



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

To : Chief Executives of
Local Authorities, Directors of
Social Services, Chief
Executives of Local Health
Boards and other interested
parties.

Eich cyf . Your ref :
Ein cyf . Our ref : WAG Circular 008/2010

Date : 31st March 2010

Dear Colleagues

**WELSH ASSEMBLY GOVERNMENT CIRCULAR 008/2010 :
LOCAL COMMUNITY LIVING - ACOMMODATION AND SUPPORT FOR ADULTS WITH A
LEARNING DISABILITY**

Introduction

1. This Circular provides guidance to authorities in Wales in their roles as care planners, care providers and commissioners of local community living arrangements and housing related support for adults with a learning disability. In this context, authorities include local authority social services and, as appropriate, National Health Service organisations. The Circular also provides guidance to the Care and Social Services Inspectorate Wales and needs to be taken into account when considering new registrations or variations to existing registrations in undertaking their role as the registration authority and regulator for care homes for younger adults in Wales under the care homes regulations and the associated National Minimum Standards for Care Homes for Younger Adults made under the Care Standards Act 2000. This circular replaces Welsh Office Circular 1/91 which is hereby revoked.

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Policy Context

The Welsh Assembly Government's 2007 Learning Disabilities Guidance

2. The Welsh Assembly Government's guidance 'Statement on Policy and Practice for Adults with a Learning Disability' was issued to authorities in March 2007 under section 7(1) of the Local Authority Social Services Act 1970. This Guidance explained that the Welsh Assembly Government's future vision for people with a learning disability is based on the following statement of principles:

"All people with a learning disability are full citizens, equal in status and value to other citizens of the same age. They have the same rights to:

- live healthy, productive and independent lives with appropriate and responsive treatment and support to develop their maximum potential
- be individuals and decide everyday issues and life-defining matters for themselves joining in all decision-making which affects their lives, with appropriate and responsive advice and support where necessary
- live their lives within their community, maintaining the social and family ties and connections which are important to them
- have the support of the communities of which they are a part and access to general and specialist services that are responsive to their individual needs, circumstances and preferences. "

3. Section 7 of the 2007 learning disability guidance says that the Welsh Assembly Government continues to endorse the objective that authorities should make a range of accommodation options available to people with a learning disability so that they have as much freedom as anyone else to choose where they live, with whom they live and the level of support they need to enable them to continue to live in the community.

4. The Welsh Assembly Government believes that consideration of community living arrangements is more than simply a matter of an authority seeking to address an individual's physical accommodation requirements (accepting that these are very important), and that an authority must also take into account the promotion of an individual's independence, citizenship, relationships and lifestyles and respect people's linguistic and cultural identities. The 2007 guidance goes on to say that the Welsh Assembly Government considers that an authority's goal should be for people with a learning disability to have a genuine opportunity to live as others of the same age and play a full part in the society in which they live.

5. The 2007 learning disability guidance recognises that Social Services, the NHS, Education, Housing, Transport Services and Providers should work effectively together in planning and delivering day to day service provision to provide the opportunities and support required for individuals to follow the lifestyle choices which maximise their well being and personal development. Successful local community living requires a range of community services and supports to be available that are sensitive to the needs, preferences and desired lifestyles of people with learning disabilities. Accommodation, for example, should be developed or commissioned taking account of an individual's choices and preferences and offer service users the same rights as are available to others including for example tenancies or full/shared ownership arrangements. Arrangements made should facilitate rather than hinder individuals to maintain the relationships with their families and the wider community networks and activities of community life which they value.

6. Sections 7.16 and 7.17 of the 2007 learning disability guidance says that authorities should recognise that aspects of some individuals' disability or associated conditions may result in it being more difficult for them to develop typically full and varied lifestyles using local community facilities. Individuals with complex and challenging needs present particular challenges for

authorities, but they too should be enabled to live in ordinary housing and access local community facilities. Enhanced support for individuals may be required in some situations to manage the possible risks that individuals may pose to themselves and others. The competence of staff who provide support is a crucial aspect in the quality of service provision. There will also be situations, particularly at times of crisis, where unplanned short or longer term interventions will be required. It is essential that authorities have the flexibility to respond appropriately in a timely way in these situations as an outcome of such service flexibility will see the individual returning to their home and community.

7. The Welsh Assembly Government considers that local service provision should seek to ensure that people remain in their homes and local communities. Where this proves to be impossible to achieve, temporary alternative accommodation and residential support may be needed until they can return home or go to new long-term accommodation in the community. The Welsh Assembly Government encourages authorities to keep the appropriateness of arrangements where individuals have been transferred to services outside of their local area under continuous review so that any initially temporary arrangements do not become more permanent. Such arrangements can create difficulties for families to maintain contact and for local care managers to monitor the standards of service provided and outcomes achieved.

8. The policy approach set out in the 2007 learning disability guidance is fully consistent with the Welsh Assembly Government's guidance 'Service Principles and Service Responses for Adults and Older People with Learning Disabilities' that was issued to authorities in August 2004 under section 7(1) of the Local Authority Social Services Act 1970. Paragraphs 23 to 28 of section 1 and Section 2 of the 2004 Guidance cover community living.

The Welsh Assembly Government's 2007 Social Services Strategy

9. In February 2007 the Welsh Assembly Government published 'A Strategy for Social Services in Wales over the Next Decade – Fulfilled Lives, Supportive Communities'. This Strategy set out the Welsh Assembly Government's vision for social services as:

"Our vision is of social services which are strong, accessible, and accountable, in tune with citizens' and communities' needs and promote social inclusion, citizen's rights and good outcomes. This vision will be delivered in a joined up, flexible and efficient way, in partnership with the service user and to consistently high standards across Wales."

10. The 2007 social services strategy goes on to say that the vision is based on the belief that maximum benefits to individuals and to communities will come through services which help people to understand, challenge and overcome their difficulties, tackle social exclusion and support personal and family development. Whatever their difficulty or impairment, people should be supported to have control over the life they wish to live. People have a right to expect services, which help them to make full use of their potential, protect them from harm and offer a choice about how they are supported. The vision is firmly rooted in both the social model of disability, and in a rights based approach.

11. Section 3.12 of the 2007 social services strategy sets out the principles for social services to be shaped by service users and their needs.

These principles include:

- developing services that give people a real say about when and how they are delivered;
- delivering person centred services with dignity and respect for the individual with no tolerance of abuse;
- providing better information to service users and carers; and

- recognising that we all accept risk as part of our daily lives, enabling more informed and shared decisions about managing risk.
12. Annex 2 of the 2007 social services strategy sets out the Welsh Local Government Association's 9 social services commitments. These include a commitment to ensure that services are individual focussed and that the needs of individuals and families are at the heart of the planning, prioritisation and delivery of services.

Supporting People Service Aims

13. The Supporting People Services Aims within the Performance Monitoring and Evaluation of Services Delivered through Supporting People Grant Guidance complements the Fulfilled Lives Supportive Communities policy approach. These service aims:

“.....describe the outcomes that supporting people projects are designed to achieve:

- that people feel safe and secure in their own homes and within the community
- that people have opportunities to extend their skills, interests and friendships
- that people feel more able and better equipped to manage their home and live in their community as a result of receiving support
- that people have their needs assessed and met in a planned way through direct (project) and indirect (other parties) support
- that people feel consulted, informed and able to participate in the project
- that people feel supported by staff who have been appointed, recruited, trained and supported by the service provider
- that the living environment meets the requirements of service users by being suitable for its stated purpose and meeting the requirements of independence, privacy and dignity

- that a codified system of quality assurance is in place
- that clear lines of responsibility and accountability for financial duties is in place.”.

Putting people first – a person centred approach

14. The Welsh Assembly Government’s 2007 learning disability guidance and the 2007 social services strategy advocate a policy approach that is firmly based on individuals being at the centre of the care process. The 2007 learning disability guidance says that local services should be shaped by the users of services and their needs.
15. Section 6.5 of the 2007 learning disability guidance says that clear, up to date and accessible information for individuals with a learning disability and their families/carers is important if they are to be involved fully in decision making. The provision of information empowers individuals to make informed decisions, to exercise choice and exercise their rights. Local authorities, NHS LHBs/Trusts and other service provider organisations must ensure that users and carers have timely access to comprehensive, clear, appropriate and helpful information, in a range of formats and languages. Core information materials should be produced in both English and Welsh but may also need to be produced in other languages to reflect the demographic make-up of the locality.
16. The 2004 Service Principles/Service Responses guidance says that good quality service and support should reflect an individual’s needs and goals and take full account of the individual’s expressed preferences. A failure to take full account of these matters tends to result in the provision of a relatively generalised service and support, which may not be capable of adapting sufficiently to effectively address an individual’s needs or goals. By focussing on the individual, individual planning should encourage service flexibility and innovation, inform an authority’s strategic service planning and commissioning processes and achieve better outcomes for individuals.

17. The Welsh Assembly Government's and NHS Wales' joint guidance 'Creating a Unified and Fair System for Assessing and Managing Care' places the service user at the centre of the care assessment process and service planning within the Unified Assessment process. Annex 11 of this joint guidance contains practice guidance for person centred assessments within the statutory assessment process.

18. The Welsh Assembly Government's policy approach is for adults with a learning disability to fully participate in discussions and decisions about their community living arrangements and to have a choice about the nature and location of their community living accommodation. The Welsh Assembly Government also continues to endorse previous Wales policy approaches that encourage authorities to ensure that service users are actively involved in the selection process to appoint their support staff. This involvement in the support staff recruitment process should be viewed as a normal part of adopting and implementing a person centred approach. People with a learning disability may also be eligible for a Direct Payments arrangement that will give them control over how and when services to meet their assessed care needs are delivered and by whom. Local authorities are under a duty to offer a Direct Payments arrangement to all people who are potentially eligible to receive them.

CARE STANDARDS ACT 2000 – REGISTRATION REQUIREMENTS FOR SUPPORTED HOUSING AND EXTRA CARE SCHEMES

19. The 2002 Welsh Assembly Government Section 7 Guidance 'Clarification of the Registration Requirements for Supported Housing & Extra Care Schemes under the Care Standards Act 2000' explains in broad terms where registration as a care home may be required and how to distinguish care homes from supported housing of various kinds. This guidance explains the various considerations that help to determine whether a supported housing arrangement or extra care housing scheme needs to register as a care home or whether the care provided can be regarded as being in a person's own home for the purposes of registration as a domiciliary care agency. The

guidance explains that the underlying intention of the Care Standards Act 2000 provisions is that whereas care homes involve a fully integrated package of accommodation and care, a person receiving domiciliary care would be expected to have a high degree of autonomy in relation to their accommodation, a strong indication of this is persons living in ordinary housing with an assured or secure tenancy. The guidance also explains that individuals should be able to exercise choice about who provides their domiciliary care services. In situations where individuals do not have such tenancies and are not able to exercise such choice then the supported housing or extra care housing arrangement may need to register as a care home.

LOCAL COMMUNITY LIVING

20. Local community living extends to all ages and means living independently or with the support of family, friends or paid carers and playing a full part in the society where people live. Local community living arrangements include living in the family home, living in supported housing arrangements, adult placement arrangements, private rented accommodation and whole or shared ownership arrangements.
21. The Welsh Assembly Government's 2004 Service Principles/Service Responses guidance says that successful community living requires a range of community services and support to be available and for services to be sensitive towards the needs and goals of people with a learning disability. The Welsh Assembly Government's 2007 learning disability guidance says that individuals with a learning disability are full citizens and should contribute to the life of their local communities, have opportunities to benefit from their communities and be seen in a positive light.
22. The Welsh Assembly Government considers that no particular local community living arrangement can meet the needs of all individuals. The main consideration should be the assessed care needs and expressed preferences and goals of the individuals concerned. The Welsh Assembly Government

also continues to endorse the policy approach in its 2007 learning disability guidance that arrangements made should facilitate rather than hinder individuals to maintain relationships with their families, wider community networks and the everyday activities of community life that individuals value.

23. When considering local community living options, authorities must give due consideration to ensuring the well being and personal development of each of the individuals involved as well as each individual's personal preferences including their linguistic and cultural preferences. Decisions should not be solely or primarily based on any potential diagnostic grouping.
24. The Welsh Assembly Government's 2004 Service Principles/Service Responses guidance says that authorities should also recognise that some individuals may find it more difficult to use ordinarily available facilities because of aspects of their disability. Individuals with complex and challenging needs present particular challenges for authorities but they can be enabled to live in ordinary housing and access local community facilities. The guidance does though acknowledge that in some situations enhanced support may be required to manage the possible risks that individuals may pose to themselves and their local community.
25. For many years, the thrust of policy in Wales has been for authorities to enable people with a learning disability to live in ordinary housing in their local community and to work to sustain these arrangements as their needs change. This policy approach has implications for authorities in considering the size, nature and location of local community living arrangements. The Welsh Assembly Government believes that the following good practices support and enhance the achievement of its policy objectives:
 - generally household groupings of service users should not exceed four, as more than this number of adults living together in a single household would be unusual, add to stigma and ignore the research evidence that overall, small group homes provide better quality outcomes for the individuals concerned than larger group homes;

- housing should be in keeping with the general housing stock of the locality as this helps integration and promotes more positive attitudes;
- the concentration of too many similar community living arrangements in one housing complex; one street or neighbourhood should be avoided as this increases stigma, reduces opportunities for integration and hinders assimilation;
- location should take account of access to community amenities as this promotes integration - locations that are too isolated in this respect should be avoided unless they are the expressed preference of the individual.

The Welsh Assembly Government believes that arrangements which do not meet the above good practices would be contrary to its policy approach. A matrix that outlines these and other criteria of good practice to be taken into account in considering whether any local community living proposal is compatible with the Welsh Assembly Government policy approach is at Appendix A to this Circular.

The Welsh Assembly Government also recognises that some individuals will choose to live outside their local area and it is not the purpose of this guidance to inhibit authorities from considering such expressed preferences.

26. Over the years, developments have taken place that have expanded the possible range of local community living settings that remain compatible with the thrust of policy in Wales as outlined in paragraph 25 above. The range of local community living settings now include:

- a. living in your own home as an owner/occupier
- b. living in a shared ownership arrangement including a supported home buying arrangement
- c. sole supported housing living arrangements as a tenant
- d. sole private housing living arrangement with own tenancy
- e. shared supported housing living arrangements as tenants
- f. shared private housing with own tenancy
- g. adult placements

- h. living with your family
- i. residential settings

27. The nature of the support arrangements in these community living settings has also developed over the years. Support arrangements based on care support staff living in the same setting as the individual(s), sometimes on a 24/7 basis are no longer the only solution. The use of paid care staff can be complemented by other flexible support strategies including:

- support tenants - where people with a learning disability living in their own home offer other people subsidised housing in their home in return for providing them with support
- area based day and night time support services where on call staff stand by to respond to people requiring assistance in their given area
- telephone and internet based support and accessible communication services, that can support people to meet new friends and maintain social networks as well as responding to areas of concern
- area based home maintenance and decoration services
- financial support services where people with a learning disability are supported to manage their personal finances independently of support agencies
- housing related support funded through Supporting People and housing advice services.
- utilising the existing support within the community e.g. the fellowship of faith groups in involving people in church activities.
- the use/application of assistive technology and telecare in community living settings.

28. The use of alternative support strategies may well reduce the input required from paid care staff in the community living setting without affecting the safety of individuals or the achievement of assessed care outcomes.

29. The Welsh Assembly Government's 2007 learning disability guidance says that authorities need to keep community living options and support arrangements under regular review as the care needs and requirements of individuals will typically change over time.

The quality of life outcomes for individuals in community living arrangements

30. The nature of the housing and support arrangements within a community living setting are regarded as important in achieving a range of quality of life outcomes for adults with a learning disability who depend on service support. Measuring quantitative elements such as the number of hours of care being provided does not provide commissioners and care managers with any useful information as to the quality of life outcomes for individuals. Such quality of life outcomes may include:

- *Physical well-being:* Personal hygiene and care, diet, exercise, safety.
- *Emotional well-being:* Having a strong self-identity and reasonable self-esteem in relation to home life.
- *Material well-being:* Housing quality, tenure, privacy, possessions, neighbourhood quality, access to amenities, access to transport, access to communications and information systems
- *Social well-being:* Relationships within the household, contact with family, contact with friends, wider social life, community involvement, community acceptance and support
- *Productive well-being:* Independent living, living autonomously with support, developing skills in personal care, running a home, leisure and social activities, exercising choice and participating in social, personal care, leisure and household activities (i.e., being occupied sufficient to be fulfilled)
- *Rights:* Security of tenure under the law, rights to community living, freedom of expression within the law, access to voting and other political expression.

31. Commissioners and providers should put in place both quantitative and qualitative outcome measures to assess the effectiveness of the community living and support arrangements in place for individuals. There are a number of research and other papers on measuring quality of life outcomes that can provide commissioners with fuller information. Examples of such research are at Appendix B.

Yours sincerely

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APPENDIX A

GOOD PRACTICE TO BE TAKEN INTO ACCOUNT IN CONSIDERING WHETHER ANY LOCAL COMMUNITY LIVING PROPOSAL IS COMPATIBLE WITH WELSH ASSEMBLY GOVERNMENT POLICY.

Does the local community living proposal:

- provide accommodation for 4 or fewer people?
- avoid over concentration of similar settings in one area?
- avoid an isolated location?
- appear compatible in scale and design with the general housing stock in the locality including boundary fencing/walls?
- provide good accessibility to local community amenities including shops, clubs, sports facilities, places of worship and other community amenities?
- have sufficient parking to meet the mobility needs of individuals?
- meet the disability, sensory and mobility needs of individuals internally and externally, including level terrain and short distances to access vehicles for people with mobility difficulties?
- give due regard to minimizing inconvenience for neighbours e.g. where a resident is particularly noisy or on-street parking encroachment?
- reflect the preferences of service users in relation to matters such as décor, furnishing, fittings and garden design?
- reflect the preferences of service users about whom they live with and in other ways ensure the compatibility of potential residents including their linguistic and cultural preferences?
- have the right level of staffing and staff skill mix to ensure that the safety of individuals is maintained and that their needs are met, while avoiding overprotection or any other unnecessary impediment to services users achieving quality of life outcomes (e.g. by staff disempowering individuals from making their own choices, or by staff support replacing rather than complementing the involvement of individuals' own social networks in the conduct of their lives).
- enable service users to participate actively in the selection/recruitment of their support staff?

- specify the operational approaches required to enable service users to achieve a broad range of quality of life outcomes including social participation (with co-residents, family, friends and others); development of independence, choice and self esteem; involvement in community activities and engagement in a variety of other meaningful activities?
- include within the above, approaches to person-centred planning, advocacy and self-advocacy, alternative and augmentative communication, planning daily activity, planning how to deploy staff, behavioural assessment, teaching and positive behavioural support, and health checking?
- specify induction and in-service staff training covering wanted values and attitudes, general operational requirements (e.g., health and safety) and specific operational approaches
- have appropriate monitoring approaches that assess the quality of life outcomes achieved by service users, the implementation of operational approaches and staff skills and which inform the ongoing management of the scheme and the appraisal of staff?

APPENDIX B

RESEARCH AND OTHER PAPERS ON MEASURING QUALITY OF LIFE OUTCOMES

- Perry, J., Felce, D., Firth, C. & Puppa, M. (2007) *Evaluation of the implementation of targeted support in services provided by Community Lives Consortium – Interim report*. Cardiff: Cardiff University, Welsh Centre for Learning Disabilities. Available on the Welsh Centre for Learning Disabilities website at <http://www.cardiff.ac.uk/medic/subsites/learningdisabilities/index.html>
- Robertson, J. & Emerson, Eric (2006) *A systematic review of the comparative benefits and costs of models of providing residential and vocational support to adults with autistic spectrum disorder*. Lancaster: Lancaster University, Institute for Health Research. Available on the Institute for Health Research website at <http://www.lancs.ac.uk/fass/ihr/research/learning/intro.htm>
- Wilson, R. & Craig, J (2008) *Being Independent in the Community*. Swansea: Community Lives Consortium and Walsingham Wales. (Available on the Community Lives Consortium website at http://www.communitylives.co.uk/consortium/making_the_consortium_better/documents/BeingIndependentintheCommunity2.1_000.pdf)
- Felce, D., Perry, J. Lowe, K. & Jones, E. (2008) *The impact of autism or severe challenging behaviour on lifestyle outcomes in community housing*. – Cardiff: Cardiff University, Welsh Centre for Learning Disabilities. Available on the Welsh Centre for Learning Disabilities website at <http://www.cardiff.ac.uk/medic/subsites/learningdisabilities/index.html>

- Felce, D. (2008) Outcomes-based commissioning. Housing for adults with learning disabilities. Cardiff: Cardiff University, Welsh Centre for Learning Disabilities. Available on the Welsh Centre for Learning Disabilities website at <http://www.cardiff.ac.uk/medic/subsites/learningdisabilities/index.html>
- *REACH Standards in Supported Living*. Place of publication, Paradigm, see the website at http://www.paradigm-uk.org/articles/Reach_Standards_in_Supported_Living/52/43.aspx
- *All Wales Community Living Network : Accommodation – Quality Checklist*. Available on the Learning Disability Wales website at <http://www.learningdisabilitywales.org.uk/community-living.php>