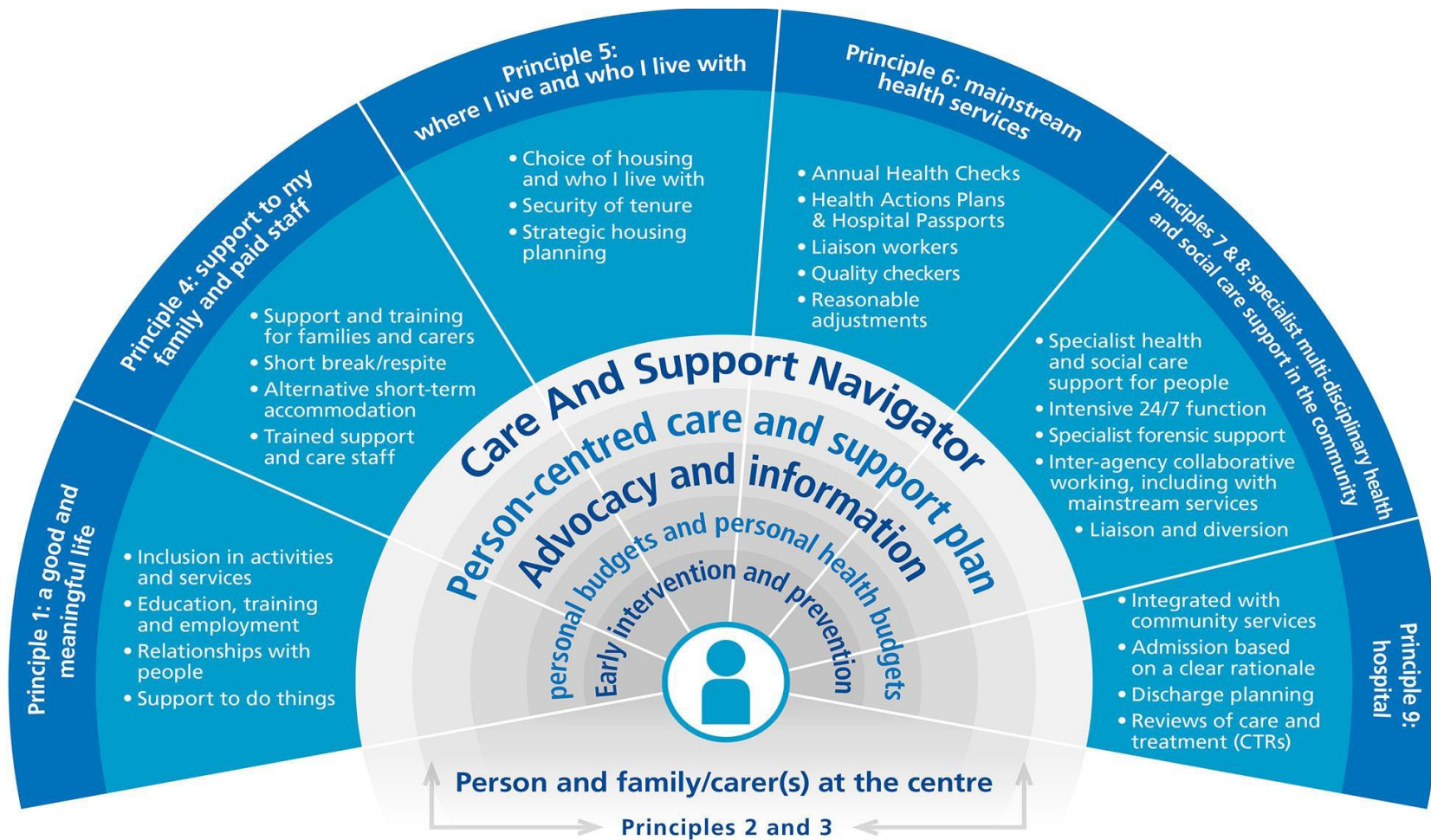
Deprivations of Liberties / Liberty Protection Safeguards (Oct 2020)

- Necessary to protect the person from harm
- They are proportionate to the likelihood and severity of harm
- Consideration has been given to reducing or eliminating restrictions



Personalisation





Service Model

Commissioners understand their local population now and in the future

Care (Education) and Treatment Reviews - C(E)TR

Anyone with LD &/or autism either:-

- At home with increasing needs
- Admitted to hospital
- Receiving long term treatment in hospital

Detailed review conducted by Independent Panel

- Commissioner
- Expert by Experience
- Clinical Expert

Actions and recommendations provided to care team to ensure individual is receiving appropriate care and support

<https://www.youtube.com/watch?v=rDuF30RZlxs>

However....

- Whorlton Hall (2019)
 - 13 individuals receiving care – all had regular CTR's
 - 10 different commissioners – many independent panels reviewing care
 - The establishment was not high on the list of concerning placements in the area
 - Covert behaviours in operation
 - Elements of “disguised compliance” (high reporting of some types of incident, viewing room in operation)
 - Local CCG had no patients in the hospital – not aware of who was placed there
 - No coordination of commissioners' views and findings from visits not shared
 - Lack of strategic oversight

What did we see on the Panorama Programme?

- Deliberate acts of provocation
- Staff discussing how to physically assault patients
- Staff casually discussing how they would goad/provoke patients
- Trivialising restraint
- Staff talking openly about not using approved restraint techniques
- Management condoning and instructing staff not to record how they restrained patients
- Inappropriate use of sexualised language in front of patients
- Bullying patients and name calling patients and relatives
- Gang mentality
- Staff openly talking about how to avoid detection
- “Psychological torture”

What Assurance Processes did we have in place which should have prevented this?

- Many, many assurance visits had taken place by multiple organisations including health and social care, however
 - Most were focussed on one individual
 - Many did not have the opportunity to speak to the patient alone (support staff usually present)
 - Some visits were a response to a particular issue (whistleblowing etc)
- All individuals had access to an ‘independent’ advocate
- Safeguarding concerns were being reported to the local board from Whorlton Hall and being investigated
- Many safeguarding concerns then retracted – individual then quoted as having a history of making false allegations

But these processes did not keep individuals safe from abuse

What are we doing differently?

- Multi-layered assurance processes
 - Review of person
 - Regular safe and well checks from external clinicians
 - Expert by Experience Visits
 - Care and Treatment Reviews
 - Contractual quality assurance processes
 - CQC quality reviews
- VARM / MASH Processes

Other key things we are working on to reduce health inequalities

- Increasing the number of individuals receiving annual health checks with their GP
- Increasing number receiving flu vaccinations and cancer screening
- Stopping the over medication of psychotropic medications (STOMP)
- Sharing finding from the Learning Disability Mortality Reviews (LeDeR)

Annual Health Checks

- Men with LD die 23 younger than men without LD, women die 27 years younger
- 26% of the population of with LD are admitted to hospital every year compared to 14% of the general population
- For every person in the general population who dies from a cause of death that could have been prevented by good quality care – 3 people with LD will do so

Stopping the over medication of psychotropic medications (STOMP)

- Average day in England, 30-35,000 PLD prescribed powerful drugs
- Serious potential side effects
- Without clinical justification
- For too long
- Despite evidence-based alternative interventions being available
- Incumbent on clinicians to ensure they are acting in their patient's best interest

<https://www.england.nhs.uk/2016/06/over-medication-pledge/>

Learning Disability Mortality Review - LeDeR programme

Aim of programme

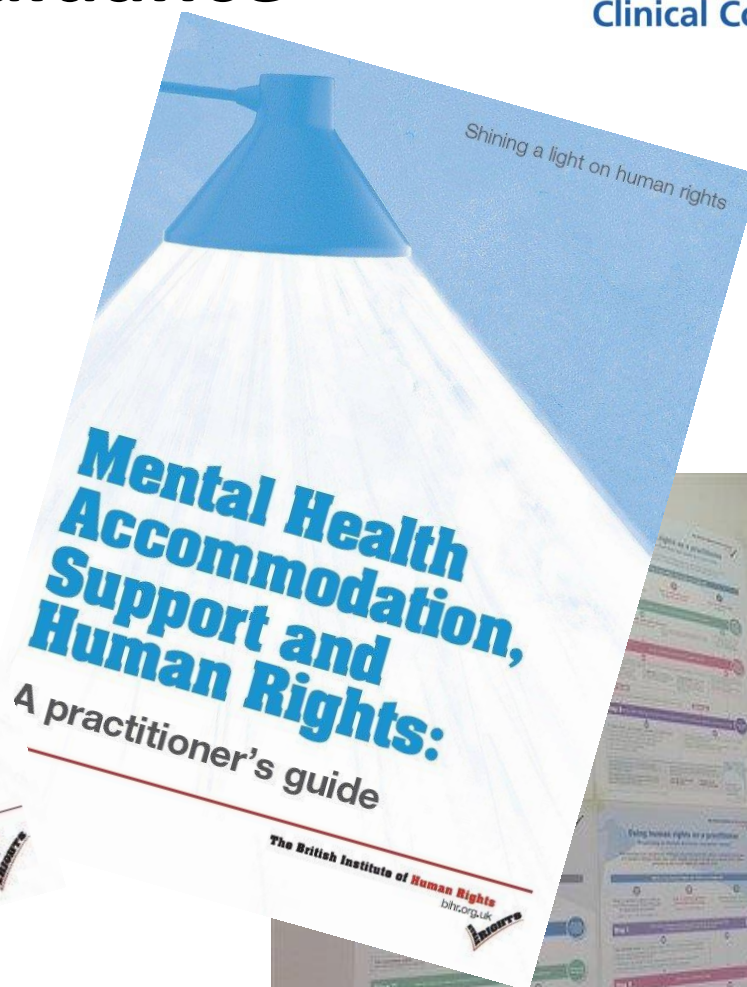
- to reduce health inequalities for people with LD through review of deaths to identify any improvements to systems and services

<https://www.youtube.com/watch?v=HmJB3I9h3sc&feature=youtu.be>

Early findings

- 2 cases safeguarding mentioned in reviews of City cases
- 5 cases safeguarding mentioned in reviews of County cases

Human Rights Guidance



<https://www.bihr.org.uk/resources-for-service-providers>

Further info

You Tube Channel – Building the Right support in Derbyshire

<https://www.youtube.com/channel/UCeTiCylEwbOo58v3LVNY1eQ>