

Email:

Your Ref:

Our Ref: FOI IAT 10345

Please ask for: Bethan Jaques

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23<sup>rd</sup> September 2015

Dear Sir,

## **FREEDOM OF INFORMATION ACT REQUEST FOI IAT 10345**

Further to previous correspondence, your request for information has now been considered, and the council's response is set out below:

### **Can you please tell me what is the minimum respite that the council need to provide to carers per week?**

A. There is not a minimum respite period that the council has to provide to a carer each week. Under section 10 of the Care Act 2014, where it appears to a local authority that a carer may have needs for support (whether currently or in the future), the authority must assess (a) whether the carer does have needs for support (or is likely to do so in the future), and (b) if the carer does, what those needs are (or are likely to be in the future). Therefore the period for which respite provision is made is determined by way of an assessment of need.

### **Can you tell me what is the penalty that the council face if they do not provide the minimum cover?**

A. As detailed above, there is not a "minimum requirement" as the level of respite for carers is determined in accordance with section 10 of the Care Act 2014. Section 10 does create a statutory duty on a local authority to carry out an assessment where it appears to a local authority that a carer may need support. A failure to comply with that duty is subject to legal challenge by way of judicial review.

### **Can you tell me what is the minimum number of staff needed to run Ledbury road without affecting respite?**

A. Staffing arrangements for 1 Ledbury Road are managed by Wye Valley NHS Trust in order to ensure compliance with the regulatory requirements of a hospital ward. WVT has outlined

the minimum staffing arrangements with the Unit at full capacity i.e. 3 children per unit = 9 children in total as:

**Term time –**

Late shift = X1 Trained  
X5 Health care assistants

Night shift = X1 Trained  
X3 Health Care assistants

7am – 10am (To get children ready for school)  
X1 Trained  
X6 Health care assistants

**Holidays –**

Early shift = X1 Trained  
X5 Health care assistants

Late shift = X1 Trained  
X5 Health care assistants

Night shift = X1 Trained  
X3 Health Care assistants

**Can you tell me what interest has been shown by the charity of 1 Ledbury Road in running it themselves?**

A. We understand that the Friends of Ledbury Road group may have previously been interested in developing a business proposal, however this question is best answered directly by the group, which can be contacted via 1 Ledbury Road by calling 01432 373950.

**What provisions are in place as an alternative as from next month I am led to believe that the service will start reducing?**

A. The current schedule of provision for individual families at 1 Ledbury Road may vary as a result of changes in demand and staff availability. Changes in demand happen because either the family requests an alternative, or because an existing service is no longer able to meet their needs. Staff availability is affected by sickness, holidays and by some staff leaving for new jobs. There are already other organisations who work in or very close to Herefordshire. Information about the [provider market](#) is published on the [short breaks web pages](#).

What is happening at the moment is that families using Ledbury Road are meeting with their allocated social workers by the end of October to review and, if necessary, update their core assessments. Working together, families and social workers will consider their assessed needs and how they can be met. Depending on the recommendations, different things may happen next:

- Recommendations for direct payments can be approved and administered by the Children with Disabilities Team Manager
- Recommendations for daytime short breaks can be approved by Children with Disabilities Team Manager, and then a referral is made to the council's contractors

for 1:1 buddying services, who will contact the family to arrange introductory visits and to match their needs with a suitable buddy

- Recommendations for overnight short breaks (fostering or residential) will be considered by the multi-agency CWD resource panel as part of a holistic approach to meeting a family's needs. If short breaks fostering is approved, a referral will be made to the council's in-house fostering service. If no suitable in-house carers are available, or if overnight residential respite has been approved the council will search for a short break service from local independent organisations. For both fostering and residential short breaks, the family would be involved in planning the service, meeting the carers and seeing the setting so that a positive relationship can be developed.

If you are dissatisfied with the handling of your request or you would like a review of the response provided, further information regarding our review procedure is available in the 'Internal Review Procedure for EIR and FOI requests' which is published on Herefordshire Council's website via the following link:

<https://www.herefordshire.gov.uk/government-citizens-and-rights/data-protection-and-freedom-of-information/data-protection>

Further information is also available from the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 01625 545 745      [www.ico.org.uk](http://www.ico.org.uk)

Yours faithfully

*Bethan Jaques*

**BETHAN JAUQUES**

**INFORMATION ACCESS OFFICER**