

Worcestershire County Council

Agenda

Cabinet

Thursday, 22 July 2021, 10.00 am
County Hall, Worcester

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DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Cabinet

Thursday, 22 July 2021, 10.00 am, County Hall

Membership: Cllr Alan Amos, Cllr Marc Bayliss, Cllr Matt Dormer, Cllr Simon Geraghty (Chairman), Cllr Adrian Hardman (Vice Chairman), Cllr Marcus Hart, Cllr Adam Kent, Cllr Karen May, Cllr Tony Miller and Cllr Andy Roberts

Agenda

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1	Apologies and Declarations of Interest	
2	<p>Public Participation Members of the public wishing to take part should notify the Assistant Director for Legal and Governance in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the third working day before the meeting (in this case Monday 19 July). Further details are available on the Council's website. Enquiries can also be made through the telephone number/e-mail address listed on the website and in the agenda.</p> <p>Subject to any guidance from Government between publication of this Agenda and the Meeting, places at the meeting may be limited, therefore, all members of the public who wish to attend the meeting should register by e-mail with the officer named with this agenda.</p> <p>Furthermore, attendees may be required to sign that they have either:</p> <ul style="list-style-type: none"> • Had Covid-19 in the last 6 months, or • Received two Covid-19 vaccinations, or • Had a negative lateral flow test in the 48 Hours prior to the meeting. 	
3	<p>Confirmation of the Minutes of the previous meeting The Minutes of the meeting of 24 June have been previously circulated</p>	
4	A Review of Day opportunities for Adults with Learning Disabilities	1 - 8
5	A review of Replacement Care Provision for Adults	9 - 16

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To obtain further information or a copy of this agenda contact Sheena Jones, Democratic Governance and Scrutiny Manager on Worcester (01905) 846011 or email: DemocraticServices@worcestershire.gov.uk

All the above reports and supporting information can be accessed via the Council's website.

Date of publication: Wednesday 14 July 2021

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NOTES

- **Webcasting**

Members of the Cabinet are reminded that meetings of the Cabinet are Webcast on the Internet and will be stored electronically and accessible through the Council's Website. Members of the public are informed that if they attend this meeting their images and speech may be captured by the recording equipment used for the Webcast and may also be stored electronically and accessible through the Council's Website.

CABINET
22 JULY 2021**A REVIEW OF DAY OPPORTUNITIES FOR ADULTS WITH
LEARNING DISABILITIES**

Relevant Cabinet Member
Councillor A Hardman

Relevant Chief Officer
Strategic Director for People

Local Member(s)
None

Recommendations:

1. **The Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet:**
 - a) **Building on the previous Cabinet report in February 2021, notes the findings of the second phase of the day opportunities review as summarised in paragraph 13 and outlined in detail in the full report in the supporting information;**
 - b) **Notes the recommendations in the Day Opportunity Review for the proposed future day service offer of**
 - **A Council provided Resource Centre/building based offer for service users with complex needs where a staff to service user ratio is 1:1/1:2/ 2:1 including young people transitioning into adult services**
 - **An externally provided befriending/peer support service for individuals who may be older, or for those whose primary need is support for social skills**
 - **An externally provided community-based offer for individuals with less complex needs (staff to service user ratio of 1:5/1:8)**
 - c) **Approves the commencement of formal public consultation on the proposed future day opportunities offer which, if approved, will result in the closure of Connect Services as need is met within external provision; and**
 - d) **Delegates the final decision, following the outcome of the public consultation to the Cabinet Member with Responsibility for Adult Social Care.**

Background

2. As part of its duties under the Care Act 2014, the Council must meet the care and support needs of adults and the support needs of carers who are assessed as eligible under the Act's eligibility criteria. Eligible needs may be met by the provision of day opportunities to meet the adult's outcomes as identified in their needs assessment and will be recorded in their care and support plan.
3. There is a mixed market of day opportunities for people with learning disabilities within Worcestershire. Currently 206 people attend internally provided day opportunities while around 300 people attend services provided by the external market. This equates to a split of 60% external / 40% internal although these numbers do include some people who attend a mixture of both internal and external services. An increasing number of people also access external day opportunities by arranging their own care using a Council-funded direct payment.
4. The Council has directly provided internal day opportunity provision for over 25 years through Resource Centres and Connect Services. Resource Centres operate Monday to Friday and provide a variety of activities for people with complex learning disabilities. Many of these activities are building based with some community-based activities planned according to individual needs and preferences. Support for individuals includes personal care, physiotherapy, occupational therapy, speech and language support, behaviour support, psychology support and support to access the community.
5. There are five Connect Service locations across the county, which operate Monday to Friday, providing mainly community-based day opportunities to adults with less complex learning disabilities. This service provides support such as: access to employment/work experience, education and volunteering, personal care, meeting friends, computer/IT literacy support.
6. Following the changes to the Council's Day Opportunities provision, as a result of Covid-19, Cabinet agreed at its meeting on 22 October 2020 the need to review the Council's long-term position in providing access to day service support both internally and externally in order to continue to meet assessed eligible need.
7. Cabinet received an update on the first stage of the review at its meeting on 4 February 2021. This stage focused on the current offer for people using Council provided Resource Centres. The findings of the review demonstrated that there is clearly a need for the Council to continue to provide a Resource Centre / building based offer that meets the needs of individuals with more complex needs. However, it showed evidence that improvements and changes need to be made to ensure that individuals are receiving the most appropriate services to meet their assessed eligible needs in line with the Council's statutory duties. It also highlighted evidence that the Council needs to plan for the longer term taking into account the needs of young adults moving into the service and the ageing population of both service users and their families/carers.
8. In addition the joint initiative with Worcestershire Children First, of an All Age Disability offer and approach, drives the imperative within the 2014 Child and Family Act extending access to education up to 25 years old for those young people with special educational needs and/or disability (SEND). The current local Post 16

education provision is being reviewed to increase capacity and choice, which will have a positive contribution for our 18-25-year olds and provide choice of purposeful day time activity. Assuming the upward trend of take up of education for 18-25 olds continues, planning needs to consider that it is anticipated there maybe new distribution of demand points for adult services provision for meaningful day activity at ages 19, 21 and 25. Increased local education provision for POST 16 may increase some demands for “wrap” around support to match the current offer of Independent out of County provision.

9. As a result of these findings, Cabinet agreed to commence the second phase of the review which has focused on the Connect Service offer as well as developing a deeper understanding of the capability and capacity within the external market. Following the same approach as the first phase, service users, their families/carers and staff have been engaged in the review. The second phase also concludes the day opportunities review and makes recommendations for the long term and future “offer” of day opportunity provision, which require formal consultation.

Day Opportunities Review

10. The purpose of the Day Opportunities Review was to consider how the Council may continue to meet assessed eligible need in the most efficient and cost-effective way that promotes independence, social inclusion and positive outcomes for individuals and carers. The Council’s preferred approach, which was agreed and approved at the October Cabinet meeting, is to move to the position where internal day opportunities will only be provided where there isn’t the capacity or capability within the external market to meet eligible need. The aim of the review was to explore and test this approach. There have been several stages to the review all underpinned by engagement with service users and their families/carers. This report concludes the outcome of the review and makes recommendations around future service delivery.

11. The review reiterates the importance of recognising that people with learning disabilities have a wide range of abilities and complexity of needs. It is for this reason that the review acknowledges that a service which meets the needs of one individual with a learning disability, may not meet the needs of everyone with learning disabilities and that all services should be delivered in line with the Care Act 2014 statutory guidance, as well as delivering the best outcomes for people with a disability promoting key principles:

- People should be treated as individuals.
- People with learning disabilities should have equality of opportunity and be able to use the same services as other people.
- People should have choice and be able to have some control over the services they use.
- People should be part of the community where they live.
- People should feel safe.

These principles should apply to all services irrespective of the level and complexity of need of the people using the services.

12. The review was managed by a project group that included a wide cross section of stakeholder representation. The activities carried out included in the review are

listed below and a copy of the review report can be found in the supporting information section

- Stakeholder engagement which took place with:
 - WCC staff including the Day Services Manager, the Connect Services Team Leaders, and the senior support workers.
 - Carers representatives from WAC Carers Group Meeting
 - Speakeasy Now who carried out an engagement exercise with service users and carers
 - Carers session held with each of the five Connect Services

Summary of findings

13. The section below summarises the findings from the second phase. A full report can be found in the supporting information.

- 82 % of service users within the Connect services are over 40 years old
- 56% of the service users have attended the Connect services for over 15 years and 66% over 10 years
- The numbers of people within the Connect Services ranges from 12 service users - 26 service users
- In terms of younger adults with a Learning Disability;
 - 127 individuals who are currently transitioning into Adults Services, have been identified as potentially requiring some sort of Day Care Opportunity
 - As in the Resource Centre review findings, currently there is a small proportion of younger adults within the Connect services, only 6 % are under twenty-four years old
- 76% of individuals were identified as being suitable for just a Connect service
- 15 people were identified as being more suitable for a be-friending/peer support service
- There is still a blurring of the service offers between the Resource Centres and Connect Centres, due to referral processes and a lack of clarity about the service offers. This has identified that maybe the staffing levels and ratios of staff to individuals within the two types of provision are incorrect.
- 10% of service users have been identified as needing 2:2 or 2:1 support
- Just over 50% of service users only require an 8:1 ratio of support
- There is a heavy reliance on transport from individuals attending the Connect services, with an annual cost to the Council of approximately £264K
- 3 of the Connect Services identified that all their service users would require advocacy support.
- Overall, there are only 2 out of area placements
- Some individuals may benefit from alternative support i.e. people who are older and need a befriending/peer support type of service.
- Engagement with carers has shown the importance of friendship groups and there is a lack of awareness and usage of direct payments.
- Market engagement with external providers has demonstrated that there is some additional capacity in Worcestershire, particularly for adults with less complex needs, as providers adapt to the ongoing COVID situation and develop more community-based services. However, in terms of geography, this is not currently

spread evenly across the county and would take a number of months to develop fully.

Recommendations and next steps

14. As a result of the findings of both the first and second phases of the day opportunities review, it is proposed that assessed eligible need can be met more appropriately through the following future service offer. This offer confirms the approach the Cabinet has previously agreed, which is the Council will only provide services directly where there isn't the capacity or capability within the external market to meet eligible need. The future offer will be: -

- A Council provided Resource Centre / building based offer for service users with complex needs where a staff to service user ratio is 1:1 / 1:2 / 2:1 including young people transitioning into adult services
- An externally provided befriending / peer support service for individuals who may be older or for those whose primary need is support for social skills
- An externally provided community-based offer for individuals with less complex needs (staff to service user ratio of 1:5 / 1:8)

15. If agreed, this proposed service offer will mean an increase of capacity within the external market, the cessation of council provided Connect Services and a change for some service users. These changes are outlined below.

- There are currently 109 service users accessing Resource Centres. 12 Service users' needs would be better met through a befriending service. 20 services users have lower level need and would benefit from a community-based offer that promotes greater independence. The remaining 77 Service Users would continue to have their needs met within Resource Centres and four individuals accessing Connect Services will be supported to move to have their higher needs met within the Resource Centre. This would give a total of existing 81 individuals within the Resource Centre. This allows for additional capacity to meet the needs of young people transitioning into adulthood, who require a specialist service, which over the next few years will be approximately 50 individuals.
- There are currently 97 service users accessing Connect Services. As highlighted above four individuals would be better supported through the Resource Centres. In addition, nine individuals would have their needs met better through a befriending service. The remaining 84 service users, along with the 41 young people transitioning into adult services, would have their needs met through external based opportunities under these proposals.

16. If approved, following consultation, the implementation of this new service offer will be managed in a number of phases and begin in November 2021. These phases have been planned as part of assessment reviews with service users, which will be led by their social worker and the need to work with external providers to increase their capacity and quality of provision to meet assessed eligible need. The service user assessments will include understanding the impact of the move and consider the

preservation of friendship groups where possible. The timescales are indicative and wherever possible changes will be implemented sensitively but as quickly as possible so as not to pro-long impact on service users

- Phase 1 (Supporting individuals requiring befriending services to transition from Resource Centres) -November 2021
- Phase 2 (Supporting individuals requiring befriending service to transition from Connect Centres) – December 2021 – January 2022
- Phase 3 (Supporting individuals to transition from Connect Centres to Resource (1-1 needs) – January – February 2022
- Phase 4 (Supporting individuals from Resource Centres to transition to external Community Based Services (1-8 needs) – March 2022
- Phase 5 (Supporting individuals from Resource Centres and Connects to Community Based Services (1-5/1-8 needs) following which all Council Connect buildings will close – March to May 2022

17. Concurrent with phase 1 and 2, further work will take place on the transition cohorts that promotes opportunities, independence and integration in the local community that will reduce demand but may require a different type of support to enable this. Within these new initiatives there will be opportunities to joint commission with WCF and Health. This work will need to coordinate with the POST16 Education offer review and the All Age Disability developments. The improvements being made to Education Health and Care Plan annual reviews will provide earlier identification of needs and subsequent demand which will better inform commissioning and service delivery in a timelier way.

Consultation

18. Given the scale of change outlined in the section above, formal public consultation is required. Using the information within this report and the supporting information documents, the consultation will focus on the rationale for the change, the impact on existing services and service users along with the proposed implementation plans. The public consultation will commence on Monday 2 August and run for 90 days until Sunday 31 October. The methodology used will follow a mixture of online surveys and face to face sessions, either virtually or physically depending on the COVID-19 latest guidance.

Legal, Financial and HR Implications

19. As part of its duties under the Care Act 2014, the Council must meet assessed eligible needs for those people in Worcestershire with a Learning Disability who are eligible for care and support. The Council funds a wide range of day services and opportunities for adults with learning disabilities, currently commissioned from two types of provision – from external providers, through a Dynamic Purchasing System contract and services provided internally by the Council's Adult Social Care Provider Services.

20. As a consequence of the Covid-19 pandemic and the national lockdown both internal and external day services were required to temporarily close in March 2020, due to national lockdowns. With the temporary closure of day opportunities and the limited reopening of some Resource Centres due to Covid-19 restrictions, this has

meant that the Council has been required to look at different ways to meet eligible needs during the pandemic and it now wishes to take stock and review its internal provision to ensure that services can continue to be delivered, to meet eligible needs during the pandemic and in the longer-term.

21. The first and second phases of the day opportunities review have indicated that services may be delivered in a different way. For those attending the Council provided Connect Services the proposal is for these people to transfer to external provision, which will result in the closure of Council provided service. The Council now wish to formally consult on this proposal and seeks Cabinet's permission to do so.

22. In the case of *R (Bishop) –v- Bromley LBC [2006] EWHC 2148* the Court confirmed that It is only in exceptional circumstances that a comprehensive multi-disciplinary assessment will be required before any decision to close a day service provision. The Council, as part of the review, has a thorough understanding of the needs of those that might be affected by the proposal to close the Connect Service and this has informed the transition plan detailed at paragraph 16 above. Nevertheless, if, following consultation, the decision is to approve the recommendation to close the Connect Service, all those affected will have a reassessment of their needs, to ensure that their needs can and will be met in the alternative provision before any transition to a new service can take place.

23. The Council's 2020/21 budget for the provision of internal day opportunities is £3.768 million, of which c£0.6 million relates to central recharges including allocations for ICT, property and HR as well as legal and finance support. In addition to the spend on internal provision, the Council funds the costs for transporting individuals at an annual value of c£1.5 million. The Council also has a budget of £2.8 million for provision within the external day service market. All aspects of spend are included in scope of this review.

24. The total funding envelope for this service totals £5.9 million (excluding recharges) and the delivery of the revised service will be managed within this allocation. It is expected that there will be some efficiencies generated by offering less costly services for some clients, but it is expected that any savings will be utilised to support new clients, particularly those transitioning from children's services. The impact of this is cost avoidance as ultimately the service is expecting to be able to support more service users within the existing budget i.e. supporting demand management.

25. There are 121 full time equivalents currently working within the Council operated Day Opportunities (148 headcount). Where changes may directly affect staff, we will prioritise redeployment opportunities to retain their valuable skill set and minimise any compulsory redundancies.

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

26. A **joint impact assessment (JIA)** screening has been carried out in respect of these recommendations and a full assessment will be completed to form the recommendations for longer-term plans for the delivery of day opportunities. Although there may be changes to the provision for current service users, the focus will still be on meeting assessed care needs so impact will be minimalised. The screening report is included as an appendix to this report.

Supporting Information

Appendix 1 – Day Opportunities Review Report
Appendix 2 – Joint Impact Assessment
Appendix 3 – Consultation Timeline

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Strategic Director for People) In the opinion of the proper officer there are no background papers in support of this report.

CABINET
22 JULY 2021**A REVIEW OF REPLACEMENT CARE PROVISION FOR ADULTS**

Relevant Cabinet Member
Councillor A Hardman

Relevant Chief Officer
Strategic Director for People

Local Member(s)
None

Recommendations:

1. **The Cabinet Member with Responsibility for Adult Social Care recommends that Cabinet:**
 - a) **Notes the findings of the review of replacement care services as described in paragraphs 10-18 and outlined in full in the reports in the supporting information;**
 - b) **Approves the recommended actions of the review as described in paragraph 21 and;**
 - c) **Receives a further report later in 2021 which will make recommendations on proposals for the future service delivery model and the commencement of any formal consultation if required.**

Background

2. As part of its duties under the Care Act 2014, the Council must meet the care and support needs of adults and the support needs of carers who are assessed as eligible under the Act's eligibility criteria. Eligible needs can be met by the provision of replacement care.

3. Replacement care, also known as "respite from caring" or "short breaks", is the support provided to an individual due to a carer having a planned break from their usual caring role. It can also be used for unplanned/emergency situations because of illness of a carer or the breakdown of a relationship. Replacement care allows carers the opportunity to re-charge, maintain their employment status, preserve their psychological wellbeing, and spend time with other members of the family. Similarly, the people they care for also receive a stable environment, an opportunity to socialise and the development of their skills, interests, and relationships.

4. There has been a tendency to interpret replacement care as a service provided in a block of one or two weeks. However, the length of replacement care can be:

- a few hours
- during the day
- during the night
- over a weekend
- for a few days
- for an extended period of 1, 2 or several weeks

5. The Care Quality Commission advocates that the distinctive feature of a replacement service is that the break should be a *positive experience for a person and their carer by providing a break from their usual routines in order to improve the quality of their lives and support their relationships*. Almost all replacement care should be planned well in advance and recorded in care and support plans. However emergency replacement care is sometimes needed because of illness of a carer or the breakdown of a relationship. Replacement services should be designed to accommodate such unplanned needs.

6. Carers UK estimate that 1 in 8 adults (around 6.5million people) are carers, with another 6,000 people taking on a caring responsibility each day. However, as of 2020, this number has grown to around 13.6million people caring through the pandemic. Carers save the economy £132 billion per year, an average of £19K per carer, with a large proportion (5million) juggling caring responsibilities with work. The significant demand of caring means that 600 people give up work every day to care for an older or disabled relative.

7. This highlights the significant value of replacement services for people with support needs and their families/carers. People need breaks in different ways at different times and for different periods. Early and regular interventions are required to sustain families in their role as long term carers. Carers are key partners of the local authority and NHS in providing care to people who are unable to look after themselves due to illness, disability, or frailty. Without this care many people would be at risk, their quality of life would be poor, or they may require admission to permanent care of some kind.

8. The Council recognises the value replacement care can have on providing positive outcomes for unpaid carers and the people they care for and can prevent more costly interventions which can arise as a result of a carer no longer being able to continue in that role. For Worcestershire, there is a need to more accurately predict future demand on replacement care provision and to ensure that the services provided are equitable, represent good value for money and meet assessed eligible need for all age groups and a variety of needs.

9. The purpose of this report is to summarise the findings of a review of existing replacement care provision and to seek approval on recommendations for further developments and improvements to provision.

Replacement Care Review

10. The replacement care review has been carried out in two stages. The first stage, which was completed in December 2020, was a review of all current provision. The full report can be found in the supporting information section (titled: Replacement Care Mapping and Gapping exercise). The second stage focused on Council operated replacement care provision and a potential future service offer and the full report can also be found in the supporting information section (titled: Replacement Care Review Report). The scope of the review includes all age groups and needs (e.g. Learning Disability, Older People, Mental Health and Physical Disabilities).

11. For the first stage of the review a summary of the findings is listed below: -

- Within Worcestershire the following current replacement provision was identified:
 - There are 33.3 Learning Disability beds across 5 schemes
 - There are 8 General beds and 5 dementia beds for Older People across 8 Sanctuary Homes
 - 296 Replacement Care nights are provided through the Shared Lives scheme
 - 63 carers are still in the Flexible Break Care Scheme for carers
 - 27 Young Adults are receiving a Replacement Care provision
 - There is no designated Physical Disabilities provision for Replacement Care
- The figure of £1.1 million for spot purchasing across all services is quite a high amount proportionally alongside the level of funding already allocated to the current commissioned services and use of direct payments, this highlighted that there is a potential need for provision for emergency placements
- Current provision is not always flexible enough to meet needs and at times is difficult to access
- The current provision is limited to bed-based respite and other options in addition to this would be more beneficial
- Overnight replacement care will still be required to meet the needs of people with higher level needs
- The two main critical areas that required further scoping as part of the second phase of the review were around whether replacement care provision is:
 - fairly proportioned
 - and truly based on an individual's and carer's needs.

12. The second stage of the review considered how the council can continue to meet assessed eligible need in the most efficient and cost-effective way that promotes independence, social inclusion and positive outcomes for individuals and their carers, whilst also reviewing Council operated replacement care provision. The activities carried out included in the review are listed below

- A desktop analysis
- Engagement via a survey with people using services and family carers, including engagement with young people and their carers
- Market engagement with external providers

13. The stage of the review also considered the recent changes to social care practice (strengths-based) and how this creates an opportunity to change the way the Council helps carers to have a short break from caring. The three main reasons for doing this are:

- To make sure that the way people get replacement care is fair and consistent
- To modernise and increase the range of Replacement Care that is available
- To make sure that we make the best use of the money that we have available

14. A summary of the findings of the second stage of the review is listed below: -

- The range of occupancy levels, across all the replacement care for adults with learning disability (LD) services pre-covid, was between 44% and 97%
- A range of 43 - 159 nights (between 4 and 16%) were cancelled across the replacement services for LD schemes, between April 19 and February 20
- Over the next 5 years, 132 young adults currently allocated to the Young Adults Team team have been identified as potentially needing replacement care
- Currently, there are seven “pure” physical disability (PD) cases for whom there is no replacement care provision at the moment. There are a significant number of young people with a physical disability that are coming into adult services over the next 5 years which the Council will need to address to ensure Care Act compliance.
- Currently there are a cohort of carers from within the Shared Lives scheme who rely on the replacement care provision themselves.
- A large proportion of Shared Lives Carers provide replacement for each other i.e. within the shared lives cohort of carers through an “exchange” type of arrangement.
- Currently WCC spends c£2.8 million per annum (excluding recharges) on Replacement Care for people with a Learning Disability, plus approximately £0.4 million per year on emergency replacement care.
- There is a significant range in terms of weekly costs across the five services, ranging between approximately £1,000 to £2,400 per week. This variation is partly based on the nature of the services, for example the provisions at Osborne Court and Church View are for people with complex needs and/or health-related needs (funded by Continuing Health Care).
- When analysing the way replacement care services are currently provided there are some differences. For example, some people are getting more nights allocated than other individuals, so there is a need to ensure the services are equitable and accessible to all and based on each individual’s needs
- When individuals were asked what was important to them. One of the things that people said was important was “*having more choices about Replacement Care*”.

15. The review also included an engagement activity with individuals and their carers. Two questionnaires were devised, one to engage with those people within Adult

Services, the other for younger adults including those due to transition from children's services into adult services. It was agreed this was a holistic approach and would begin to ensure that any future provision of replacement care services would be *fit for purpose* and meet identified needs, present and future.

16. The adults questionnaire was circulated to approximately 2,000 individuals, through Worcestershire Association of Carers (WAC). 79 people responded. The full report and findings of the questionnaire are within Appendix 1 of the Replacement Care Report. However, the main issues identified, included:

- Generally, people felt negative about their experiences of replacement care services, which were given an overall rating of 3.9 out of 10 from respondents.
- There appears to be an issue when it comes to accessing replacement care in the first instance, with 80% of respondents declaring that it was either 'difficult' or 'extremely difficult' to access the services
- People wanted to see an increase in the variety of services currently available to them, stating that they would like more choices in the service.
- 67 respondents were willing to travel for the right service compared to only 12 that weren't.
- When asked about the range of replacement care services, the overwhelming response was that more services should be provided within local areas.
- Many people find that a direct payment offers more flexibility, however one issue that was noted quite a few times throughout the questionnaire was the apparent inflexibility of the direct payments service, many people were hesitant to entertain the idea of switching to direct payments until this was resolved.
- Out of 79 people only 3 people 'strongly agreed' that there is just about the right amount of replacement services to help and support them in their role of parent/carer
- Only 12 people out of 79 said they felt like they had enough access to replacement provision
- 80% of carers would like us to explore alternative replacement care options and share these options with them
- 81% of carers said they would like to see new services developed
- 69% of carers would like to be able to book Replacement care up to 6 months in advance

17. The second questionnaire was focussed around short breaks and aimed at receiving feedback from younger people and their families/carers around existing provision and what future need might be. It was accessed through the Local Offer website and promoted through Families in Partnership, SENDIAAS, Special Schools and social work teams. In total 12 people responded. The full report and findings are within Appendix 2 of the Replacement Care Review Report. However, the main issues identified, included:

- Generally, people felt better than average about their experiences of community short breaks services, one quarter of those who answered rated the services as 'okay', half of them said it was 'good' and the final quarter stated that they believed the services were brilliant.

- Respondents wanted to see an increase in the variety of services currently available to them, when asked if they believe that there was enough choice in activities or services, 92% answered no. The responses indicated that they would like more choices in the service and more activities that were suitable for those with complex mental or physical needs, disabled toilets were also a request.
- The limiting factors in accessing the services varied, the most common reason given was that they would prefer it if they could attend only with other disabled young people, 50% gave this as their reason. The two most common explanations after this were that they weren't confident the services could meet their additional needs or that the services just weren't offered or available in the first place (both with 42%).
- When asked how the services they access are organised, 75% answered that this was done by family, only 25% were organised by short breaks.
- Only 25% of those asked believed they had the right level of support at the service/activity they were taking part in, the remaining 75% didn't think they were provided with this.
- 25% out of those surveyed answered that they attended after school clubs, holidays/playschemes and overnight respite when needed, the remaining 75% did not.
- In terms of travel to the services, 66% were taken by their parents, 16% took a taxi with a PA, 8% travelled by car with a friend and the remaining 10% took a taxi with their parent/carer.

18. Alongside the individual and carer engagement, some soft market testing was carried out with external providers. This included ascertaining what national providers currently offer, or may be able to offer, in terms of replacement care. The key findings were:

- There is a variety of activity in Replacement Care ranging from contracts with differing categories (commonly referred to as Lots) with Respite/Replacement Care being classed as one of these categories for providers to bid for as part of a package alongside 24/7 residential or Supported Living care options to Open Frameworks and Dynamic Purchasing System (DPS) arrangements.
- There are not many opportunities that have been advertised and tendered for purely based on Respite provision. This strengthens the fact that Respite/Replacement Care can be an unstable source of income for a care provider and risky to undertake as the only provision of service on offer.
- The market is steered towards Frameworks and DPS offers where flexibility and variety of providers are on offer to commissioners of Learning Disability care.
- Contract periods are averaging at 4 years with contract annual values ranging from £12 Million down to £50,000 so difficult to quantify.

Recommendations and Next Steps

19. The Replacement Care Review has demonstrated that there is clearly a need for the Council to address the significant gaps in the current replacement care provision across the age groups and types of need. There is also evidence that the Council

needs to plan for the longer term considering the needs of young adults moving into the service.

20. It is therefore recommended that Cabinet endorse the actions summarised in paragraph 21 to develop proposals for the future service offer. A further report will be presented later in 2021 which will make recommendations for the future service delivery model and the commencement of any formal consultation if required.

21. It is proposed that the key actions to determine the future WCC Replacement Care support are: -

- The completion of a feasibility study on all existing County Council-owned buildings which provide replacement care
- Review the current service offer and what this should/could look like – this would include exploring the possibility of decommissioning/reducing the number of replacement care beds in some of the existing provision and look at re-commissioning alternative support which could be more fit for purpose and linking into day opportunities
- Draft a replacement care policy to help support and regulate good practice – this policy would cover all age groups and levels of need.
- Complete further market engagement to work with the market to see what collaboration opportunities there are for replacement care
- Link this review to the work carried out within the All Age Disability team to explore an option around an independent hub approach for children and young adults
- Work with Herefordshire and Worcestershire Clinical Commissioning Group to review how health-based replacement care is commissioned.
- Ascertain the potential savings from reductions in beds and cost future potential models
- Explore possible physical disability placements and cost provision
- Establish solutions for emergency replacement care, reducing level of spot purchasing
- Complete a direction of travel for WCC replacement services including the younger persons offer
- Align to the review within younger adults' services around the re-commissioning of the "community short breaks and domiciliary care service"
- Incorporate the Mental Health requirement as part of the next phase as this is a recognised gap in the work carried out so far.

Legal, Financial and HR Implications

22. As part of its duties under the Care Act 2014, the Council must meet assessed eligible needs for those people in Worcestershire who are eligible for care and support. It also has a duty to carers, whom it has assessed as having eligible needs for support. The Council funds a wide range of replacement care provision for adults via block contracts with external providers, through direct payments and those provided internally by the Council's Adult Social Care Provider Services.

23. The annual budget for replacement care provision across the five Council provided centres is c£2.8 million excluding central recharges. There is also an annual budget of £0.4 million for emergency replacement care, supported by a contribution

from the Herefordshire and Worcestershire Clinical Commissioning Group of £78k. The aim of the any revised service that may be proposed as part of the further work identified above is to deliver replacement care within this cost envelope; however, more detailed financial evaluation and analysis will be included in future cabinet reports as part of the communication and recommendations relating to the outcome of the review.

24. There are 28 full time equivalents currently working within the Council operated replacement care provision (42 headcount).

Joint Equality, Public Health, Data Protection and Sustainability Impact Assessments

25. A **joint impact assessment (JIA)** screening has been carried out in respect of these recommendations and a full assessment will be completed to form the recommendations for longer-term plans for the delivery of day opportunities once identified. Although there may be changes to the provision for current service users, the focus will still be on meeting assessed care needs so impact will be minimalised. The screening report is included as an appendix to this report.

Supporting Information

Appendix 1 – Mapping and Gapping Report
Appendix 2 - Replacement Care Review Report
Appendix 3 – Joint Impact Assessment

Contact Points

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Background Papers

In the opinion of the proper officer (in this case the Strategic Director for People) In the opinion of the proper officer there are no background papers in support of this report.