

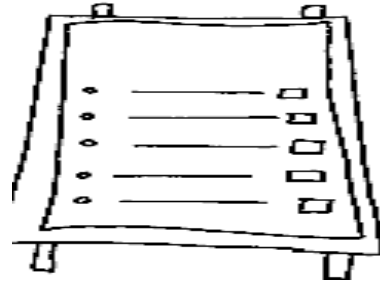
# Housing and Support Options: A Housing Strategy for Learning Disability



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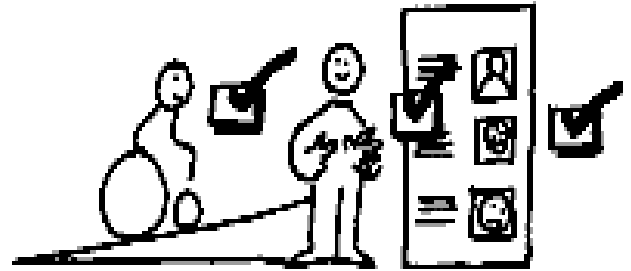
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## Executive Summary



## Introduction

1. The members of the Southampton Learning Disability Partnership Board want to make sure that people can choose where they live. They are talking about how they can help people to choose how they want to live.



2. People do not need a special house just because they have a learning disability. The Partnership Board is looking at making sure people can choose what kind of house they want



3. The Partnership Board is developing a plan. This is called a Housing and Support Options Strategy. It says:
  - What we need to do to make sure people have choice
  - When and how we are going to do it



## Why we Need a Plan



4. People with a learning disability want to live ordinary lives in ordinary homes.



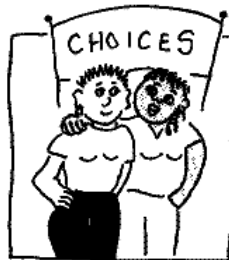
5. They do not have a lot of choice about where they can live or the type of support they need.



6. We need to find out what sort of houses people would like to live in and the sort of support they may need



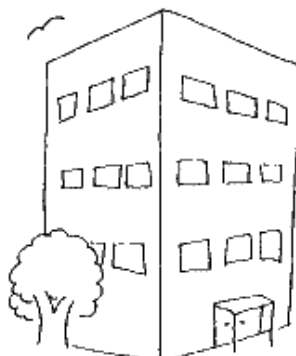
## Housing and Support Options



7. Some people may want to buy a home. Their parents or carers can help to make the arrangements however the process is not always easy.



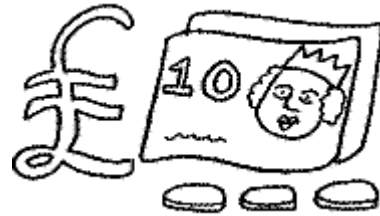
8. Other people may want to rent a home from the council or a housing association or a private landlord.



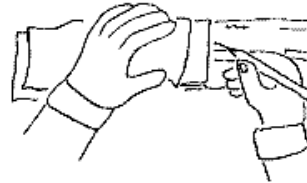
9. Some people may need to live in a residential or nursing care home after having been assessed by a Social Worker or Health professional.



## Funding Issues



10. We need to find out how much money is being spent on housing and support at the moment and which organisation pays for it.



11. We then need to know what the cost of having the type of housing and support people would prefer to live in and then look at the different ways it could be paid for.



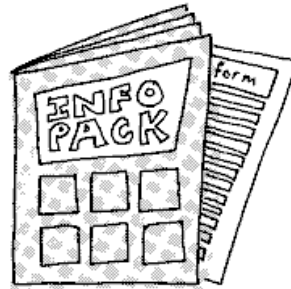
12. There is no new money available to have more choice in housing and support



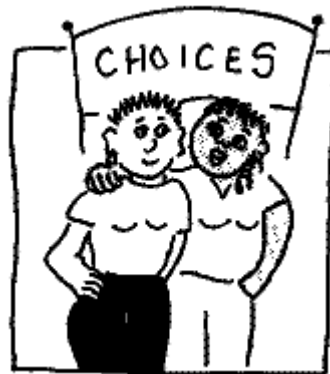
## Advice, Information and Advocacy



13. More information about housing and support options will be available soon in a 'Housing Information Pack'.



14. This will help people with a learning disability to make a choice about where and how they live.



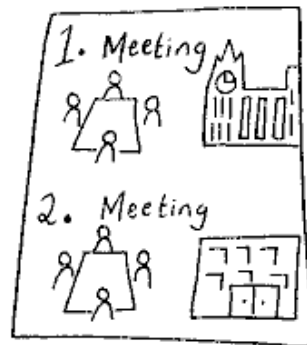
## Maintaining Standards

15. People with a learning disability will be asked if the housing and support they have is helping them to make the choices they want about where and how they live their lives.



## Working Together

16. The different groups working with people with a learning disability will work together better to make sure there is a good choice of housing and support.



17. This plan sets out what the Learning Disability Partnership Board would like to happen to make sure that the housing and support options will be the ones that people want.



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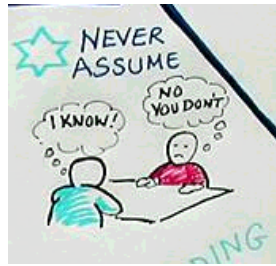
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The illustrations have been chosen by service users.

## Introduction



1. People with learning disabilities can lead full and rewarding lives and some certainly do, however others find that they are excluded from what society has to offer and experience prejudice, bullying and discrimination.
2. The majority of people with learning disabilities have always lived in the community, mostly living with their families. At one time it was thought that those who could not be cared for at home should live in large institutions. Whether a person lived at home or in an institution they often found themselves cut off from the rest of society
3. People with learning disabilities have a right to a full life in the community just like everyone else, and we know that personal and societal attitudes as well as a lack of support and services deny people a full life. The publication of '**Valuing People: A New Strategy for Learning Disability for the 21<sup>st</sup> Century**' in addition to other key legislation such as the Disability Discrimination Act 1995, tells Professional Agencies what they have to do to make the lives of people with learning disabilities better.
4. **Valuing People** is based on the premise that people with learning disabilities are people first and the focus throughout is on what people can do, with support where necessary, rather than on what they cannot do.
5. There is a shift from trying to control peoples lives to a "person centred approach" which now focuses on the person having a full life in the community based around individual choice, promoting independence and allowing individuals to have a say in how and where they live their lives.
6. There are however a small number of people who because of their behaviour and activities have come into conflict with the law and as such there may be restrictions placed on their choices.
7. Not all people with a learning disability need specially designed or adapted homes and the main barriers to accessing property are often, a lack of information about how to access the various types of housing and the price and supply of housing in all tenures.
8. Evidence from research and studies elsewhere in this country and abroad indicates that smaller community-based housing and support services provide higher quality support and better outcomes for people with learning disabilities in comparison to larger, more institutional forms of provision.
9. There is a lot of concern that there is insufficient housing and support provision to meet the

future housing needs of people with a learning disability living with older parents. This view is re-enforced by the Mencap publication 'The Housing Timebomb'.<sup>1</sup>

10. There has to be access to a wide range of housing/accommodation options available for people with a learning disability, all of which should be capable of being supported by a variety of styles of delivering care/support services. The problem, predominantly, has been a lack of awareness and understanding amongst individuals, parents/carers and professionals of what is possible and/or available. Expectations about how people can live have been very low and this has stopped parents/carers and professionals making things happen for people with learning disabilities.
11. In addition, **Valuing People** clearly states that village or intentional communities are also to be considered as a viable option for commissioners to consider, if chosen by a person with learning disabilities and their families.
12. An intentional community is in essence a community for a particular interest or group of individuals and as such includes examples such as sheltered housing for older people, co-housing for women through to the all encompassing village style community which provides for a whole lifestyle approach.
13. The range of housing options to be considered includes every type/style of accommodation from living with parents or carers, renting or owning a property, shared housing, group homes and intentional communities, through to residential care.
14. 'Living more independently' is not just about someone becoming a tenant of the Council, Housing Association or a private landlord for that matter. Whilst these are options for some people with a learning disability, they are not the only options to be considered.
15. Living independently in this context means the individual having control over how they live their life, including where they live.
16. To secure a tenancy with either the Council or a Housing Association is often viewed as being the most affordable option however the Housing Register needs to balance the needs of all applicants which means that people with a learning disability may not be given a higher priority over other applicants for housing in the general needs housing stock.
17. The housing needs of people with a learning disability, in terms of bricks and mortar, are no different from anyone else in society, however what is different is that they need differing levels of support to allow them to live in the accommodation they would like and to maintain a decent standard of living where ever that may be.

## **The Challenge Ahead**

17. People with learning disabilities are amongst the most socially excluded and vulnerable groups in society today. Very few have jobs, live in their own homes or have any real choice over who cares for them.
18. People with learning disabilities have the right to be full members of the society in which they live. In real terms this means that, subject to there being no restrictions being placed upon them, they should be able to choose where they live and what they do, and to be as independent as they wish and as able as they want to be.

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<sup>1</sup> The Housing Timebomb. Mencap. June 2002

19. There are sometimes different perceptions of need between the health and social care professionals, the parents and/or carers and the individual with a learning disability and in such cases it will be necessary to balance those needs, desires and expectations of all involved to ensure a successful outcome.
20. It will require partnership working from all organisations and agencies working with people with a learning disability, housing, health and social care, education, employment, leisure and social security to ensure that the aims of **Valuing People** become a reality in Southampton.

### **What is a Learning Disability?**

Valuing People states:

20. Learning disability includes the presence of:

- A significantly reduced ability to understand new or complex information, to learn new skills (impaired intelligence), with;
- A reduced ability to cope independently (impaired social functioning);
- Which started before adulthood, with a lasting effect on development.

21. This definition encompasses people with a broad range of disabilities. The presence of a low intelligence quotient, for example, an IQ below 70, is not of itself, a sufficient reason for deciding whether an individual should be provided with additional health and social care support. An assessment of social functioning and communication skills should also be taken into account when determining need. Many people with learning disabilities also have physical and/or sensory impairments. The definition covers adults with autism who also have learning disabilities, but not those with a higher level autistic spectrum disorder who may be of average or even above average intelligence – such as some people with Asperger's Syndrome.

22. Learning disability does not include all those who have a 'learning difficulty' which is more broadly defined in education legislation.

23. The nature of people's disabilities varies considerably and as such affects the kind of support they may need. The support they need may therefore be in social skills such as holding a conversation or if they cannot speak finding ways of communicating with others. Sometimes it may be practical support they need such as how to tie shoelaces, how to make a cup of tea or getting dressed. On the other hand though other people with a learning disability will live quite independently with much less support.

### **The Needs of Parents / Carers**

24. It is essential that the views and concerns of parents / carers are taken into account in the planning and implementation of new housing and support options.

25. **Valuing People** identifies three groups of carers who face additional pressures:

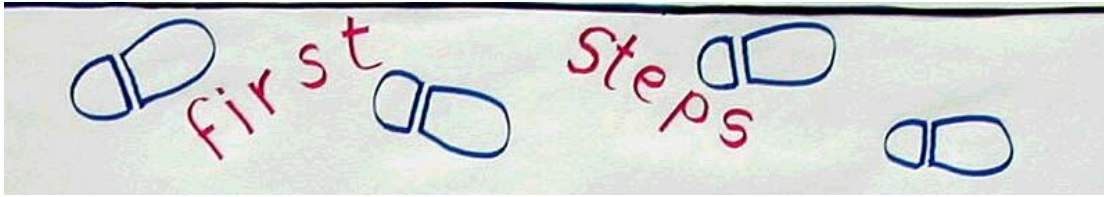
- older carers (those aged 70 or over)
- carers from minority ethnic communities
- carers whose sons or daughters are going through transition from school to adult life

26. It is estimated that, nationally, a third of people with learning disabilities living in the family home are living with a carer aged 70 or over. Many are sole carers with reduced support. There is some evidence to suggest that up to 25% of people with a learning disability do not become known to the statutory agencies until later in life, when for example the parent becomes too frail to continue caring for their adult son or daughter.
27. This group is one of the priority groups for developing a person-centred approach to planning.
28. There are also difficulties facing carers from the minority ethnic communities and it is imperative that all services are responsive to the appropriate culture and language needs of individuals and their families.

## **The Vision**

29. Southampton City wishes to meet the housing needs and aspirations of people with a learning disability and for them to have choice over where and how they live their lives; that they have decent homes to live in which meet their housing needs and the support they need to enable them to be independent and that their rights as individuals are promoted and respected.
30. The City is committed to:
  - identifying the housing needs and aspirations of its citizens with a learning disability
  - responding to those needs by ensuring that there is access to a full range of housing and support options and making the links with other strategic developments being pursued by the Learning Disability Partnership Board, such as the Day Service Modernisation, which will enable those people with a learning disability to maximise their participation in their local community
  - identifying and responding to the needs of carers
31. The housing resources that already exist in the community may need to be reviewed and may need to change to better meet the housing and support needs of people with a learning disability to ensure that there is real choice available.
32. To achieve this it is necessary to provide a framework reflecting the shift in service delivery to a person centred approach and supports the Government's programme for reform and change detailed in Valuing People.
33. In order for this vision to become a reality it is essential that all people with a learning disability are able to choose from a range of appropriate housing options and types of accommodation and have a choice in the way in which they can be supported to live their preferred lifestyle.
34. The main focus and priorities for the policy and service development for the 'Housing and Support Options: A Housing Strategy for Learning Disability' is to ensure that there is a range of housing and support options available to enhance opportunities for people with a learning disability, allows them to have real choice and control of their lives and based on the four key principles, Rights, Independence, Choice and Inclusion.

## Chapter 1



### Why we need a plan

1. The White Paper 'Valuing People: A New Strategy for Learning Disability for the 21<sup>st</sup> Century' requires all local authorities to develop a strategy for 'housing, care and support options'.
2. The White Paper sets out the Government's programme for reform and change in key areas based on four key principles, Rights, Independence, Choice and Inclusion and re-iterates the fact that legislation, which confers rights on all citizens, including the Human Rights Act 1998 and the Disability Discrimination Act 1995, applies equally to all people with learning disabilities, and that the Disability Rights Commission will work for people with learning disabilities.
3. Southampton Learning Disability Partnership Board is actively promoting the key principles of the White Paper and acknowledges that all Citizens of Southampton should be able to live as normal a life as possible and have choice over where and how they live their lives. It is appropriate, that the strategy is being launched at the same time as the City is promoting **The European Year of Disabled People** which shares the same themes as the White Paper – To Promote Rights and Participation, by Raising Awareness, Participation and Advocacy/Mentoring.
4. Some people with a learning disability and their families are not able to participate fully with the rest of society and/or the communities they live in, they have limited opportunity and poor life chances. There is a perception that families will always be there, however family needs change; children grow up, they want to play with their friends, go out with their friends and live more independently, they may have brothers and sisters who also want to 'do their own thing'. The needs of parents also change, they want to pursue their own interests, they get older, may have additional needs to be considered and some worry about what will happen to their children when they are no longer around. Families with disabled children often have inadequate housing solutions available to them; they have higher costs as a result of the child's disability and often experience reduced employment prospects.
5. A high priority of Valuing People and the Southampton Learning Disability Partnership Board, Southampton City Council and Southampton City Primary Care Trust is the moving of people with a learning disability currently living in Locally Based Hospital Units (LBHUs) to more appropriate housing in the community by 2004.
6. Currently there are 43 individuals accommodated in 3 LBHUs in Southampton. It has long been recognised and documented that LBHUs are an outdated model of care and that the individuals living in them have the right to be supported to live in more appropriate housing in the community with support.
7. This strategy reflects the shift to a people centred approach in the delivery of services, focussing on inclusion and individual choice, promoting independence, civil rights and

challenge discrimination to allow individuals a say in how and where they live their lives and unless there are restrictions imposed on an individual's choice, will seek to achieve this by:

- Increasing and improving access to the range and choice of housing options available to people with a learning disability in order for them to live as independently as possible – from home-ownership through to renting, supported housing, intentional communities (dwellings with communal facilities specifically designed to suit people with specific needs, such as sheltered housing) and residential care. [Appendix A provides detailed information about the options available]
  - Ensuring that people with a learning disability and their families have access to advice and information about housing to enable them to make informed choices and decisions
  - Enabling people currently living in Locally Based Hospital Units to move into more appropriate accommodation
  - Show the value of joint/integrated working between key partners, including carers, in responding to identified needs
6. People are generally living longer and as such there are now more older people with a learning disability, some of whom will have additional needs such as those related to dementia.
  7. In relation to older people with a learning disability experience elsewhere in the country indicates that the more traditional sheltered housing for older people is not best suited to meet the needs of older people with a learning disability.
  8. The number of people with a learning disability living with ageing parents and/or carers is increasing.
  9. There are more young people with a learning disability who are wishing and able to gain greater levels of independence and live in a variety of different settings.
  10. The number of children diagnosed with autistic spectrum disorders is increasing and it is anticipated that some will additionally have a learning disability.
  11. There is a need to identify Southampton residents living outside of the City who may wish to be re-located in the City.
  12. The resources available are not infinite. Better use of current resources should produce better housing and support for people with a learning disability. It will be necessary to identify the current levels of funding being expended, such as those paid out for residential/nursing care, long-stay hospital accommodation and in benefits etc and compare these costs with those of the costs of providing better housing and support which will help people be more independent.

### **Development of the Strategy**

14. The Department of Health appreciates that there is a large amount of complex work to be completed to produce a strategy and pragmatically acknowledges that Local Authorities will need to adopt an evolutionary approach. In real terms this means that the 'action plan' found later in this document provides the details of the work to be completed over the next 2 to 3 years to produce a comprehensive Housing Strategy for Learning Disability for Southampton.

15. The Learning Disability Partnership Board has overall responsibility for developing and producing the strategy. A steering group to oversee the development of this strategy has been formed and is a sub-group of the Local Implementation Group (LIG) which is accountable to the Learning Disability Partnership Board and the Supporting People Core Group. Membership of the steering group is made up of members of the LIG and Supporting People Core Group, users of services, carers/parents, Mencap, National Care Standards Commission, West Hampshire NHS Trust, CHOICES Advocacy and Southampton City Primary Care Trust.

## **National Context<sup>2</sup>**

16. The national policy context and drivers for change are:

- “Valuing People: A New Strategy for Learning Disability for the 21<sup>st</sup> Century”, providing the strategic framework for the development of new opportunities for children and adults with learning disabilities and their families to live full and independent lives as part of their local communities.
- “Our Healthier Nation”, is an action plan to tackle poor health aiming to improve the health of everyone and tackling inequalities
- “The New NHS: Modern and Dependable”, sets out the Government’s plans to modernise the NHS over a ten year period
- “The National Charter for Long Term Care – Better Care, Higher Standards”, explains what people in need of long-term care and support can expect from local housing, health and Social Services
- “Supporting People”, is the new policy and funding framework for supported housing, including sheltered housing
- The “Best Value in Housing Framework”, sets out the issues and areas of importance which need to be taken into account when reviewing services and the ways in which they are provided
- The “Housing White Paper”, which sets out the Government’s plans to ensure that those people living in the private sector have the opportunity of a decent home by taking action against unacceptably low housing standards; ensuring sufficient supply of affordable homes and ensuring access to home ownership in sustainable communities

## **Regional Context**

17. The Regional Housing Statement for the South East:

- Provides a strategic framework, for local authorities to develop their local housing strategy, and sets out nine priorities which includes ‘To meet the need for affordable housing’ and ‘To meet the needs of those who require supported housing’
- Recognises that the Government’s Modernisation Agenda for Health and Social Services will impact on the way in which housing and support are provided in the future
- Recognises that the Supporting People programme is likely to result in more people with special needs having the opportunity to live in general needs tenancies by providing a range of supported housing options that give clients a greater choice over where they live; this will require a focus on new forms of assessment and allocations systems to take account of the housing, care and support needs of those individuals

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<sup>2</sup> Bibliography detailed at Appendix B

- Identifies that joint working between Social Services, Health, Housing and the Voluntary Sector should facilitate this choice and ensure that maximum use is made of resources and that 'cross-boundary' working will be particularly important to ensure the provision of highly specialised support.

The key actions to be taken by local authorities include:

- The need to ensure that Supporting People retains a regional perspective in respect of cross-boundary specialist schemes
- Should work towards ensuring that their lettings systems are based on both a housing and support needs assessment, and collate data on support needs for evaluation

### Local Strategies and Policies <sup>3</sup>

18. The local policy framework involves:

- "The Southampton Partnership Community Strategy", which will play a key role as the overarching strategy for the City, drawing together all plans and actions for maximum effect to drive local improvements in economic, social and environmental well being

Quote from Southampton's Draft Community Strategy:

- "A city where no one is seriously disadvantaged because of where they live, their personal circumstances or the community they belong to
- A city where everyone will have realistic opportunities to acquire the skills, confidence and employment opportunities they need to improve their quality of life "

- "The Southampton Partnership's Neighbourhood Renewal Strategy", which seeks to reduce inequalities within areas of disadvantage and ensure that we work in a joined up way to tackle problems, including housing
- "The City Council's Housing Strategy" details the progress made in achieving targets set to meet housing need in the City and identifies the challenges ahead
- "The Southampton City Primary Care Trust and City Council's Health Improvement Programme" sets out the strategic framework for improving health, reducing inequalities and delivering faster more responsive services of a consistently high standard
- "The City Council's Supporting People Strategy" for 2003/2004, the new funding and strategic framework for supported housing services
- "The City Council's Community Care Plan", which outlines the key Community Care Services for Southampton
- "The City Council's Medium Term Plan", which sets out the overarching themes, challenges and priorities for improving life in the City over the next four years:
  - Tackling deprivation and inequalities
  - Promoting life long learning for all people
  - Improving community safety and reducing crime and disorder
  - Improving the street scene and the environment
  - Promoting independent living

<sup>3</sup> Bibliography detailed at Appendix B

## Chapter 2

### Current Position for Southampton

#### Comments of Southampton Service Users:

- There was concern over houses meeting their physical needs and if there would be a lift in blocks of flats if they are physically disabled
- They would like to be in areas with nice neighbours so they don't get picked on
- To be living on a main bus route and where they can get to the local shops

#### Specifically they asked:

- "How long will I have to wait?"
- "What things do they have in them? Fridge/cooker?"
- "Can you have parties in your house?"
- "Can you move out of Southampton?"
- "Be allowed more choices to find the right house for you"
- "There is no accessible information about how to get a house"
- "Who is there to help me find a flat?" "Someone specifically for LD?"

#### Quotes from Southampton parents/carers 2003.

"My view as a parent of a 16 year old with autism is that I would like to believe that by the time he is in his early 20s there will be somewhere for him to live in Southampton that will meet his needs. My worry is that there will be supported housing in flats but no real community for him to be part of. I don't want him to end up living somewhere so he just watches videos all day long – because he is autistic he needs to be encouraged to take part in activities; his interests – In buildings, in music etc also need to be developed. And how does this link to employment opportunities?"

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A parent of a 46 year old woman with Downs Syndrome – "the theory of independent living is good, from a parents point of view the essential ingredient is how much care/how often/and by whom is my relative going to get it? Because of the range of disability the amount of care needed varies greatly, care is expensive and carers are difficult to get. Many of the people using this facility would need a carer in residence and considerable supervision for their personal care and constant help to shop & cook meals, be taken to dentist, chiropodist, doctor etc etc"

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The parents of a profoundly disabled child – "The attraction of intentional communities for many families is that this offers a complete lifestyle – and in varying ways this is what all parents want whatever the style of the accommodation, & it is certainly what we are seeking for (our son):

- Suitable and safe accommodation
- To be with friends he is compatible with
- Appropriate staffing levels
- Highly and suitable trained staff
- Day activities/education & therapies, &/or employment to meet individual need
- Social & leisure activities based on individual need outside of day/activities etc, during evenings and week ends

1. The information that we need to inform the strategy is not readily available and more work needs to be done to ensure that we have up-to-date and detailed information to fully inform the planning process.
2. The work that needs to be done is identified in the action plan at the back of this document
3. The information that we do have is as follows:

### **This is what we do know**

#### Who they are and where they live

- Southampton has a population of 217,600 <sup>4</sup>.
- Recent research indicates that approximately 0.45% of the population (979 people) have a learning disability however the numbers are probably higher at 0.6% (1305 people) among those aged 25 to 40 years <sup>5</sup>
- Population of people with a learning disability (Incidence) <sup>6</sup>

Age Group	2000	2001	2002	2003	2004	Rate per 1000
<b>16 – 29</b>	211	208	206	205	206	5.18
<b>30 – 44</b>	175	177	178	179	180	3.40
<b>45 – 64</b>	93	94	95	97	99	2.09
<b>65 – 74</b>	19	18	18	18	18	1.14
<b>75+</b>	17	17	17	17	17	
<b>Total</b>	<b>515</b>	<b>514</b>	<b>514</b>	<b>516</b>	<b>520</b>	

- We don't know the exact number living with ageing carers however Southampton Day Services are anticipating to know by September 2003 the number and ages of carers of people using their services.
- At the time of writing this document Health are funding, across Hampshire, approximately 100 people in 'out of area' placements and it is anticipated that about 40 need to be re-assessed in relation to their location. However, the number of people with links to Southampton is not yet known.
- Southampton Social Services currently funds about 40 people who are in expensive residential placements, many of whom are located outside of the City, 20 – 25 are identified as having the potential to live more independently
- Currently there are 43 individuals living in 3 Locally Based Hospital Units in Southampton who need to be moved to more appropriate housing in the community by 2004
- There are currently:
  - 3 people with learning disability who are parents
  - 143 living in registered residential homes
  - 7 living in registered nursing homes
  - 33 living in a registered resettlement home (S28A + S64)
  - 3 living in accommodation under Section 37 or Section 41
  - 14 living in 'in-patient' accommodation' at Tatchbury Mount Hospital and their needs in relation to accommodation need to be re-assessed

<sup>4</sup> Office for National Statistics (Mid-2001 population 30<sup>th</sup> June 2001)

<sup>5</sup> The Sheffield Case Register & Parrott R et al (1997) Future Demand for Residential Provision for People with Learning Disabilities, Hester Adrian Research Centre, Manchester

<sup>6</sup> Learning Disability Joint Investment Plan 2001 – 2004

- 121 individual tenancies with varying levels of support hours paid for by Supporting People Grant with an average support cost of £319 per week (Note: the average residential care costs are £640 per week)
- 50 living with parents/relatives
- 42 living in Adult Placement
- at least 8 to 10 people living in supported housing have a history of homelessness and rough sleeping

### Support needs

- Currently in Southampton there are tenants who have learning disabilities supported by a wide range of support packages:
  - live-in care agency providing 24 hour support
  - 24 hour support provided by support agencies but not live-in
  - support during most of the day and evening but not overnight in a shared housing setting
  - visiting support ranging from 2 hours a week rising to 66 hours per week in a shared setting
  - visiting support ranging from 2 hours a week up to 36 hours in an individual tenancy
  - access to warden support with additional support packages
  - 24 hour support within a residential and nursing care setting
- The total of Supporting People Grant contributing to support costs for people with a learning disability is £2,009,735.00.

### **Issues and Needs**

- There has been a large expansion in the number of supported housing services for people with a learning disability the total provision (currently 121 tenancies) is within the supply profile identified by the Office of the Deputy Prime Minister (ODPM), 34 to 179 bed-spaces should be available, however it is felt locally that more should be available.
- There are some 'floating/visiting support services provided however there needs to be more
- More information is needed about people using the services and their carers. In Sheffield, for example, they have a Learning Disability Information data-base managed by an independent organisation which is able to provide information about the current and changing needs of people with a learning disability, their families and carers.
- Provide housing and support for people with challenging behaviour and complex needs
- Service users currently living in LBHUs in the City require appropriate housing and support to meet their assessed needs
- Provision of move-on accommodation from specialist supported living environments into more mainstream tenancies, i.e., from shared supported accommodation to own tenancy
- Effective support to people to access leisure and community facilities, not just 9am to 5pm
- Co-ordination of housing support with the day service remodelling process
- Provision of a range of suitable accommodation and support for young adults and those in transition into adulthood
- Providing effective support to enable people to access Direct Payments and increase their level of independence further

### **Action Plan (within the finances available which are identified in the next chapter)**

1. More information about levels of need is needed
2. Need to establish procedures and practises to ensure the identification and recording of appropriate information to inform the planning process
3. There are concerns about the number of people with a learning disability living with ageing parents and carers
4. Need to develop more floating/visiting support services
5. To develop a Challenging Behaviour Strategy for Adults with Learning Disability
6. To explore the value of a jointly funded post of a Learning Disability Information Co-ordinator (based on the Sheffield experience) to establish and maintain a data-base of current and changing needs of people with a learning disability and their families and carers.
7. Social Services have identified they need approximately 12 tenancies a year to be made available to enable move-on from specialist supported living situations. This could link with the review of the Special Needs Housing Quota managed by Housing Services.
8. Establish new services within the City that can provide supported tenancies to people with a learning disability currently living in high cost residential care/health support
9. Full assessments on LBHU residents to be completed and funding identified to provide suitable housing and support
10. Develop a range of housing and support for young adults and those in transition to adulthood within the City, including access to Direct Payments
11. Consult service users currently supported in housing to ask them what support they need within the community, i.e., leisure, social, educational and occupational opportunities
12. To ensure there is co-ordination of housing support with Day Services

## Chapter 3

### Funding Issues

1. The funding/resource issues relating to housing and support for people with a learning disability are quite complex and further work needs to be done to identify the current level of funding (and their sources) for existing services, such as residential care, group homes, care packages, Direct Payments etc and compare them with the costs of providing better housing and support services.
2. Work also therefore needs to be done to identify the level of funding needed to provide better housing and support services to meet the needs of people with a learning disability, i.e., supported housing, specially designed housing for specific needs, floating/visiting, key-ring support, community support, advocacy etc.
3. The Government has an expectation that the re-configuration of existing services to better meet the housing and support needs of people with a learning disability will fund new housing and support options. However the cost of new or re-modelled services will have to be balanced with improved quality outcomes for the individuals receiving them, such as having greater choice and autonomy in determining how and where they live their lives. (Chapter 6 'Working Together' details how joint working will result in the re-configuration of services)
4. A study completed in 1999<sup>7</sup> identified that the increased costs of 'dispersed housing schemes' in comparison with residential campuses (£6,000 per annum) made significant improvements in the quality of life. For example the increase of £6,000 per annum for 'dispersed housing schemes' saw a 31% increase in staffing ratios; a 14% increase in the rated quality of internal planning procedures; a 46% decrease in the rated level of institutional practices; a 19% increase in the rated homeliness of the setting; a 52% decrease in the use of anti-psychotic medication; a 350% increase in access to independent advocacy; a 27% increase in the rated amount of choice available to residents; a 55% increase in the size of people's social networks; a 350% increase in social integration; a 32% increase in the number of hours per week of scheduled day activity; a 134% increase in the number of recreational or community-based activities; a 96% increase in the variety of recreational or community-based activities."
5. In addition, there is the issue of statutory organisations funding new styles and types of housing and support which will involve both Capital and Revenue Funding for either pump-priming the re-configuration of existing services or for totally new developments to meet identified need.
6. Similarly, the financial impact on a person with a learning disability moving from a residential setting to a supported housing or similar setting is such that they may well be in a position to contribute to the funding of the housing and support they receive, further improving their levels of independence and self-determination. For example, when someone moves from a residential setting into a housing setting they may well be eligible for Housing Benefit, Council Tax Benefit, Income Support, Direct Payments, Independent Living Fund and other benefits as appropriate to their needs.

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<sup>7</sup> A Comparative Analysis of Quality and Costs in Village Communities, Residential Campuses and Dispersed Housing Schemes: Eric Emerson et al The Institute for Health Research, Lancaster University 1999

7. Also, benefit dependency may be reduced over time as employment opportunities are taken-up by individuals, thus improving levels of independence leading to more fulfilling lives.
8. There is however the issue of 'preserved rights' for some people in residential settings and careful consideration will need to be given, by those making assessments, to the impact the loss of this funding may have if a move to a housing setting is not successful.

## **Capital Funding**

9. Currently Capital Funding from Health, Housing and Social Services has been provided for the following provision:
  - Locally Based Hospital Units
  - A number of shared homes (re-provision from Tatchbury Mount)
  - Shared and self-contained supported housing
  - Registered Care Homes
  - Specialist provision for specific needs
  - Day Service Buildings
10. Capital funding for the provision of better housing options can be achieved by considering re-directing the capital of existing buildings as part of a re-configuring programme and potentially from the Housing Corporation's Approved Development Programme (ADP) which provides capital funding for the provision of housing for rent at sub-market level or sale through low cost home ownership schemes.
11. However, the provision of alternative housing for people living in Locally Based Hospital Units is not eligible for Housing Corporation ADP or other public subsidy.
12. For some people it may be that they or their parents/carers will pursue home-ownership by various routes, such as shared or joint owner-ship, purchase by a 'Trust' or depending on their current situation may pursue renting a council or housing association property.

## **Revenue Funding**

13. Revenue funding from Health, Housing, Social Services and Supporting People currently fund or contribute to the following:
  - Floating/visiting Support
  - Advocacy Services
  - Care Packages
  - Direct Payments
  - Residential Care fees (including out of area placements)
  - Day Services
  - Adult Placement
  - Staff & running costs of some Registered Nursing/Residential Homes
  - Staff & running costs of Locally Based Hospital Units
14. The ongoing revenue funding of support services and the revenue funding of better services can, in much the same way as for the capital costs, be achieved by consideration of re-configuring existing services. Additionally, by encouraging the take-up of Direct Payments and supporting individuals to maximise their income potential and their access to other sources of funding, such as the Independent Living Fund, service users could determine the type of services they receive as well as contributing to the payment or paying for them.

## Re-Provision of Locally Based Hospital Units

15. The West Hampshire NHS Trust has responsibility for the programme of providing more appropriate housing and support for the people currently living in Locally Based Hospital Units (LBHUs) and in relation to those located in Southampton developed an Implementation Plan in partnership with the service users, Social Services, the Southampton City Primary Care Trust, Housing, providers and parents and carers in identifying the capital and revenue costs.
16. Currently there are 122 people living in the 8 LBHUs within the West Hampshire NHS Trust area, of which 43 people with links to Southampton are living in 3 LBHUs in Southampton.
17. Valuing People requires that all people living in LBHUs should be re-settled in more appropriate housing settings by 2004
18. There are two housing partners working with the West Hampshire NHS Trust to provide the appropriate housing; Western Challenge Housing Association and Atlantic Housing Group. The intention is to purchase existing housing stock which will then be adapted to suit the specific identified and assessed need of individuals.
19. West Hampshire NHS Trust and Southampton City Primary Care Trust have granted capital funding for 2 properties and a relative of one individual has purchased a property, which together have ensured 10 individuals are now receiving support in more appropriate housing.

### **Action Plan**

13. Detailed information is needed on the funding levels (capital and revenue) of existing accommodation and service provision
14. Studies to be undertaken to ascertain the likely costs of providing better housing and support services
15. Implementation plan to be prepared to change current provision to that which should be in place

## Chapter 4

### Advice, Information and Advocacy

**People with a learning disability, their parents and carers and the people who work with them need information and advice on a wide range of issues linked to their housing and support options.**

**Good quality advice and information is essential if people with a learning disability and their parents and carers are to make informed decisions about what would suit them best in relation to their housing and support choices.**

**Widening the housing and support options available creates the potential for choice however many people with a learning disability will need advice and support to do this. This advice should include the strengths and weaknesses of different options within the context of the four key principles – Rights, Independence, Choice and Inclusion.**

1. The availability of effective information about housing and support options is essential to ensure that people with a learning disability and/or their carers are able to make decisions about the kind of housing and support that will meet their needs and preferences to assist them in planning for their future.
2. People's needs for housing and support and care vary and change throughout their lives and as such they need to be able to make informed decisions about what will suit them best at particular stages of their life.
3. A person with a learning disability has the same rights to own or rent a home as anyone else and therefore subject to the same obligations and responsibilities. To do this a person must have the capacity to agree and understand what are the legal consequences of entering into a contract.

#### Current Provision

4. At this time there is insufficient information available about the provision of housing and accommodation and types and styles of support that is available and hardly any at all about the range of options individuals or groups of individuals could pursue.
5. There are agencies which can provide information specifically for people with a learning disability, their parents and carers and to other professionals, however the information is not necessarily easy to access. Information is available from the following agencies:
  - Paradigm UK - A specialist organisation providing a range of information
  - Housing Options – A Housing Advisory Service for People with Learning Disabilities
  - The Foundation for People with Learning Disabilities
  - Values for Action – particularly in relation to Direct Payments

#### What is needed

6. It is important that the provision of information, advice and advocacy is integrated and co-ordinated, available and consistent.
7. To improve the quality of housing and support advice targeted at people with a learning

disability and their family and carers it is essential that:

- there is provision of better advice, information and advocacy on housing and support options
  - the advice and information is appropriate, in a variety of formats and available in a variety of settings
8. Housing, social services, health and voluntary agencies need to raise awareness of the housing and support options available to people with a learning disability among other professions and to establish ways of ensuring that the information provided is of an appropriate quality and consistency.
9. Similarly, the same information should also be available in appropriate formats and settings for people with a learning disability and their family and carers.

### **Action Plan**

16. For agencies to adopt an integrated approach to producing and delivering information and advice which is accurate and consistent about housing and support services
17. To introduce joint training between housing, social services, health and voluntary agencies
18. To improve the information available about services to ensure that people with learning disabilities and their families and carers can make an informed choice on the options available to them
19. To ensure appropriate levels of support and advocacy are available
20. To make sure that the information provided is accessible in appropriate formats, such as:
- a. large print
  - b. illustrated text
21. Ensure the information is located appropriately, such as:
- a. Day Service centres
  - b. Post Offices
  - c. GP Surgeries
  - d. Dentist Surgeries-
22. To identify other locations used by people with a learning disability and their families and carers and to take the information there

## Chapter 5

### Maintaining Standards

1. The aim of the Southampton Partnership Board is to ensure that people with a learning disability and their parents and carers, get the best possible service and achieve the best possible quality of life.
2. The Southampton Partnership Board has agreed a number of important principles which, form the foundation for the Quality Framework. They are:
  - Promote the rights, independence, choice and inclusion of people with a learning disability which are at the heart of Valuing People
  - Make people using the services its central focus
  - Apply to all organisations involved in arranging and/or providing services to people with learning disabilities and their families
  - Have commitment and support across all relevant organisations and of people at all levels
  - Build on existing processes, capture a range of relevant information about services to bring about change and measurable improvements to services
  - Provide the key means by which the Partnership Board will monitor the implementation of Valuing People locally
3. There will however be a small number of people who have restrictions placed upon them and as such will have limited choices available to them.
4. There are 12 standards against which these principles will be measured and the following paragraphs identify how these will be applied in respect of measuring the quality and effectiveness of the housing and support options available to people with a learning disability.
  - i) Opportunities will be available to people to be involved in planning, monitoring and reviewing local services
  - ii) People using services will be fully involved in reviewing the quality of the individual services they receive
  - iii) People's views about services will be actively sought on a regular basis
  - iv) Up to date, easy to understand information about local services will be widely available
  - v) Services will be effective in meeting the individual needs of the people using them
  - vi) People from minority ethnic communities will have equal access to services
  - vii) Strong safeguards will be in place to protect those at risk
  - viii) Complaints procedures will be simple and easy to use
  - ix) Local services will be of high quality and will achieve good outcomes for people with learning disabilities
  - x) Regular checks will be made on the quality of all local services arranged and/or purchased
  - xi) Staff will have the right skills to do the job well
  - xii) Local services will work together effectively to provide good services
4. In addition to the Quality Framework there are standards specifically relevant to Supported Living and these need to be incorporated into the monitoring and review process for

ensuring that the range of Housing and Support Options available are delivered to an acceptable and appropriate standard.

5. The Reach - Standards in Supported Living<sup>8</sup> sets out nine clear standards for Supported Living broken down into a range of outcome measures which, can be used by any service supporting people with learning disabilities in their own homes.

6. The nine standards are:

- i) I choose who I live with
- ii) I choose where I live
- iii) I choose who supports me
- iv) I choose how I am supported
- v) I choose what happens in my own home
- vi) I have my own home
- vii) I make friendships and relationships with people on my terms
- viii) I am supported to be healthy and safe on my terms
- ix) I have the same rights and responsibilities as other citizens

6. These standards have been designed to be used in a variety of ways and can be used by individuals and families as well as organisations and commissioners of services.

7. The Supporting People Service Quality and Reviews process will also apply to a number of housing and support schemes, such as the programme of themed Best Value Reviews to drive change which, are central to inform the strategic service planning process.

8. Work will be undertaken to ensure that the monitoring process for both the housing and support options for people with a learning disability incorporates all the aspects detailed above.

#### **Action Plan**

- 23. To develop appropriate monitoring and evaluation processes for the housing and support options currently available to ensure the outcomes are compatible with Valuing People
- 24. To ensure that people with a learning disability are involved in the development of new services and the process by which they will be monitored
- 25. For independent research to be conducted into satisfaction levels amongst current supported tenants within the City

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<sup>8</sup> Reach-Standards in Supported Living: Paradigm UK

## Chapter 6

### Working Together



1. Policies and developments in housing and support services are not isolated from other policies, such as social care, health, community safety, regeneration and planning.
2. It is essential that any new Strategic Structures include appropriate representation from the relevant housing divisions in Southampton City Council, that there are clear lines of communication between these divisions, Social Services and health agencies as well as others, such as planning, transport, education, training and leisure.
3. For joint working to be successful it is important that:
  - Joint training takes place to ensure that the different agencies understand each others role and responsibilities, their priorities and constraints to assist in achieving realistic outcomes
  - People with learning disabilities are involved in the process to share their views and concerns
  - A communication strategy is developed and implemented
  - Services are culturally appropriate to meet the needs of people with a learning disability from the black and minority ethnic communities
4. The ways in which agencies work together is likely to change as more people with a learning disability gain differing levels of independence and access the various housing and support options available to them.
5. The values and cultures of organisations need to change to bring about a different mind-set within and between organisations and individuals to adapt to the 'person centred approach' which will involve people with learning disabilities in the development and delivery of services.
6. Such an approach will ensure more integrated user-led services and help to remove the barriers that have created some difficulty to joint working.
7. Joint working is recognised as being an effective means to help facilitate the provision of

appropriate services and to maximise the effect of the limited resources available. In

addition, it presents the opportunity to develop joint visions and priorities thus ensuring that the needs of people with learning disabilities are accorded priority in relation to others.

## **How we work together at present**

### Joint Structures

8. Examples of current joint working include:

- The Partnership Board is currently undergoing a review of its membership to make it more representative of service users
- Work is currently underway to integrate services provided by Social Services Care Management teams and the Specialist Health Care Team, to support people with learning disabilities more effectively
- Closer links have been forged between the care management service and the Supporting People Team in Health and Social Care and the various Housing Departments and these need to be developed further to further improve the provision of services to people with a learning disability

### Supporting People

9. The new strategic and funding framework is now being implemented and is designed to encourage the development of support services that can improve the response to people's needs and preferences and that can be delivered in ordinary, general housing as well as specialised schemes. Housing, social services, health agencies, probation and voluntary and independent organisations will be making joint decisions about how support services should be provided in the City to best meet people's needs and preferences. It is intended that this will lead to better integrated services for people requiring support and supported housing, including people with learning disabilities.

### Partners

10. Partnership organisations working with Southampton City Council include:

- Southampton City Primary Care Trust
- West Hampshire NHS Trust
- Mencap
- Choices Advocacy

### Pooled Budgets

11. Pooled budgets are being promoted heavily by the Department of Health.

12. The Section 31 partnership arrangements in the Health Act 199 (Health Act Flexibilities), introduced in April 2000 removed the legal obstacles to joint working by allowing the use of pooled budgets for NHS bodies and local authorities. The purpose of which is to enable them to be able to respond effectively to improve services, either by joining up existing services or developing new, co-ordinated services and to work with other organisations to fulfil this.

13. The intention of pooled budgets is that:

- Health and local authorities put money into a single dedicated budget in order to encourage joint commissioning or lead commissioning, by either the health body or local authorities to take a lead in commissioning on behalf of both bodies
- There will be integrated provision of services
- There is agreement between the parties involved on the outcomes for the specific service, the target group and the eligibility criteria

12. The intention is to build on existing joint working by offering the opportunity for further innovative approaches to user-focussed services.

### Best Value

13. Section 3 of the Local Government Act places a duty of best value on local authorities to make arrangements to secure continuous improvement in the way in which they exercise their functions, taking account of economy, efficiency and effectiveness.

14. The City Council's approach to Best Value is that of 'themed' reviews incorporating the principles of:

- Challenge - how can quality of life be improved?
- Compare - how do others tackle these issues?
- Consult - what do local people think?
- Compete - how can the resources be assembled?
- Collaborate - who can the council work with to make progress?

### **Training of Staff**

16. The joint training of staff is essential to ensure effective joint working between agencies as well as in the planning, funding, commissioning and monitoring of services and the consultation with people with learning disabilities themselves.

### **Issues Arising**

17. Part of the difficulty in the past, particularly since Southampton became a Unitary Authority, has been because of confusion about how housing was structured within the City and the other agencies not fully realising which division of housing deals with which issues. This situation has improved considerably although there is still room for more improvement and joint training programmes need to be developed to improve awareness and understanding of the roles, functions, policies and constraints of each of the agencies and the ways in which they are structured.

### **Role of Steering Group in Monitoring Progress of this Strategy**

18. The steering group, as a sub-group of the Local Implementation Group, will monitor, evaluate and publish the progress made in implementing the action plan in regular reports to the Learning Disability Partnership Board and the Supporting People Core Group.

## **Action Plan**

### Joint Structures

26. Ensure appropriate representation of all agencies is included in all the interagency planning arrangements

### Pooled Budgets

27. To pursue the use of pooled budgets to accelerate projects and developments recommended in this strategy, such as:

- the co-ordinator of needs identified in Chapter 2

### Training

28. Develop a joint training programme for housing, social services, health and voluntary organisations to ensure a common understanding of roles, responsibilities, perceptions and priorities

### Definitions of Terms Used

#### Housing Options

##### Incentives to Buy and Home Ownership

###### Homebuy

Homebuy is the name of a special programme supported by the Government to assist people who are less well off to buy a home. Homebuy is specifically focussed on people living in rented housing who cannot afford to buy a property outright to become owner-occupiers. The scheme is restricted to people who are tenants of local authorities or housing associations or identified by the local council as being in 'housing need', i.e., accepted onto the Housing Register.

The usual arrangement is that the purchaser pays for a 75% share of the property and a housing association provides an interest free loan for the remaining 25%.

With this option, the housing association retains a legal charge on 25% on the value of the property which will be registered with the land registry. The loan is repaid only if the remaining 25% is purchased or the property sold.

###### Shared Ownership

Shared Ownership means that the ownership of a property is shared, usually with a housing association. The housing association retains ownership of 50% or 75% of the property and a low rent is charged for the remaining share. After a period of time, often a minimum of a year, purchase of further shares can be pursued until outright ownership is achieved.

This option provides the benefits and security of home ownership but at less cost than owning all of a house.

Shared Ownership is not suitable or possible for everyone and those who are likely to benefit most from shared ownership are:

- Those who have some money but not enough to buy a property outright or those who have some money and a small, regular income
- Those with parents who can put up the capital to help provide a share of a property
- Those with a Trust sufficient to purchase part of a property

With both Shared Ownership and Homebuy schemes the owner/occupant is responsible for the maintenance of the property and for all running costs.

###### Outright Ownership

This is where the property is owned by an individual, two or more individuals, such as two friends or a couple wanting to share a property, or maybe by an individual and their parents. The combination for joint ownership can be quite varied and the owners will have joint and individual responsibility for the maintenance and upkeep of the property.

## **Renting Property**

### Renting in the Public Sector

Renting in the Public Sector means renting a Council or Housing Association property. A Council tenant has a secure tenancy and a Housing Association tenant has an assured tenancy. (These are explained a little further on the next page.)

There is a great demand for Council and Housing Association properties and there is a Housing Register managed by the City Council of the people who are applying for and eligible for social housing. For people who qualify for the Housing Register their application and level of housing need is assessed and sorted into an order for the allocation of housing by a points scheme.

Additionally, the type of accommodation to be offered to an applicant is dependent upon the size of the household, for example a single applicant is likely to be offered a studio flat or 1 bedroom property and someone who is disabled will be offered a property with suitable adaptations or one which is capable of being suitably adapted.

### Renting in the Private Sector

Renting in the Private Sector is sometimes less secure than renting in the public sector and depending on the tenancy agreement the tenant may have fewer rights than those in the public sector.

The law around private sector tenancies is quite complex and the rights and responsibilities of both the tenant and the landlord differ depending on the type of tenancy and as to whether the landlord is a 'resident landlord', as in a house converted into flats.

### Leases, tenancy / licence agreements

A lease is a private contract between the tenant and the landlord and sets out the rights and duties of the landlord and the leaseholder.

Almost all flats in England and Wales are owned leasehold, as are some houses. A long leaseholder is someone who has bought the right to live in a property for a fixed number of years. The landlord (who may be the freeholder) has given the right of possession to the tenant for the term of the lease, but retains the right to enforce the tenant's obligations in the lease and, in a building containing flats, retains ownership and responsibility for the common parts of the building.

The lease may also require leaseholders to reimburse the landlord for any expenditure he makes on the building, through a regular service charge.

The lease allows the person to occupy the property for a fixed number of years (the term of the lease). Most 'owner occupiers' have long leases, typically originally for 99 or 125 years when granted. The lease diminishes over time and will expire automatically at the end of the term. Most long leaseholders have a statutory right to stay on as renting tenants at the end of the lease, to extend their lease or to buy a new lease for another term (i.e. 90 years).

There are differences between tenancy and licence agreements and there are different types of tenancies.

A licence, is merely permission to stay and is common in registered residential care or hostels or lodgings where there is no 'exclusive possession', for example, two or more unrelated people, each with their own occupancy agreement are required to share a bedroom or bathroom etc. Some licences may be 'excluded' under the Housing Act 1996 from the need for notice to quit or possession order proceedings.

A tenancy grants 'an interest in land', established by the payment of rent and the contract which conveys the rights and responsibilities of the tenant who may have 'quiet enjoyment' but must not commit 'waste' nor 'nuisance'.

A 'secure tenancy' is available for people who rent a property from their local council and provides legal protection for the tenant to have the right to remain in the property unless the landlord can prove to the court that they have grounds for possession.

Introductory Tenancies are local authority tenancies created by the Housing Act 1996 which do not become permanent until 12 months have elapsed, during which time the local authority can get possession. Southampton City Council has not, at this time, pursued introducing Introductory Tenancies.

Assured Tenancy is granted by a registered social landlord and sometimes by a private landlord, for permanent or long stay accommodation and allows the tenant the right to remain in the property unless the landlord can prove to the court that they have grounds for possession.

Assured Shorthold Tenancy is granted by a landlord for short stay accommodation. The landlord can regain possession of the property 6 months after the beginning of the tenancy, provided that they give the tenant 2 months' notice requiring possession.

Private tenants renting from a private landlord usually have assured shorthold tenancies however there can be other arrangements in place such as short fixed term tenancies.

## **Support Options**

### Support Tenant

A Support Tenant shares the home of someone who has a learning disability (it might be a couple). They live with them as a friend or 'flat mate' and share the household tasks and bills just like any other unrelated friend sharing a house might. In addition, the support tenant agrees, with the care provider, to do some additional things which help the person with learning disabilities live more independently than might otherwise be possible.

Examples of the kind of things a support tenant will agree to do are;

- Be at home between certain hours, i.e., 8pm to 9am
- Be at home on an agreed number of nights each week
- Give notice to the care provider if they are not going to be around during the time they should be, such as they are going on holiday
- Help the person they share with make breakfast and/or an evening meal on a certain number of days each week
- Involve the person they share with in daily living tasks and social activities

## Adult Placement

Adult Placement provides short or long term accommodation and/or care and support normally to between one and three adults and is usually managed or funded by the local authority. Adult Placements may include:

- Accommodation with personal care, or intermediate care in the family home of an Adult Placement Carer registered under the Care Standards Act
- Housing with support administered under Supported Living
- Home based day services
- Respite care, where personal care is not provided, and
- Extended family ('kinship') support in the community

## Residential Care

The role and function of residential care is outside of the objectives of this document however the aim of residential care is to ensure the safety and protection for those assessed to be in need of care and attention and where such care and attention cannot be provided in other more appropriate settings.

## Intentional Communities

An intentional community for people with a learning disability is the provision of housing and support for people with a learning disability. The range of such provision can span from a small cluster of dwellings providing self-contained accommodation with support and maybe some communal space available on site, which is very similar to the model used for sheltered housing for older people; through to the more wide-ranging community which provides a complete lifestyle (including for example therapies, education, supported employment, social and leisure activities) within a safe and encouraging environment within which people are able to develop.

Department of Health research shows that intentional communities were associated with better activity planning, more routine day activities and better access to health checks. A study commissioned as part of the White Paper's development found 3,000 people living in 73 village and intentional communities. This study and Facing the Facts also indicated that some local authorities are reluctant to support people with learning disabilities who wish to live, or whose families make arrangements for them to live, in a village or intentional community.<sup>1</sup>

## **Financial Issues**

### Funding and Mortgages

In line with anyone else wishing to purchase a property there is a range of mortgage options available from a large variety of lenders, i.e., repayment mortgage, endowment mortgage, flexible mortgages, variable rate, fixed-rate and discounted rate mortgages.

Mortgages for shared-ownership are perhaps restricted to fewer mortgage providers similarly interest-only mortgages for people receiving Income Support payments.

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<sup>1</sup> Valuing People page 73.

It is important for any individual or group of individuals applying for a mortgage to be aware of the legal and financial responsibilities of homeownership and for repaying the mortgage.

### Direct Payments

A direct payment is a cash payment provided by the local authority as an alternative to arranging social care services. A direct payment will vary according to the assessed need of the individual to whom the payment is made and can be used for all assessed needs apart from permanent residential care. There is no limit on the minimum or maximum amount of a direct payment, either in amount of care it is intended to purchase, or on the value of the payment.

Direct payments give people more choice and control over how their needs are met. A person using direct payments can make the arrangements for someone to provide their care or support at whatever time they decide. Similarly, the person can choose the type of support they want, for example someone to help them get a job instead of going to a day centre.

### Housing Corporation Approved Development Programme

The Housing Corporation's Approved Development Programme (ADP) provides capital funding for the provision of housing for rent at sub-market levels or sale through low cost home ownership schemes.

Registered Social Landlords (RSLs also known as Housing Associations) bid for ADP funding from the Housing Corporation in a competitive bidding round. The Corporation approves schemes which meet local housing needs and priorities (as detailed in local Housing Strategies), regional priorities and that offer good value for money in terms of the public subsidy required and the quality of homes delivered, from a pre-determined budget.

Low Cost Home Ownership is open to existing tenants of local councils and housing associations and those on the Housing Register. People with a learning disability can apply providing they meet the eligibility criteria. However they may need additional support to help through the home purchase process.

### Independent Living Fund

The Independent Living Fund is an independent trust funded by the Department for Work and Pensions and helps to subsidise the cost of intensive home care packages.

To be eligible, the disabled person must be in receipt of the higher rate of Disability Living Allowance and have been assessed as needing £200 or more of social service support. The £200 per week minimum contribution which, the local authority must make to someone's support in order for them to be eligible to apply the Independent Living Fund may take the form of directly-commissioned services or direct payments. Direct payments and Independent Living Fund payments must be spent on services which meet the user's assessed need.

### Income Support

Income Support is a means tested benefit that does not depend on National Insurance contributions and is intended to provide for basic living expenses. It can be paid on its own if the individual has no other income, or it can top up other benefits or earnings from part-time work up to the basic amount the says an individual needs to live on.

Income Support can help towards mortgage interest payments and certain other housing costs, such as housing benefit and full council tax benefit. Additionally, it may also entitle an individual to get help with housing grants (for those who are owner-occupiers and privately renting).

### Housing Benefit

Housing Benefit helps people pay their rent someone can get Housing Benefit if they are responsible to pay the rent on their home, they have no more than £16,000 in capital and they get Income Support, Job Seekers Allowance or have a fairly low income.

### Council Tax Benefit

Council Tax Benefit helps people pay their council tax someone can get Council Tax Benefit if they are not excluded from getting the main Council Tax Benefit, are responsible to pay council tax on their home, have no more than £16,000 in capital and they get Income Support, Job Seekers Allowance or have a fairly low income.

There are some additional rules which apply to people who are joint occupiers (not couples) and generally speaking the individual level of Council Tax Benefit will be the eligible amount divided by the number of joint occupiers.

In relation to couples, the couple is jointly liable to pay the council tax however if one of the couple can get Council Tax Benefit then that one can get Council Tax Benefit on behalf of both the people.

### **Transition into Adult Life**

Transition into Adult Life is the term used to describe the planning and review processes for severely disabled young people to move from 'children's services' to 'adult services' as they approach their 16<sup>th</sup> birthday..

Southampton City's Transition Policy is the result of a multi-agency approach to ensure that there is:

- a smooth transfer of responsibility from children's to adult services, and
- involvement from all the relevant authorities, such as education, health and social services to identify issues such as, continued education, employment/training opportunities and potential housing needs etc

The process is designed to assist the assessment of need, and the planning and targeting of resources to those young people most in need of services, specifically young people aged 14 to 25 years, with severe learning and/or profound physical and sensory disabilities, and/or serious or severe mental health problems.

### **Supporting People**

Supporting People is the new strategic and funding framework for supported and sheltered housing services and brings together the previous funding streams for support into a single, Supporting People Budget which will be applied locally in response to identified need.

Supporting People is likely to result in more people with special needs having the opportunity to live in general needs tenancies by providing a range of supported housing options that give clients a greater choice over where they live; this will require a focus on new forms of assessment and allocations systems to take account of the housing, care and support needs of those individuals.

### Home-Ownership, tenancy agreements and Legal Capacity

Home-ownership is seen by some parents as a key way of providing a secure future for their children and does give people increased power over their own lives by allowing them to make their home environment suit their needs and wishes.

Home-ownership is a possibility for people with a learning disability however it is not necessarily a straightforward process and requires time and commitment on behalf of all people and agencies involved to achieve a successful outcome.

Lenders often need to be convinced that the person buying the property understands their obligations within the home-ownership option they choose, i.e, shared ownership where some of the legal responsibilities may be passed to another person or trust.

#### Trusts

A Discretionary Trust is a legal arrangement whereby assets such as, money, investments, property and such like, are managed by trustees for the benefit of the beneficiaries of the trust, such as people with learning disabilities.

Parents can either on their own or collectively with others set-up a trust to ensure the long term financial provision for their child or children. The usefulness of a trust is that the assets of a trust do not belong to either the donor (in legal terms the 'settlor or parents') or the 'object' of the trust (the child or children with learning disabilities who is intended to benefit).

The benefits to this approach are that the capital held in trust is not taken into account when assessing entitlement to state benefits like Income Support or local authorities to fund care.

A discretionary trust is only one of many types of trust and is often the most appropriate type of trust for people with learning disabilities who will continue to need care and support. The trustees appointed to administer the trust have 'discretion' subject to the terms of the trust, as to how, when and by whom the capital and interest of the trust are used.

#### Entering into a contract

The issue of capacity arises in taking a tenancy, buying a property or taking out a mortgage. If the learning disabled person was incapable of understanding the nature of their obligations, and the other party (landlord etc) knew this then the contract is voidable at the option of the disabled person. If, however, the other party does not know the person has a severe learning disability that prevents them understanding the contract, it is valid.

A tenancy agreement does not need to contain complicated language and the use of Plain English will make it easier for a person to enter a tenancy agreement when they have contractual capacity but limited reading and writing skills.<sup>2</sup>

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<sup>2</sup> The National Housing Federation publishes a guide "Understanding your tenancy or licence agreement" which is intended to help people understand the main issues in a tenancy agreement in shared or self-contained supported housing and uses simple words, pictures and illustrations.

## **Enduring Power of Attorney**

An enduring power of attorney allows someone to choose a person to assume control of his or her affairs and do anything that he or she could do with the property if he or she had the capacity. This enables the attorney to enter into legal commitments on behalf of that person. However, this power is of more use to someone who is originally competent and then loses that competency, i.e., through mental illness or ageing. A person with a learning disability must have the capacity to understand what an enduring power of attorney involves although it is possible that the level of understanding required to give enduring power of attorney to another person is less than that required to enter into a mortgage.

## **Court of Protection**

An application may be made to the Court of Protection for a Receiver to be appointed for a person who does not have the legal capacity with her or her property and affairs and does not have the capacity to make an enduring power of attorney. The property remains that of the person with a learning disability. There is a cost attached to this and the procedure can be quite difficult and awkward.

## **Local Authority and Housing Associations and Succession**

When the tenant of a property dies a relative may have the right to take over the tenancy. This will be determined by the length of time the relative had lived in the property, if the relative has themselves succeeded to the property and if that property had been the relative's main home.

Even if the person with a learning disability does not have the actual right to succeed to a tenancy there is nothing in principle to stop the landlord granting a new tenancy, which could be for a different property in accordance with the assessment of their housing need.

## **Home Ownership**

If a person inherits a property this does not require them to enter a contract.

What may need to be considered is whether they need support to maintain the property to prevent disrepair and/or to secure assistance to repair/renovate the property.

## **Mortgages**

The person with a learning disability may not have the total amount of money needed to buy a property outright. However, he or she may have enough income through benefits or other means to take out a mortgage. It is sometimes useful for somebody to stand as guarantor however the building society or bank will still wish to be satisfied that the person with a learning disability has the contractual capacity to enter into a mortgage.

## **Shared Ownership or Tenancy Agreements**

For management purposes, it may be suggested that a carer or a relative join in a contract to own or rent a property. It is important to ensure that the person with a learning disability either has contractual capacity or is independently represented or otherwise protected. Competent legal advice is required.

If this course of action is not properly undertaken there can be problems. For example, if the carer who had taken out the joint tenancy agreement dies the person with a learning disability could be left unprotected unless the agreement was legally binding having regard to his or her contractual competence.

### **Making a Trust**

If a property is left in trust for a person with a learning disability, this avoids the problems associated with the question of his or her competence. The trustees can take on the responsibility for managing and maintaining the property. Ownership of the property can rest with the trust, since a trust manages assets and property can be one of these assets.

### Bibliography

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- “The Southampton Partnership’s Neighbourhood Renewal Strategy
- “The City Council’s Housing Strategy”
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- “The City Council’s Community Care Plan
- “The City Council’s Medium Term Plan”

## Action Plan – The Way Forward

Service Provision	What we want to achieve	Work to be done	Who should be Involved	Target Date for Completion
Housing and Support Need  Action Points: 1, 2, 3, 6, 9, 11, 12,	To have details of the range and type of housing/support needs of those with a learning disability (including those living with ageing parents and carers and those	A working group will be set up to identify the number of people with housing and support needs and the type and style of housing and support they need.	Users of Services and their carers Social Services Southampton Day Services West Hampshire NHS Trust SCC Housing	Working Group to be set up by December 2003  SOCIAL SERVICES TO LEAD

	<p>in Locally Based Hospital Units) AND the style and type of properties to be developed to meet those needs</p>	<p>Southampton Day Services is currently working with care managers to identify the numbers of people living with older carers and what the age of the carers are</p>	<p>Housing Associations Voluntary Organisations</p>	<p>Work to be completed by September 2003</p>
	<p>To have a good system which can provide up-to-date information about the changing housing and support needs of people with a learning disability</p>	<p>Set up a process to record information from individual Care Plans and Person Centred Planning about housing and support need</p>		<p>To identify a process of recording information from Person Centred Plans by June 2004</p> <p>SOCIAL SERVICES TO LEAD</p>

		To look into the usefulness of having an Information Co-ordinator (based on the Sheffield experience) to maintain a data-base of housing and support needs for all people with a learning disability and their families		To have made a recommendation by 2004
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<p>Housing and Support Options</p> <p>Action Points:</p> <p>4, 5, 7, 8,10, 11, 13, 14, 15</p>	<p>To have housing and support options available for services users, their parents and carers to meet their needs</p>	<p>We need to set up a group to identify what sort of housing and support there should be available and how much there should be, such as visiting support, move-on tenancies from specialist supported housing and for those with challenging behaviour.</p>	<p>Users of Services and their carers  Social Services  West Hampshire NHS Trust  SCC Housing  Housing Associations  Voluntary Organisations</p>	<p>Working Group to be set up by December 2003</p> <p><b>SOCIAL SERVICES TO LEAD</b></p>
		<p>Develop a range of housing and support for Young Adults with a learning disability who are in transition into adulthood</p>		

		Care Managers are currently looking at ways to provide better living opportunities for 6 people currently living in residential care, a lot of them outside of the City		This is ongoing
		We need to develop a Challenging Behaviour Strategy for people with a learning disability		WH NHS TRUST TO LEAD

	<p>To have detailed information about:</p> <ul style="list-style-type: none"> <li>• current service costs, and</li> <li>• the costs to provide the housing and support people would like to have</li> </ul>	<p>A working group to be set up to produce:</p> <ul style="list-style-type: none"> <li>• a report on the levels of funding for existing services</li> <li>• the potential costs for the new housing and support that people want and how the costs could be paid for</li> <li>• develop an implementation plan for changing the services to those that people want</li> </ul>		<p>A Working Group to be set up by December 2003</p> <p>SOCIAL SERVICES &amp; WH NHS TRUST TO JOINTLY LEAD</p>
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<p>Advice, Information and Advocacy</p> <p>Action Points:</p> <p>16, 17, 18, 19, 20, 21, 22</p>	<p>To have a Housing Information Pack available about the housing and support options to be considered</p>	<p>A working group should be set up to identify:</p> <ul style="list-style-type: none"> <li>• what information is currently available</li> <li>• what information should be available</li> </ul>	<p>Users of Services and their carers Social Services Southampton Day Services West Hampshire NHS Trust SCC Housing Housing Associations Voluntary Organisations</p>	<p>A working group to be set up by December 2003</p> <p>HOUSING &amp; SOCIAL SERVICES TO JOINTLY LEAD</p>
	<p>A greater sharing of ideas and initiatives between people, including those working with people with learning disabilities to help identify better ways of providing housing and support</p>	<ul style="list-style-type: none"> <li>• produce a Housing and Support Information Pack</li> <li>• Identify good places for the information to be available, i.e., GP surgeries, day centres etc</li> <li>• establish regular joint training for existing and new members of staff</li> </ul>		<p>This is ongoing</p>

<p>Maintaining Standards</p> <p>Action Points:</p> <p>23, 24, 25</p>	<p>To make sure that the housing and support people have is helping them to make the choices they want about how and where they live their lives.</p>	<p>A working group to be set up to develop a monitoring and evaluation process</p>	<p>Users of Services and their carers  Social Services  Southampton Day Services  West Hampshire NHS Trust  SCC Housing  Housing Associations  Voluntary Organisations</p>	<p>A working group to be set up to link with the Supporting People monitoring timetable.</p> <p>SUPPORTING PEOPLE + HOUSING &amp; SOCIAL SERVICES TO LEAD</p>
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<p>Working Together</p> <p>Action Points:</p> <p>11, 26, 27, 28</p>	<p>To have better joint working between the different groups working with people with learning disabilities.</p>	<p>Each group working with people with a learning disability must make sure that the information they have is fed into the Local Strategic Partnership and is included in the plans it produces</p>	<p>Users of Services and their carers Social Services Southampton Day Services West Hampshire NHS Trust SCC Housing Housing Associations Voluntary Organisations</p>	<p>2003 – 2010</p> <p>ALL AGENCIES TO HAVE RESPONSIBILITY</p>
		<p>People from Health, Housing, Social Services and those with a learning disability should be included in all planning groups which look at housing and support</p>		<p>This is ongoing</p>

		Joint training between all groups working with people with a learning disability should be organised to help better joint thinking and working		This is ongoing and will be developed more fully in 2004  ALL AGENCIES TO HAVE RESPONSIBILITY
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		All groups working with people with a learning disability should look at ways of using 'pooled budgets' to deliver better services		Each working group will identify a timetable for their work
		Independent research to be made about the satisfaction levels amongst people living in supported housing and also to ask them what support they need within the community, i.e., leisure, social, education, training and work		<p>Research to be completed by mid-2004</p> <p><b>ALL AGENCIES TO PARTICIPATE AND CONTRIBUTE</b></p>