

REPORT TO HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

16TH FEBRUARY 2021

EXECUTIVE RESPONSE TO PETITIONS 2231 & 2244 - SAVE AND PROPERLY FUND NORMAN LAUD ASSOCIATION - RESPITE CARE FOR PEOPLE WITH DISABILITIES

Introduction

Respite care, as discussed here, means a break from caring while the person being cared for is looked after by a registered provider of overnight care. Planned care would usually take place for short blocks of consecutive nights, several times per year. Respite care is often referred to as “short breaks”.

The Norman Laud Association (NLA) was first started more than 50 years ago. NLA had 2 respite homes, both based in Wylde Green, Sutton Coldfield, which provided overnight and day respite services. These were, Emscote House - Adult Short Break Home and Lime Grove House - Children's Short Break Home.

NLA took the decision that the respite homes were to close at the end of December 2020 because of a shortfall in funding to cover core care costs. The Care Quality Commission and Ofsted were notified of this decision by NLA in October 2020. Birmingham City Council (BCC) were made aware of the planned closure by an Elected Member on 28th October 2020. From this date, Cabinet Members were subsequently briefed about ongoing discussions with NLA.

The Petition

The petition received calls on Birmingham City Council *“to step in and secure the long-term future of Norman Laud - a charity that has been providing respite care for people with profound learning difficulties, and/or complex physical needs since 1961.*

For years Birmingham City Council have been considerably underfunding the cost of respite care, particularly for adults with severe disabilities from 18-65 years old by 50%, compared to children's services in the city for overnight respite.

We are calling on Birmingham City Council to properly fund the cost of respite care for children and adults with profound learning difficulties enabling families to have that vital support with their care, enabling positive social experiences, growing their independence, privacy, dignity and equality. We also call on the Cabinet Member and officers to work with families, the Norman Laud Management Team and supporters to urgently establish an emergency rescue package, especially following difficulties with COVID, to secure the future of this service for families across our city, the 40+ employees at the centre and the many users who have their lives enriched by the support.

Especially in these unprecedented times, the respite care provided by services like Norman Laud provide a vital lifeline for families already struggling with caring for loved ones with often profound and/or complex needs in very difficult times. Birmingham City Council must step up and commit to secure its long term for the most vulnerable and in need members of our society.”

Details of Adult Social Care Response and Actions

On 1st September, prior to being made aware of the planned closure, NLA was contacted by a Birmingham City Council for a Covid-19 provider health check. NLA did not make officers aware of their financial challenges or of their plans for closure at that time. An opportunity to inform the Council of their intentions or financial difficulties earlier in NLA decision making was not taken up.

Immediately after Adult Social Care was made aware of the pending closure of the Norman Laud Centre respite homes, officers contacted the Chief Executive Officer of NLA. A series of conversations and online meetings then took place to discuss the issues and gather further information.

Through these meetings it was stated by NLA that the sustainability of the organization had been compromised because requested increases in the cost of packages of care had been declined by BCC when commissioning individual packages of care for Birmingham citizens. In addition, Covid-19, whilst not the main issue leading to the decision to close, had exacerbated the situation.

It was identified that both respite centres were owned by NLA, but the land is leasehold with 13 years to run on the current lease. On this basis the buildings were not considered by NLA to be of commercial value.

Birmingham City Council were informed by NLA that an Insolvency Consultant had advised them to plan for controlled closure. The Charity Commission and Companies House had been notified by NLA of intention to close in line with the requirement to report significant incidents. The insolvency consultant advised that for NLA to continue trading as a going concern, that an additional £250,000 income per annum was required.

During the first meeting between BCC and the CEO of NLA, it was identified that NLA planned to close the service on 20th December 2020. With such a tight timeline, discussions over a short-term package of support (December 20 to March 2021), that would enable the centres to remain open whilst work commenced on a longer-term option, were explored. The NLA CEO identified that a £60,000 investment at least, would be required by Birmingham City Council, but that it was not likely that the NLA Trustees would consider postponing closure for only three months.

To assist in understanding the detail of NLA's financial situation and to determine the support that could be provided BCC conducted a rapid mini open book exercise with information extracted from:

- Draft 2019/20 annual accounts
- BCC Open Book template completed by NLA in August 2019
- 20/21 annual budget & August/September 2020 budgets
- Information published on Charity Commission website

BCC officers met with the NLA CEO and trustees to present back the details of the open book exercise and discuss the support options. On 27th November 2020 a proposal to uplift to current ASC funded packages of care was presented to NLA. Included in the proposal was agreement that the Birmingham Children's Trust would put a contract in place with NLA and as such it would no longer be a spot provider of respite provision. Together these proposals would offer NLA long term funding stability and address the issue of parity in cost of care packages raised by NLA against similar respite providers.

The proposal would also increase the opportunity for NLA to receive referrals from Disabled Children's Social Care, mainly for families living in the north of the city.

The BCC proposal was presented to NLA in an online meeting ahead of a planned meeting of the NLA Trustees on 1st December 2020, where it was to be discussed. The proposal was rejected. A further meeting was held with the CEO to understand the reasons for this decision. It was confirmed that the Trustees would only consider a financial investment of £250,000 from BCC to remain open.

Running concurrently to the discussions with NLA, and in anticipation of the pending closure, there was an urgent requirement to plan for and identify alternative provision for the 45 adults and 11 children from Birmingham who were receiving respite care from NLA. A BCC team was mobilised to undertake this work and engage with the Children's Trust and BSOL CCG for Continuing Health Care funded residents. This work also involved scoping the respite provider market and engaging citizens at risk from the closure.

Following the rejection of the BCC offer by NLA, courtesy calls were made to the citizens and carers that would be impacted on 4th December 2020 to reassure them that support would be in place to identify alternative provision. This was followed up with a letter on 7th December 2020 and follow up courtesy calls re-commenced from 20th January 2021.

Contact was made to known respite care providers to identify the number of beds available and how many providers had accessible provision for citizens who used a wheelchair and required hoisting facilities. This information with all the contact details for the different providers was shared with social workers supporting each of the citizens. Each citizen was contacted by relevant social workers where the respite was funded by Birmingham City Council and the NHS Continuing Health Care teams were notified to contact service users' they were funding to commence the process of re-provision.

To date, social workers have been in contact with 41 citizens, to have discussions with them about their choices for respite provision. The decisions over respite care are very important for families and therefore social workers are supporting families to make the right choices with their loved ones, at a pace that feels right to them. Over half of citizens are considering a preferred choice of provider, some citizens are choosing to wait until the current lockdown ends whilst others are waiting until vaccines have been administered before considering respite provision. In addition, our CHC colleagues are having similar discussions with the remaining citizens to support the re-provision of suitable respite services. This work continues.

Exploration of the provider market has identified less than 20 providers who are able to support adults of working age with learning and/or physical disabilities. This has highlighted the limitations of the market and the requirement to carry out a more detailed market scoping exercise for individuals with complex needs. BCC officers will begin to identify a timeline for more detailed programme of work in Spring.

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Director for Adult Social Care