



Northern Ireland  
Assembly

Committee for Employment and Learning

# OFFICIAL REPORT (Hansard)

Inquiry into Post-Special Educational Needs  
Provision in Education, Employment and  
Training for those with Learning Disabilities:  
Health and Social Care Board

27 May 2015



concerns. By and large, schooling has been very good and effective and has been a safe place for young people and their parents; and the prospect of moving, typically at age 19, can be really quite traumatising for someone with a learning disability as they finish school and move into adulthood. As a consequence, we have a planning process in place in all special schools from age 14. Health and social care staff begin to plan for young people, with their families, from age 14 so that something is in place to meet their needs at 19, or indeed from 16 onwards, as some people choose to leave at 16, the minimum school leaving age.

What we were hearing, when the Health and Social Care Board came into existence in 2010 — and you may recall that there were four boards before that, which were then amalgamated as part of the ongoing review of public administration (RPA) process — was that there was a different range of opportunities depending on where you lived in Northern Ireland. One of the big complaints, for want of a better word, from parents and from young people themselves was that there was very little choice when they came to school leaving age.

Typically, health and social care provides a range of day care centres in each of the five trusts that the board's operations are organised into in different cities, towns and villages across Northern Ireland. These have been operating more or less successfully for the last 40 or 50 years. They emerged in Northern Ireland in the 1960s and 1970s out of parents' need for respite and young people's need for opportunities. It is not a criticism of day centres, but people were saying, "That is well and good as far as it goes, but really it is one solution for everybody. It is a large building. It is congregated. It tends to attract everybody from the local area with a learning disability, and activities are arranged. Obviously, it is safe and lots of good activities are going on". I suppose, really, people's ambitions were moving on in the early years of this decade. Certainly, some families were coming through to school leaving age and saying, "Well, actually, I have more ambition for my daughter or son than going to a day centre."

As a consequence, we instigated our own health and social care regional review of day opportunities in 2013. We had 12 public meetings, in every part of Northern Ireland. They were very well attended. We also advertised and put out questionnaires looking for people's consultation responses, and we got in excess of 250 specific consultation responses to our proposals, which is quite a large number of responses for us to any particular proposal. There was a high degree of engagement at the public meetings as well. As a consequence, we made some amendments to our proposals, and eventually published the final report after the draft had been amended in the light of people's comments. That is what we included in our pack to you.

I will just pick out a number of the big messages and let you know what we have done about them since. One of the big messages, which is obviously very relevant to you today, was that opportunities beyond schooling were not the sole responsibility of health and social care. That had already been recognised by the Executive when it signed up to the Bamford action plan. Much of this work derives from the findings of the Bamford review in 2009. Indeed, there is a Bamford interdepartmental senior officers' group, with representation from DEL, DCAL, DARD, DRD, DHSSPS and DE. There is thus already a framework for working closely together, and that was one of the big messages that came out of the findings.

The other big message was that, as far as possible, people with a learning disability should be able to access and have some choice to access the things that all of us take for granted when we finish our education. It may be at a different level and with support, but there is no reason why a learning disability, by itself, should exclude someone from training, further education, vocational training or, indeed, supported employment. As I said, we already had a patchwork of very good provision in some areas. But that is what it was: a patchwork. It was not something that people felt they had an entitlement to or that they had a choice about, depending on where they lived. The very strong message was that such choices should be available to people by right and that they should not be excluded because they have a learning disability.

There were a couple of other very strong messages as well. People were concerned — it is fair to say that — that somehow or other this would change existing provision by taking away some things that were already there. We were even more explicit in the amended document than we had been in the original document that day centres would be maintained and would be part of the choice and provision going forward. We gave some evidence for that with the plans we have for new day centres that are being built and commissioned and some recent examples of ones that had been put in place. There are plans for centres in Newtownards, Bangor, Larne, Ballymena, Crossmaglen and Dungannon. Those are the ones that are next along the line depending on capital, which, you will appreciate, is another concern. The plans for those centres are in the commissioning plan.

People wanted assurances that this thing called "day opportunities" is not just some sort of ruse to take away some existing services, so, to be absolutely clear, as we were in the document, we recognise that some people value and need these places and that they are the right places for some, because specialist services are delivered there, such as occupational therapy and speech and language therapy, that people require on a daily basis. Having said that, people are also strongly in support of the need to widen the opportunities and bring choices to people post 19 in whatever aspects of their life could be supported to be accessed, primarily in the things that we would all think about post school, which are employment, vocational training and further education, which obviously has a strong overlap with you.

Having consulted on it, amended it, published it and launched it as our strategy and as the working orders going forward, we set up, as we had committed to do, a regional steering group that not only included people with learning disabilities and their representatives — the young people — but family members and representatives of all the other sectors that I talked about such as the other Departments, the voluntary sector, some of our trust representatives and the Health and Social Care Board. That regional steering group is driving the initiative forward in each local area; and, in each of our five local trust/local commissioning group areas, there is also a steering group with more local representatives on it. To bring you bang up to date with what they are doing, they are looking at the current provision in each of those areas and mapping it against the plan, for want of a better word, that is included in the model, to make sure that the full range of opportunities is available in each area. That work is ongoing.

From the work that has been done, we know it will show that there are gaps and that there are some areas where the full range of provision is available and some where there are gaps in what is available. The outworking of that will obviously be a challenge for us, when commissioning health and social care services, and for other Departments in areas where people are asking for college courses specifically relating to people with a learning disability or people who want a training programme available within their geography.

We do not know the details of every one of the gaps as they come out, but, from the work we have done, it is almost inevitable that those will emerge. The challenge then will be to change, amend or add to our services so that we are able to respond to those needs. The difficulty with this is that it will have some resource implications. As we said quite early on, and quite strongly through the document, it would be impossible to fully realise the whole model without acknowledging that some additional resource will be required, and part of the job will be to give some detail about what that is for the various sectors.

Perhaps I could leave it there. That is you up to date. I will now respond to any questions.

**The Chairperson (Mr Swann):** Aidan, thank you very much for that. I am glad to see the work that the board has put in. It is refreshing to see that somebody is taking a similar approach and interest in what we are doing. Will you indicate what you see as a day opportunity?

**Mr Murray:** OK, I admit it: it is a phrase, and the danger with anything that you use is that it becomes jargon and you do not know what it means. We used it as a way of saying that it was a day service, so you would still have it delivered to you through your day. It is not residential or at the weekends but Monday to Friday, but it would not be based in one of our day centres, in a traditional statutory day centre.

As I said, the previous model meant that 95% of people who got any sort of day service went to a day centre. We simply use this as a way of signifying that there are other things that people could do, either on their own or with support, and we use that phrase simply to distinguish it in some senses from traditional statutory day centres in buildings, and from that buildings-based provision.

**The Chairperson (Mr Swann):** What do you see it being? If a young person took up a day opportunity, would they be —

**Mr Murray:** It is likely that during the planning that somebody would be doing for people between 14 and 19 and in the last couple of years — say the last year between 18 to 19 — people would say that there were things that they were interested in doing. If you think about dividing the week into the five half days, then they might have different places to go at different times during that week. They might go to a college of further education for one or two sessions per week for a particular course they were interested in doing. They might go to some vocational training or supported employment scheme like

one of the ones that you referred to in your early meeting, to Orchardville or something that is supported by the Northern Ireland Union of Supported Employment. There is already a network and, as you know, some of those schemes are supported by and receive funding from the Department for Employment and Learning as part of ESF programmes and other programmes. That young person — and I am inventing a typical young person to answer your question — would have a week with a number of different elements in which they would take part.

Some of it might also be social. A number of the trusts operate clubhouse models, and some of you might know of those from your local areas. A couple of them have been developed in east Belfast and south Belfast and people get together to take part in activities, with support, that they want to do during the day. It might not be work, employment or training in that instance but might be a social thing. Part of the week might also be made up of going to a day centre on one or two days or for some of the half sessions.

It is more about what the young person is interested in and the opportunities they might want to follow, and creating a week for them in which they will be doing many different things as opposed to what parents and young people told us the traditional situation was. They came to the end of their school careers in a special school and the first question was whether they could get a place — that was the big anxiety — and then it was whether they had a choice of which place to go. If there was a choice available it was really a choice between two different day centres or whether they could get a day centre place. That is not really a choice and that was what people told us they were dissatisfied with. It is about trying to make the day opportunities as I have described them more available to more people based on their assessed needs while recognising that some people still want and need to go to a day centre. Both can exist at the same time. We already have both, and it is just a matter of making sure that they are available to everybody.

**The Chairperson (Mr Swann):** I suppose that one of the biggest concerns in our inquiry is the lack of coordination across Departments. I see that, when you have brought people together, it was cross-departmental. I note that, in answer to one of your consultation questions — "Do you see a challenge in a cross-departmental approach?" — only 3.3% of respondents said that they did not see that as a challenge. How would you overcome that?

**Mr Murray:** I think that we were aware of it being a challenge before we started. That is why we made a definite attempt on that.

As I said, I sit on the interdepartmental senior officers group and represent the board, and we had that discussion with other departmental colleagues including those from Employment and Learning. We asked whether that would be something that, under the Bamford umbrella, they would be prepared to work together with us on in a more coordinated and joined-up way. One of the difficulties is that each Department's arm's-length body has its own marching orders from that Department. Really, it was about trying to say that these are people and citizens with needs which, when they leave school, are across many Departments' and arm's-length bodies' statutory responsibilities. We asked whether they would be prepared to work with us in a collaborative way to better coordinate our different activities. So, we still have our separate responsibilities and activities, but it is about a better coordination and a better delivery of services for people in line with the model.

That answer was probably a reflection of people's appreciation of the reality, which is that, obviously, most Departments' first call is to their departmental commitments. However, there is a way of looking at what each of them has in common and finding the bit in which each is interested. There is a fair bit of overlap in DEL, Education and even, surprisingly, some of the less obvious ones such as DARD. Social farming has caught on in a number of areas and has given good opportunities to people who would previously never had farming or agriculture opportunities. That has allowed a number of people who have left school to have opportunities that we probably were not even aware of. So, there have been benefits from it that we would not have even speculated on.

**Mr Ramsey:** Good morning, Aidan. You are very welcome. It is good to see somebody coming in here without a script to read from. You were very fluent, so well done.

The inquiry came about due to increasing number of parents and carers across Northern Ireland who felt that the state was letting them down and that once their children got to a certain age they were abandoned. What comfort can you give to a mother, grandmother or carer that they will not be abandoned?

**Mr Murray:** I can give them an absolute guarantee that they will not be abandoned, because if a young person is in contact with health and social care and has been assessed as having needs that require them to have services because of their severe learning disability, those services will continue when they move from children's services into adult services. The age of 19 is an artificial division: it just so happens that that is when childhood runs out, that schooling cannot continue beyond it and, in terms of children and young people's services, that is when you become an adult so there is that need for a move.

What I cannot guarantee is that everything they get as a child will continue when they are an adult. That is one of the big difficulties, because, as I said in my opening remarks, schools and education in general provide a very good and safe service. Many of the services that people need, such as occupational therapy and speech and language therapy, are delivered in schools and are provided as part of the total service. When you leave school, there is no one place where everything is catered for like it is in education.

The other reality is that once you get beyond 19 there are many more people involved, and people are living into their 50s, 60s, 70s and 80s nowadays with a learning disability, whereas school caters for a finite number of years — from the age of about four or five to 19. So, you have a smaller number of people. There is undoubtedly a pressure on services, and there is undoubtedly a pressure then on making sure that everybody gets the services that their assessed needs indicate they should have. It certainly is not a case of being abandoned.

They have not used the word "abandoned", but I have had family members say to me that it feels like you fall off the edge of a cliff because you go from a situation where everything is there for you — the school knows all the information and provides all the services — to a much more independent adult experience. That is not always comfortable, and family members have said that they dread that move. Our job is to make sure that that dread is not realised and that we work with people well in advance so that they know what is available and have some choices that help to meet their children's needs when they are adults.

**Mr Ramsey:** The Chair's points earlier regarding a cross-departmental approach are so important, because a lot of the parents who made presentations or spoke at some of our events talked about the repetitiveness of courses and colleges demotivating their children. The statistics show that somebody with a learning difficulty is four times less likely to secure employment than a normal person, so there is a massive task.

I was interested to see one of your recommendations near the end of the report:

*"Political will to endorse and support radical changes is critical to the success of a sustainable model".*

What are the radical changes that are important to making a difference in someone's life once they leave school?

**Mr Murray:** What we were hinting at there, which you picked up on, obliquely or not, is that it needs to be a whole-society thing. As I said, it was not just a case of Health and Social Care being able to change this on its own. Fairly radically, it would be Departments agreeing to work together to vire budgets and fund certain projects. In Northern Ireland, in our experience, that is fairly radical, because, probably more now than ever, money is tight and it may get a lot tighter. People inevitably ask, "What are my Department's or my body's chief first priorities?". We were saying that, for this to truly succeed, it needs to move beyond — I hesitate to call it "isolated thinking" — purely thinking about our own responsibilities and trying to be a bit broader. The underlying message in all of this is that these people happen to have learning disabilities, but human rights are human rights. They are people like anybody else and therefore should be entitled to avail themselves of the full range of services that any of us would want for ourselves or for our own children, with support, while acknowledging that there are different levels of ability and choice.

**Mr Ramsey:** I have a final question. One of the suggestions, particularly from parents, was that the special educational needs statement should remain in place until the child is 25. What are your thoughts on that?

**Mr Murray:** We have heard that about the statement as well as about services. People have asked whether there would be some way of having a service from the age of 18 to 25. We did not support

that and did not put it forward as something that we would try to do for a couple of reasons. One reason is that the statutory instruments of the Children (Northern Ireland) Order 1995 end at the age of 18, so we would have the difficulty of having to work under two sets of legislation.

I am old enough to remember that children's education, particularly for children with a learning disability, was not always the responsibility of the Education Department here. Before 1986 and the education Order, it was the responsibility of the Health Department in the old special care schools. One of the difficulties they had was that you went into school at four or five and, because there was no recognition of when you became an adult or of when you should transfer from education to the appropriate adult service, people stayed there well beyond 25. Part of me wonders, "Why 25?". What is so magical about it? Nothing in particular. It may help your transition — I admit that the challenge for us is to ensure a good transition — but my worry is that it is a slippery slope to saying, "Why not 30?". You immediately have difficulties then with a situation where there are adults in their 20s in schools in the company of children, and we end up with a range that is not necessarily a good mix.

For those and other reasons, including the statutory element of 18 being the end of childhood and the start of adulthood, we did not put that forward as a solution. The message is that the transition has to be improved across those years into the early 20s.

**Mr F McCann:** Pat touched on a number of subjects, and it is certainly an interesting report. Being involved in this inquiry has been a real eye-opener for me and the Committee. It has brought to the fore the serious difficulties not only for the young people going through the process but for the parents and the teachers. One of the things that we have learned is that the schools with the specialist teachers are second to none. They are wonderful and provide really high-quality care and attention.

One of the things that came through was the process from childhood to adulthood and what occurs in it. People talk about the major difficulties there are for parents and young people who are going through that transition and the lack of coordination that exists. You were asked about taking it to 25 and said, "Why not 30?". But, unless you try something like that, you will not know. One of the cries that were coming through from a lot of the people was that 25 may be the answer. Some parents have told us that, after looking at the day care that is available, they much prefer to keep their children at home. So, everything is lost in that scenario. It is not a matter of people just plucking the age of 25 out of the air; they are trying to come to an age that suits the parents, too. Whilst the young person or the child is the most important person, you also need to take into account the difficulties that parents face. That is all part of the wider package. So, I think that there needs to be a look at how that is done.

I know that Bamford is running through this, and it is about how you get back to the community. I notice that you talked about multi-agency discussions, but nothing in the report tells me what discussions have taken place with communities and how their capacity can be built to allow those people to deal with any changes. That is one of the flaws in the whole Bamford process up to now.

The report mentions parents, but it does not tell me that parents played a crucial role in developing the consultation and participation in it. To me, they are the real experts, along with the people in the schools, and they will tell you the difficulties that are being faced. On our travels, we have seen some good practice, but we have also seen some bad practice, especially in the whole concept of day centres. The report talks about ensuring that parents are told that it is a secure environment, but it is much more than that; it is a learning environment and it is how people can progress, but nothing in there tells us that that is the way that we need to move forward.

We have seen some other places where there is good practice. When we went to England not that long ago, representatives from one of the community-based projects spoke about some of the practice here in and around the Mourne mountains and people getting out, creating forests and farms and different things. There is nothing in the report that tells us that that is the direction that we should be going in.

There is probably a lot of other stuff, but I do not want to hog the thing. Parental participation, community participation, day centres and moving from childhood to adulthood at post-19 are four of the crucial things, along with the tools to allow people to deal with education and learning.

**Mr Murray:** I will briefly respond to a couple of things. Parents were involved in the formulation not just of the amended draft but the original document. So, to reference you to the back of the paper, the group contains parents, so they were part of it. Not unsurprisingly, the majority of people who turned up at the 12 events were parents, and the major amendments that were made were all in response to

parents' concerns. So, just to let you know that they were a very strong voice in it. I agree with exactly what you said about day centres. That is partly what some of the concern was about; it is a mixed bag in what is available in certain places and there are differences in quality.

With regard to the community bit, it is something that we strongly want to encourage. It maybe just does not come out enough in the report, but some of the things that I referred to earlier included community farming or local farming and the clubhouse models. That is what they are: they are located in the local community, and they allow people with a learning disability to go along and to get involved in other local ordinary community activities. That is the whole point of them, rather than them being seen as a special service where a bus comes from the health and social care trust and takes you away from your peers and from the other people who live in your area. So, that is one of the themes that we are very strongly trying to encourage. It is tempered by that other concern, which you rightly put forward, which is that parents have a very strong sense of wanting to make sure that whatever is being undertaken is, in the first place, safe, and that is perfectly understandable. As well as telling us that they want opportunities, parents are always stressing to us to make sure that it is safe and secure on an individual basis and that it is safe and secure for its future. What people did not want was to start something and then find that it is only a pilot scheme, a two-year soft-funded scheme or whatever. People need a commitment from us as a service that there is something there for the lifespan of those people because they are vulnerable and they have additional needs.

**Mr F McCann:** During your presentation, you said that some new day-care facilities have opened. Is there a possibility that we can visit some of those? The last one that we visited was of great concern to us, and we have not really seen one, especially a new one, in operation and what it provides.

**Mr Murray:** The new ones that are being built probably most closely resemble the Lisburn adult resource centre in the South Eastern Trust area. The other ones that I referred to are at planning stage, and, if you go there, what you will see is the old one, which is what we are trying to move away from. Some of those buildings — you have probably seen some of them — were not purpose-built or were built in the 1970s and 1980s to an off-the-shelf model.

**Mr F McCann:** Some of them in the 1870s and 1880s.

**The Chairperson (Mr Swann):** Is the Lisburn one open?

**Mr Murray:** It is. It was redeveloped on an existing site. As parents were very keen to keep the site, people moved to another site during the building of it. Then the centre was reopened, having been totally rebuilt. That is our model for these new ones that I am talking about: complete rebuilding from the ground up.

**Ms Lo:** I think you said that the practices in day centres has been happening for 40 years, and I certainly welcome the review and now the report that came out in April 2014. It is very much in line with the Bamford report on equal lives and giving people opportunities to learn and grow. Why is it estimated that the programme for the redevelopment of day services will take up to five years, and why does the steering group plan to meet only four times a year? Have you set out milestones and a direction of travel?

**Mr Murray:** Maybe I did not make that clear in my introduction. The steering group meets four times a year, but local groups in each area meet in-between. So, the steering group says, "Here is the model. Is it being worked to at the right pace in each of the five local areas?" The five local area meetings are going ahead more frequently to do the local work, and then they come back four times a year to ensure quality and that the right direction is being taken.

In answer to your first question about the timing, we wish that it did not take so long, but, even at the time we were writing back at the end of 2013, we knew that there were already, if not difficulties, limitations in that resources are finite. There is a timescale for getting capital money to refurbish or replace some of those day centres. For example, as I sit here today, I cannot tell you when the six day centres that I told you about, which the plans are there for, will open. The capital programme, as we understood it when we were writing the report, has once again been changed because of the overall financial position of Northern Ireland. Naturally, it takes time to bring new things into being, but there is also a time constraint imposed on us because of the availability of resources. Honestly, I would have to say that five years were definitely right as it has turned out, and it may well be five years from today, even though that was a year ago, because things have actually got worse on the capital side, or there is the prospect of them getting worse. It does not mean that we will not be doing the



other things that we can do at a local level to change practice, but some of those major capital improvements are obviously subject to the availability of capital funding.

**Ms Lo:** So, the five years really applies to the buildings, not practice or wider choice.

**Mr Murray:** Yes. To be clear: we are continuing to do those things. We are not saying just because we do not have the buildings we will not do the other things.

**Ms Lo:** Many of the things that you mention in your report, such as training and supported employment, can be done now.

**Mr Murray:** Absolutely. They are being done now, and they already were being done. We found pockets of good practice. The difficulty was that you could talk to a mum whose son was leaving one place and who had heard from a friend or a relative, "You can do this; you can do that; you can do the other". Then she would go to the local trust, and it would say, "No, we do not do that", even though it was a good thing to do and a choice that people should have. So, it was not that these things were not happening, or that they are not happening now. They were not being consistently delivered everywhere, and people did not have the opportunity no matter where they lived. Those things do continue, and, obviously, they are not contingent on capital.

**Ms Lo:** In your report, you mention independent transport as a barrier. How do you manage that?

**Mr Murray:** That is still proving to be one of the difficulties, because, key to the move from the day centres, which were dependent upon trust transport buses picking people up, in the main but not for everybody, was a move to encourage people to make their own way to avail themselves of these opportunities. That was through travel training for individuals, which, obviously, was risk-assessed, safely done and professionally overseen so that people are safe to make their own travel arrangements. The other key element was more informal transport arrangements like community travel and rural travel opportunities.

Unfortunately, that is one of the difficulties. Even since the report was written, the situation with regard to rural transport is under threat and its availability has been reduced. It is almost back to the five-year question again. We wrote that at a time when we thought that certain things existed and we were going to grow them, and, in fact, some of the challenges at the minute are that the barrier is still there because the proposal is that some of the services that we were relying upon will be reduced. A number of our partners in the voluntary sector community groups have written to the various Departments saying that this will threaten our work because, if people cannot get to where we are providing these local opportunities in the community, they will founder in the area. Transport is crucial to it. That is a big challenge. It remains a barrier and one that we are still fighting and struggling with.

**Ms Sugden:** I will raise a few things that I think that you have touched on. In respect of age, I know that, at the last Committee visit that we had to the CAN in Ballymoney, that organisation raised concerns about potentially extending the age to 26. Are we thinking of doing that or reviewing or looking into it?

**Mr Murray:** No, and just to be clear about the age thing, it is not that we do not have services around those ages. The suggestion was that some of the children's services and some of the school services would be extended to that. That is what I was reacting against in answering the earlier question. We are quite clear that we do want specific services that respond to young adults' needs, because one of the other difficulties about the day centre was that people were saying that you leave school at 19 and go to this centre where the bulk of the people who are there are in their 40s, 50s and 60s. What is going on there that is of interest to a 19-year-old coming from school?

As I said earlier, the day centres are too much of a congregated situation where everybody has to go simply because that is the area that they live in. In response to the particular point about the Compass Advocacy Network, or CAN, the children and young people's committee is trying to have transition services that are better at picking people up a little earlier. At the minute, we think that it is left too late in that your last year is too late to be doing the planning, so it needs to happen a little earlier, before the cut-off at 19, and it needs to continue a bit longer after 19 with something that is more focused on young people's needs. I suppose the distinction that I am making is between that and having some sort of service that is based on going until the age of 25, 26 or whatever the particular age would be.

**Ms Sugden:** It would be a discretionary sort of thing.

**Mr Murray:** It is also a difficulty in terms of the legislation under which education is provided and the legislation under which health and social care is provided, which stops at 18. As I said, there are also other risks that would attend to that in terms of having children and adults in the same settings.

**Ms Sugden:** I am curious. Around the policy, there is a definite age, so that constricts you in a way.

**Mr Murray:** Yes, in terms of how we deliver services under which legislative framework.

**Ms Sugden:** Perhaps I am getting my definition of day centres wrong, but are they a mix between trust-facilitated day centres and community and voluntary day centres? If that is the case, is there procurement around ones who are coming from the community and voluntary sector? What is the response from the community and voluntary sector to that?

**Mr Murray:** You are absolutely right. The day centres are traditionally mostly statutory, but there are day centres that are provided by the third sector, that is, through community and voluntary sector provision. With regard to procurement, we did not regionally procure anything, and I am not aware of any of the trusts going through an open procurement exercise. It tends to be that there have been local groups that are interested in providing that and which approach the trusts. The usual format is that they get paid by the trust to provide a certain number of places in that area.

I suppose the procurement issue is a wider one for all of health and social care and public policy. Certainly, with the recent changes in European Union legislation, it is much more likely that there will have to be open procurement for any tendering of services like that in the future, but that was not the case until quite recently. Social care was one of the exclusions from the procurement requirements. There is a mixture of statutory and voluntary and community day-centre provision.

**Ms Sugden:** I have just remembered something. When the trust pays those day centres, it is down to the number of hours that the service user requires, is that right?

**Mr Murray:** It is usually a place per day. I am generalising for you in this answer, but the trust usually purchases a certain number of days, which people then attend. So, if there were 10 people, they would buy 10 places for five days per week, so it would be 50 days, and 10 people would go to those. It would be something like that arrangement.

**Ms Sugden:** Are there problems around the trust paying those day centres? Is there a backlog or are there late payments?

**Mr Murray:** No. There are service level agreements, so they are generally annual contracts and monthly payments. They are part of the normal business. I describe myself, correctly, as a commissioner from the board. We commission most of our health and social care in that field for learning disability from the five health and social trusts, but they do a lot of sub-commissioning with local providers, so there will be a well-established service level agreement and payment process. It would not be like grants or something that could be switched on and switched off, because, as I said earlier, those people and their families need a commitment. When somebody goes somewhere, they like it and it meets their needs, they need to know that it is there, possibly for years ahead. Some people do move through, but some people end up using that service for years, so they need to have security.

**Ms Sugden:** Will you indulge me with just one more question on this? An assessment is done of each service user and what day centres are applicable to them. Is there a backlog on that?

**Mr Murray:** No, it is not a backlog. What we know is that there are more and more people coming through. On average — these are all average figures — about 250 young people leave special schools with an assessed need for some sort of social care service after 19. Obviously, many other children leave other schools, but that is just the people who have that sort of assessment. If you think about it, as I said earlier, because of good health and care, most people with a disability now live until much closer to the average age than they did a couple of years ago. Gosh, 20, 30 or 40 years ago, people who were in their 50s, 60s and 70s with a severe learning disability were quite unusual, whereas that is now more the norm. There are more and more adults coming into the service and

requiring a service with an assessment, so there is always a challenge each year to make sure that those places are available.

The day opportunities thing, to make no bones about it, helps in terms of dissipating people going to other places and taking part in other activities, but I think the question about the backlog really refers to people's concern about whether there will be a place and our effort each year to make sure that the places are available for the new group of people coming through, leaving school and wanting a day-care place. As I said earlier, we cannot give an absolute guarantee that, if you have been assessed and you need this, this and this, you will get this, this and this in that certain area where your first choice might be, simply because there are lots of other people leaving school who want and need a service as well.

Obviously, that requires us to bring new services into being. There is only a certain amount of change that you can bring within one system and one set of money, so part of what we have been doing in preparing for the next CSR bid — and it is included in the report — involves looking in advance at what the needs of the young people are and what numbers will be coming in the next five years. We included those in the report and have put that through to our Department for bidding in the next CSR round, but, of course, you are back to resources again and, at the minute, I am not — lots of people are not — in a position to know how that will go.

**Ms Sugden:** To be honest, the reason why I raised the point was not that parents are fearful for what the future is with their children; it is actually the case that day centres have said to me that they cannot get young adults into them because the assessment process just goes on and on. It is a concern. To be honest, my information is not 100% clear at this stage, but it is concerning.

**Mr Murray:** That is interesting, because we get it the other way round from both the day centres and the families. They tell us that there are more people wanting to go than they have the capacity to offer the service for, as opposed to there being some sort of blockage in the system and the young people not getting there. I have not come across that, but that does not mean that it has not happened.

**Ms McGahan:** Thank you, Aidan, for your presentation. As you are aware, the nub of the problem is that opportunities are limited, and, as you said, provision is quite patchy. I have attended some of the same meetings as your colleague, Iolo, and I have to say that the meetings that we were at with parents and carers have been extremely critical of the health trust regarding the lack of provision for young adults with disabilities. When I have been at meetings with the local health trust and parents, I have found that if parents are looking for additional provision for courses that, because it is not the health trust's statutory duty to provide that, you were beating your head against a brick wall. That is our perception: that it was a waste of time holding meetings with the local health trust because it was not its statutory duty.

You referred to partnerships between the health trust and other Departments, such as DEL. In Dungannon, where they got an additional course, it had absolutely nothing to do with the local health trust; it was down to the DEL Department. The perception in the communities that I represent is that things are getting worse. I am being kind to you now, as I would obviously need to see the evidence of it getting worse.

You also mentioned budgets and resources, and that is important. However, what percentage of the overall budget is spent by the health trust on people with learning disabilities post-19? I have tried to get that information locally and have been told that it costs too much to provide. That would bring some accountability.

**Mr Murray:** The figure regionally for spend from the health and social care budget is about 8.5%, but that is a slice of the whole budget for health and social care.

**Ms McGahan:** Could you provide a breakdown to the Committee by each trust area?

**Mr Murray:** I can do it for the overall percentage of money spent on learning disability, because we get that. We also have budget returns for day care. Be careful here, because it is day care that we would probably get the return under, whether or not that would cover everything that you were referencing when you talked about services post-19: well, no. There is domiciliary care and residential care in there as well, but there are figures for day care that I could certainly follow up on by sending information to you, and I can certainly give you the learning disability percentage spend.

You are absolutely right. The reason that we did this — maybe I did not make it clear — is because we knew that people were not happy and we knew that the situation was not right. If we, as commissioners of the service, thought that it was OK, we would have said "Well let's start working on something else" because there are a lot of other things to be done in relation to learning disability, such as resettling people from hospital and making sure that people have homes to live in when their family can no longer care for them.

There are lots of other big burning agenda items in learning disability, but this was one of the ones that we decided to do first, precisely because we knew that people were not happy with what was being delivered. I do not want to overdo that either. The vast majority of people who use the service are probably not the ones who contact you or me about being unhappy with the service that they get because, by and large, they are happy with what they get. The pressure, for us, was coming from the new parents and vulnerable young people *[Inaudible.]* That is just not good enough, given the scope, range or type of service that you should be offering.

It is precisely right that services in colleges would be funded by Employment and Learning. That is the whole point: it would not necessarily be that the trust would be funding that, but there should be a partnership, and the trust should not be saying that it has nothing to do with it just because it is not the trust's responsibility. It is a two-way street. If we want a partnership with other bodies, we have to be prepared to work in partnership with them.

**Ms McGahan:** I take issue with your point that it is not the people who use the services who are critical. As I said to you, I was at a meeting, and your colleague was there —

**Mr Murray:** No, some —

**Ms McGahan:** It was not some; it was everybody in that room. I was there along with Maurice Morrow and others. It was highly critical. Your colleague will be able to inform you of that.

**Mr Murray:** I attended some of the 12 meetings, because we spread them across the different areas. Some of that very fierce criticism was made to my face. I am simply balancing it with the fact that we know that many people who use the services are happy with them. I do not say that blandly. I am not saying that we know that they must be happy simply because we do not hear from them that they are unhappy. Everybody who attends a day centre or who receives a day opportunity that is funded through the health and social care sector has an annual review. So, each year, the person is sat down with their family member and the people providing the service, whether that is the trust or a third party, and is given time to look at what has been planned for him or her since they left school. We get feedback from those annual reviews. Some of it is very critical, but some individuals say, "We are content with what we get".

**Ms McGahan:** But, Aidan, that is because choice is already very limited in that rural area.

**Mr Murray:** I said that —

**Ms McGahan:** Choice is limited, and people are probably afraid to complain in case you take away that service. That is the perception. Let us focus on the health trust, as I do not feel that it is delivering. Forget about DEL and the other Departments; we need to keep the focus on your statutory duty. The perception is that you are not delivering. People are highly critical. They are probably afraid to talk because provision is already limited, and they do not want that taken away and then, maybe, having to travel to Newry from the top end of Clogher valley. I have had that feedback back as well. It is a disgrace to expect anybody to travel 40 or 50 miles to do a course. It is a disgrace.

**Mr Murray:** All I will say is that we know that some people are very unhappy.

**Ms McGahan:** Aidan, I deal with people; I talk to people. That is where my information comes from. As I said, I have had meetings with the health trust and have hit a brick wall.

**Mr Murray:** OK.

**Mr Flanagan:** How does the commissioning process work for day opportunities?

**Mr Murray:** The broader commissioning is based on needs assessments. We find out how many people will need a particular service at a particular time. We now do the day opportunities through the regional group on a rolling basis, but, previously, we looked through the school figures in cooperation with our colleagues in the education and library boards, as they were, and the Department of Education. We looked at how many youngsters were in those schools and at how many would be leaving for each of the local trust areas in the next four to five years. So, it was broken down by trust. We do that on a rolling basis now so that we know three or four years in advance how many people will be coming out of the schools. The next stage of the assessment is finding out how many of those people will need this or that service.

We break it down in terms of our discussion here today according to how many people will need a day centre, an actual building with transport and the specialist services provided in it, and how many people would be interested in, need or want a day opportunity. That informs the commissioning in that we know to get those services in place so that they are there when the youngsters leave school. One of the criticisms was, and still is, that people were planning from the age of 14, or, more latterly, 16, 17 or 18, and they got a plan; however, a plan is good only as long as you can make a reality of it. That is one of the things that we are trying to change. If people are making a transition plan, we try to ensure that there is a reality to match up with it, rather than simply a piece of paper that —

**Mr Flanagan:** How long has that been the commissioning process?

**Mr Murray:** Strictly speaking, we put these arrangements in place last year. However, in general terms, it has been the commissioning arrangement between the board and the five trusts since this board, the board that I work for, came into being in 2010.

**Mr Flanagan:** Has it made much difference?

**Mr Murray:** Well, it makes a difference in that the number of choices is now greater, as is the number of people going to day centres, and the overall number of people receiving a day service is greater. There is only one way of measuring it: the number of people accessing the service. We have heard that there is still lots of criticism of that service, but more people are using it. They want to use it, and they come to the door saying that they need it, but they want it to be a better quality service and to be local.

**Mr Flanagan:** How do you factor in the specific needs of each individual?

**Mr Murray:** That is done at a purely individual level.

**Mr Flanagan:** That is an individual's plan, but I am talking about commissioning services. How do you factor in the actual need in the community?

**Mr Murray:** As I said a moment ago, the number of people who need a day centre base or a day centre opportunity comes out at a ratio of about 50:50. Within that, however, there are strong differences because there are people leaving a special school who can communicate very clearly and can transport themselves and travel independently; however, others leave the same school with profound intellectual difficulties and severe and complex physical disabilities as well. We need to know about them, and it is part of the commissioning process that those groups of people are identified in advance. If four, five or six people were known to be going to a particular area in a locality and needed additional speech and language therapy, physiotherapy or occupational therapy, we need to make sure that that is in place in the centre that they are going to.

**Mr Flanagan:** Is it working?

**Mr Murray:** Well, it is working to the extent that the need is known and that we are trying, in the budget that we have, to put that in place. As I said earlier, however, full implementation of it and making sure that everybody's needs are met will depend on additional resources. We have counted the people, assessed their need, broken down the specialist need, described it as best we can, put costs against it and bid for it. We know that other Departments are doing the same for the provision that is their responsibility. As I sit here today, I do not know what the next budgetary settlement will be. As I said earlier, people will keep coming; the 250 youngsters will still attain the age of 19 and they will still need to leave school and have the correct provision to meet theirs and their families' needs. The struggle will be to make sure that the resource is there to meet that.

**Mr Flanagan:** I will come back to the budget in a moment, but I want to find out another couple of things about commissioning services. It is broken down into the five trust areas —

**Mr Murray:** Yes.

**Mr Flanagan:** — but does it go down any more subregionally than that, or is it merely that Belleek to Derry is the Western Trust?

**Mr Murray:** It is the five local trust areas, which are the same as the five local commissioning groups. Really, the five local commissioning groups are more earthed, for want of a better word, into localities. While the trust might look like one big thing, especially in the west, within it there is representation on the local commissioning group from the different areas, whether it is Omagh or Enniskillen, Derry, Strabane or wherever. It is part of the commissioning framework for health and social care that there is more of a local earthing in those other communities.

**Mr Flanagan:** Do the local commissioning groups identify a need in their community, which is then passed up to the board?

**Mr Murray:** Yes, exactly. They are part of the board.

**Mr Flanagan:** Yes, but they provide you with the information that you need to recommend services. This is where I take you back to your budget. Will the board commission a service from the Western Trust?

**Mr Murray:** Yes.

**Mr Flanagan:** Do the trusts get the money for that or do you commission a service and say that you need them to provide a service for X number of people and here is the money to go along with it, or do you say that you need them to provide a service for X number of people and here is half the money to do it?

**Mr Murray:** No. It operates by way of a capitation formula, which is simply a way of describing a needs-weighting assessment for the population. Each of the local commissioning groups for health and social care need has an amount of money awarded to it annually, based on its population size and on additional needs in that population. Some local commissioning group areas have populations that are particularly young or particularly old.

**Mr Flanagan:** Do they get a special or ring-fenced budget just for this or is it just part of their overall budget?

**Mr Murray:** They get an overall budget for different programmes of care. You may recall that, a few minutes ago, I talked about 8-5%. They get roughly 8-5% of the budget that they get in totality for the population —

**Mr Flanagan:** Is that based on need or merely on population?

**Mr Murray:** It is based on population and then, on top of that —

**Mr Flanagan:** So, what is the point in doing all that work to commission a service if you just hand them money based on population? That is what I am trying to understand.

**Mr Murray:** They get a demography amount, which is the bit to do with the population, and other specific bits around programmes of care. "Inescapable pressures" is the language being used. It is in addition to their demography. They have a level playing field based on the numbers and needs assessment of social deprivation or age factors that might be particular to a local commissioning group area. To answer the other bit of your question, they have, in addition to that, specific ring-fenced money. The board draws up a service specification, and we send it to them and let them know how much money is available for a service. In this instance, we are talking about day services for post-19. We identify the amount of money and the number of children or young people or the service provision in that, and we ask them to deliver that service to that new group of people, who are in addition to the baseline that they already have. They are monitored for that, so, at the end of the year, they should

be able to tell us, "Yes, we got this amount of money for that number of places, and here's where we put it in place".

**Mr Flanagan:** Are the trusts getting enough money to deliver the service that you ask them to commission?

**Mr Murray:** No. You have probably seen the pressure that trusts are under latterly in the media. At the minute, all the trusts are saying that more pressure is being put on them than the money they have been given in the first place.

**Mr Flanagan:** In terms of this one specific —

**Mr Murray:** What happened was that additional money had to be made available — you saw that all playing out at the end of last year and through the auditor's report earlier this week — to, essentially, top them up and bring them into balance and break even.

**Mr Flanagan:** In terms of this one specific area that we are looking at, what sort of budget shortfall is there across the five trust areas? What additional money are you bidding for to provide a proper service for people?

**Mr Murray:** I do not know what they would say the pressure is and whether we would agree with it. However, I can give you the detail of the budget that we are bidding for in terms of the additional money that we, on our assessment in this report, think is required to meet those people's needs for the next few years because it is part of what we submitted to our Department as the bid —

**Mr Flanagan:** You do not have the figure off the top of your head.

**Mr Murray:** No.

**Mr Flanagan:** My final question is this: would that allow the trust to deliver the services that those people —

**Mr Murray:** The additional new people —

**Mr Flanagan:** — want, or would it just allow them to deliver —

**Mr Murray:** No, it is based on the assessed need, as we understand it, at the level that I do the work, which is —

**Mr Flanagan:** So, if you were given that extra money, you would be content that all the needs of people with special needs post-19 will be met.

**Mr Murray:** For the next year and the next year and the next year. That is why I am saying that it is not a one-off thing. It is not something where — I am using figures just for our discussion now — you say, "There's £4 million or £5 million, and that's it sorted for ever". Those groups of young people continue to grow each year because a new cohort comes along and because people's health is better and people are living longer with more complex needs, the costs are going up more than the simple number of additional new people each year. For the next number of years, until the thing levels off, there needs to be an increase in the amount of money in our budget, and, I suspect, in other Departments' budgets for their bits of the statutory responsibility towards those people, to deal with the increased demand as those people come through. We have put in the figures for this year based on the numbers that we know are here and their assessed needs. However, we need to do the same again next year. We will be doing it for the CSR period.

**Mr Anderson:** A lot of my questions have been answered. Thank you, Aidan, for your presentation. You talked about the principle of choice. However, that can only operate or be effective depending on areas, and we touched on transport and other things that kick in. What commitment are we getting from all those in that group? If one or two failed to come up to the mark, that would have a big effect on someone living in rural Northern Ireland.

**Mr Murray:** Yes.

**Mr Anderson:** Do you see where I am coming from? It could all break down. I appreciate the work and the intention to get equal access for each and every child or young adult, but we are in difficult times and my fear is that some of those stakeholders might say, "Oh, we don't have this", while maybe others have. Not only that, trusts in urban areas might be in a better position than those in rural areas. How do we create a level playing field?

**Mr Murray:** I share your concerns. I suppose we are not far enough down the line — especially as the new round of the financial situation beds in — to say what each Department will do and where its commitment will be. To date, all I can say is that those who are represented in the regional group have at least come with us this far and, in the senior officers' group where the departmental senior officials are represented, they still say that they are committed to it. That could change, and it could change for us as well. I just talked about bidding for the money. None of us knows whether that money will be coming, and, therefore, many of the aspirations in here need to be pared back because we simply will not be able to do everything.

If you hold choice as an absolute, you would not calculate the cost. However, it is not an absolute; we do not all have absolute choice to say that we will do exactly what we want when we want, regardless of the cost. However, the principle being put forward here was that there was almost an absolute lack of choice and that we needed to bring some element of choice, but it will be tempered by our capacity to deliver, and not just ourselves but our partners. All I can say is that they are still on board, and I suppose that everybody is waiting to see what the settlement is when it comes.

**Mr Anderson:** You talk about opportunities. Could a young adult have two or three choices in their opportunities?

**Mr Murray:** Yes.

**Mr Anderson:** I assume that it would be reasonable that they could do that. Rural transport would have to be organised again and that would be costly for business. I am sure you know that there are big issues with rural transport. How would that work?

**Mr Murray:** I know, and that is why I said that it is the principle. Some people might, but others might have that tempered by the fact that they want to do something somewhere else, but it is in a different town and they cannot get there. That was one of the difficulties that I alluded to earlier regarding the challenge being posed by the cuts to rural transport schemes. For some of those, we were relying on the partnership to tie up different sources of funding to make sure that people could get as much choice, or more choice, to go to other places. However, it still does not mean that somebody might not have two or three things going on a week, in the way that I described a typical week earlier for the 10 sessions or the five days where somebody might be doing a couple of different things throughout the week.

**Mr Anderson:** We could end up in a situation where, because of budgetary measures, opportunities may fail to materialise for those who are on board now.

**Mr Murray:** I hope that that is not the case, but I cannot be naive.

**Mr Anderson:** If something like that were to happen to a young adult *[Inaudible.]*

**Mr Murray:** That depends on individuals in the schools who are working with people before they leave and on health and social care staff being realistic with people and not making promises that they know they cannot keep. My concerns are more at the planning and commissioning level. I am talking about 250 people leaving in the next year and 250 people leaving the year after and not being able to make the plans, as we described a few moments ago, with the commissioning process, rather than for an individual who is in a school meeting. People need to be careful there, and I think that they are careful enough to know that you do not make commitments and promises to people unless you are absolutely sure that you can deliver on them, because it is even worse to take something away from somebody when they think that they have got it.

**Mr Anderson:** My concern is about something being taken away if the budgets were not there.

**Mr Murray:** It is more at a macro level that we are concerned that the radical changes that we talked about earlier will not be delivered. I am talking to you about the work that we are doing in partnership



with components of the work that the Department for Employment and Learning is doing, but it is a much bigger picture. The whole of the public finances are likely to be affected by the downturn. There will be lots of other effects on employment opportunities and even on people's ability to host vocational opportunities in private business, as well as in the statutory sector. The degree to which all those things will be affected by the new financial situation is unknown. From our point of view, we have a statutory responsibility to drive forward the quality of and access to services in line with people's assessed needs. That is our statutory responsibility and we have to deliver on that.

**Mr Irwin:** Thank you for your presentation. I know that a lot of things have been covered but, for me, one of the biggest challenges is that there is a wide range of disabilities, and how you cater for them all is very difficult. It is not easy; one shoe does not fit all. I have a guy who works for me who has a disability and he is able. He is autistic, but he is able to work a 40-hour week. I know other young guys who have learning disabilities and they are both in jobs, but there is a wide range and it is difficult. Is it not a challenge to deal with it all?

**Mr Murray:** That is a very good example. That answers the question, in a sense. It is a matter of finding the right thing for the right person. Just describing the label of having a learning disability does not tell the full story. It is an inconvenient label in terms of someone's level of intellectual disability, and, within that, there is a big range, from somebody who can travel independently and work, to someone who has very restricted ability and needs all their care attended to on a 24-hour basis, but they are both included under the term "learning disability". Part of the choice should be looking at people more on an individual basis. The criticism was that day centres were a development in their day, but that was 40 years ago, and they were simply a building where everybody who happened to have that label would go, irrespective of their individual need. We are trying to make that more individualised, but it is not an easy endeavour. It does not just happen like that.

**Ms McGahan:** On the back of William and Fra's points on the assessment of need, learning disability is a broad spectrum. Would it be possible for the health trusts to provide the criteria for the assessment of need? Recently, I have discovered from talking to people locally that, when they are looking for respite provision for 18-year-olds and 19-year-olds, they cannot get it, and I am led to believe that the bar is set so high that they cannot access age-appropriate respite. An 18-year-old could potentially go into a nursing home with people who are much older; I am talking about 60-year-olds or 70-year-olds. I am trying to ascertain what the bar is for the assessment of need. I know that there is a whole swathe of people out there with learning disabilities who are totally excluded from access to provision. Maybe we need to look at the criteria around all that.

**Mr Murray:** You are starting to talk about a completely different area, which is adult respite. I am happy to talk about that now or some other time, but I do not think —

**Ms McGahan:** No, I am talking about the assessment of need.

**Mr Murray:** I will talk about that now. I just wanted to clarify which bit we are coming at. The assessment is of the young person. In most instances, that happens well before the age of 19. The Mental Health Order talks about a state of "arrested or incomplete development", which is going to be permanent. For most people who get the designation, which is a terrible way to put it, but it is the designation under the Mental Health Order of having a learning disability, that happens well before they are 18 or 19.

When people who have a learning disability become 19, they are entitled to the full range of services that the trust provides. What happens after that — this is where a lot of the difficulty happens — in respite and in day opportunities, probably more in respite than day opportunities, is about precisely what service somebody can get. It goes back to what services are available and cutting up those services. If you talk about them as a cake, it is about what slice of the cake somebody can get, but there is no other bar. It should be based on the family circumstances, the young person's level of disability and need.

There have been attempts, more in area of respite than in the day centres, where things are much more clear-cut, to set criteria that you can apply, not to exclude people but to be fair. If I am the parent of someone with a learning disability and I get two nights of respite every month but somebody I know on my street gets two weeks every month, how can I understand whether that is fair and know what criteria were used to arrive at that outcome? There is a group that is looking at trying to set open criteria so that people, parents as well as services, know the criteria used to guide the principles or decide what respite somebody gets.

For day centres, it is much more straightforward and clear-cut: if someone has a learning disability, which will have been decided well in advance of them turning 18 or 19, they are eligible for a day centre service. There is no specific piece of legislation that says, "You must have a day centre", but our original social care legislation, the Health and Personal Social Services (Northern Ireland) Order 1972, says that trusts — "boards" in those days — should meet the assessed needs of disabled people. That might include residential care, day care, nursing and a whole list of services. It is enabling legislation that means that we have to respond to those people's needs if they have a learning disability.

**The Chairperson (Mr Swann):** Aidan, thank you very much.

**Mr Murray:** Thanks very much for the opportunity. We certainly hope that the work that has gone on to date with the Department for Employment and Learning and the funded organisations, especially in the third sector, which play a very valuable role in improving these services, can continue. Hopefully, the situation does not deteriorate but improves for all of us.

**Mr F McCann:** Chair, Aidan opened the gate for me to come in when he mentioned the third sector. Obviously, that includes the voluntary and community sectors, so it may not be a bad idea to ask for a joint presentation on those services.

**The Chairperson (Mr Swann):** OK. Aidan, thank you very much for your time.