



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**

### **Social Care, Health & Well-being Cabinet Board**

**16 October 2020**

### **Report of the Head of Adult Services – Ms A. Thomas**

#### **Matter for Decision**

#### **Wards Affected:**

All Wards

### **IMPLEMENTATION OF SERVICE PROVISION MEASURES IN RESPONSE TO COVID-19**

#### **Purpose of the Report:**

To inform Members:

- of the temporary measures put in place by Neath Port Talbot County Borough Council Adult Services (AS) in response to the Local Lockdown, increased community transmission rates and guidance received from Welsh Government (WG) and Public Health Wales (PHW);

- of the process undertaken by AS to review service provision and any changes implemented due to the COVID-19 pandemic to ensure that any changes are proportionate and responsive.

### **Executive Summary:**

AS have put in place a number of measures in response to the COVID-19 pandemic, which impacts on those that receive services.

This report sets out measures that have been implemented in response to the 'local lockdown', increased rates of community transmission and guidance from WG and PHW.

The discontinuation of day services/respite provision may have a significant impact on those that are assessed as requiring those services. This report takes account of the benefits of attending a day service/respite provision when balanced against the risks associated with Covid-19.

All service providers both internal and externally commissioned have been risk assessed to ensure measures are in place to reduce the risk of Covid-19 spreading within a service.

The Council is in an active pandemic situation and is unable to guarantee that attendance at day services is completely risk free. This is an evolving situation and The Council may make a determination to close day service/respite provision in the future.

### **Background:**

In response to increase in community transmission rates, Neath Port Talbot Unitary Authority area entered a 'local lockdown' from 6pm on September 28<sup>th</sup> 2020.

The main restrictions currently in place in the area include:

- “people will not be allowed to enter or leave the Neath Port Talbot County Borough Council area without a reasonable excuse”;
- “people will no longer be able to form, or be in, an extended household (sometimes called a “bubble”)”;
- “this means meeting indoors with anyone who is not part of your household (people you live with) is not allowed at the moment, unless you have a good reason, such as providing care to a vulnerable person”.

The decision whether to place restrictions on care home visitations sit with Local Authorities. WG have made their expectations on care home visitations clear to Local Authorities, in particular the need to balance a person’s rights and wider wellbeing needs with the risks presented by COVID-19 and that visitations are able to take place on compassionate grounds, such as end of life care situations.

### Visits to Care Homes

On 24/09/20, the Head of Adult Services chaired a meeting with all Registered Managers of Care Homes within the Neath Port Talbot Area, to understand their views on the risks of continuing visitations in care homes. Intelligence from this meeting was fed into the Councils decision making process.

Following a comprehensive review of current local community transmission rates and consideration of the impact restrictions may present on the wellbeing of residents, a letter was issued to care homes on 02/10/20 setting out the Regional Partnership Board position with regards to care home visitation. This letter also requested Care Homes to update their risk assessments accordingly.

The current position of the Regional Partnership Board is

- Indoor visits should not currently be taking place except in circumstances of end of life care (with the appropriate control measures in place).
- Outdoor visits and any other virtual means of contact should continue to be facilitated (subject to individual homes' risk assessments and with appropriate control measures in place).

The Regional Partnership Board will review this advice on a weekly basis and update with any changes to the current recommendations. A risk assessment tool is being developed by the West Glamorgan Regional Partnership to assist in reviewing this position.

It should be noted that as private organisations, the decision to facilitate outdoor visits or indoor visits in exceptional circumstances sits with the Care Home based on the individual care homes risk assessments.

### Visits in Supported Living Schemes

As those residing in Supported Living Schemes are tenants, the restrictions implemented by WG on forming extended households and meeting with people indoors applies.

This means that indoor visitations are no longer possible for people residing in a Supported Living Scheme. This also means that it is not possible for someone residing in a Supported Living Scheme to visit another household indoors. Some limited indoor visitations may be able to take place on compassionate grounds, for example in end of life situations. Any visits on compassionate grounds will need to be subject to a Best Interest Decision if the person does not have sufficient capacity.

There may be some very limited situations where it is assessed that a person residing in a Supported Living Scheme needs to continue with their usual indoor visitation due to the overwhelming impact it would

have on their wellbeing. Decisions will be undertaken on an individual level where there is evidence that restrictions on visitations would lead to significant harm to their wellbeing. In these situations, the support provider will be required to develop a dynamic risk assessment that takes into account how to minimise the risk of COVID-19 entering the Supported Living Scheme.

WG guidance states that it is permissible for a maximum of 30 people to meet outdoors, as long as those people are also from Neath Port Talbot, that the people from outside that persons household socially distance and no one is symptomatic. As such, people residing in supported living schemes are able to meet other households outdoors in these circumstances.

Letters have been issued to people residing in Supported Living Schemes to inform them of the implications of the 'local lockdown' on visitations and providers have been asked to update their risk assessments.

These letters also highlight that whilst service providers have undertaken dynamic risk assessments and put in place measures to reduce the risk of COVID-19 infection, we are currently in an active pandemic situation and increased contact with people has the potential to increase the risk of COVID-19 transmission. As such, the AS has reminded people that visiting others outside of their household is not risk free.

### Day Services and Trem-y-Mor Respite

The discontinuation of Day Services and Trem-y-Mor Respite can have a significant detrimental impact on those with assessed needs for a Day Service/Respite and on unpaid carers. However, the benefits of attending a Day Service/Respite must be balanced with the risks that COVID-19 currently presents.

AS have worked with both commissioned and in-house providers of Day Services/Respite to review the service provision and put in place infection control measures to reduce the risk of COVID-19 transmission. This includes reducing the number of people accessing a Day Service/Respite at any one point in time.

Where a person does not have capacity, a Best Interest Decision will be undertaken to determine whether it is in a person's best interest to continue receiving a Day Service/Respite. This decision making process takes into account factors such as the potential risks associated with the current COVID-19 infection rates, individual personal factors that may place a person at risk of developing more serious symptoms if they come into contact with the COVID-19 virus, the reasonable measures that can be implemented by the Day Service/Respite to reduce the likelihood of transmission in the service and the impact on a person's health and wellbeing if they are unable to receive a service.

It will only be deemed to be in a person best interest to continue receiving a Day Service/Respite where the risks to a person health and wellbeing from not receiving a Day Service/Respite outweighs the current known risks of COVID-19 transmission. The decision as to whether attending a Day Service/Respite continues to be in a person's best interest will be continually reviewed on a daily basis, in line with the factors previously mentioned, including changes to community transmission rates and a person individual needs.

Letters have been issued to people in receipt of day services commissioned or provided by AS, to explain the process that the AS is taking in situations where a person does not have the sufficient mental capacity to make a decision on whether it is in their best interest to continue attending Day Services/Respite.

In these letters, the Council also explains that where a person has capacity to make their own decisions whether to continue attending day services, they should carefully consider the risks of attending a

service in an active pandemic situation. This includes taking into account any additional factors that may place them at risk of developing more serious symptoms if they come into contact with the COVID-19 virus (for example those that may have previously been asked to shield).

The letter also highlights that whilst service providers have undertaken dynamic risk assessments and put in place measures to reduce the risk of COVID-19 infection, we are currently in an active pandemic situation and increased contact with people has the potential to increase the risk of COVID-19 transmission. As such, the AS has reminded people that attending Day Services/Respite is not risk free.

AS will continue to review the overall risks and benefits of Day Services/Respite and whether there is a need to consider using the Health Protection (Coronavirus Restrictions)(Functions of Local Authorities) Wales Regulations 2020, to place restrictions on Day Services.

#### Direct Payments made to Support Day Services

Some people choose to receive a Direct Payment (DP) and make their own arrangements for meeting their assessed needs. As such, there are a number of people that will use their DP to access Day Services. In these situations, AS do not monitor or have a relationship with the provider of services, as this is the responsibility of the DP recipient or, if they do not have sufficient mental capacity, their Suitable Person (SP). As such, it will be for the DP recipient or SP to ensure that the Personal Assistant (PA) or service provider is taking all reasonable infection control precautions, including the use of Personal Protective Equipment (PPE) and implementation of social distancing.

We have written to those in receipt of a DP to access Day Services to highlight the importance of carefully considering their individual

circumstances when determining whether to continue using their DP to access day services/activities. This letter also highlights that AS is not responsible for monitoring services purchased through a DP and as such, cannot guarantee that the service or PA is compliant with the required regulations or legislation. In addition, AS cannot guarantee the effectiveness of any risk mitigation measures that the service or PA has put in place and that attending Day Services cannot be completely risk free.

### **Financial Impacts:**

No implications

### **Integrated Impact Assessment:**

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage impact assessment has indicated that a more in-depth assessment was required.

An overview of the Integrated Impact Assessment has been included below in summary form only and it is essential that Members read the Integrated Impact Assessment, which is attached to the report at Appendix 1, for the purposes of the meeting.

The measures within this report will have a negative impact on people with the protected characteristic of age and disability. However, the negative impacts created by these measures are outweighed by the current risks related to COVID-19 community infection rates.

Processes have been put in place to try and minimise negative impacts wherever possible. The measures will be kept in constant review and will be in place for the least amount of time required.

### **Valleys Communities Impacts:**



No impact – the recommendation has no spatial impact on our valleys communities and does not link to the impacts identified in the Cabinet’s response to the Council’s Task and Finish Group’s recommendations on the Valleys.

**Workforce Impacts:**

No implications

**Legal Impacts:**

The Council is required at all times to not only comply with the Social Services (Wellbeing)(Wales) Act 2014 but also the recent Coronavirus Act 2020 and the Health Protection (Coronavirus Restrictions) (No. 2) (Wales) Regulations 2020, as amended

**Risk Management Impacts:**

None.

**Consultation:**

There is no requirement for external consultation on this item though discussions have been ongoing with the Regional Partnership Board to ensure a consensus in approaches within the local area.

**Recommendations:**

It is recommended that:

- (a) members note the content of this report and endorse the steps taken by date by the Council to balance the challenges and risks associated with the COVID-19 pandemic with the wider wellbeing and human rights of those that these decisions effect;
- (b) delegated authority be granted to the to the Director of Social Services Health and Housing and the Head of Adult Services to

keep the situation under review and request an urgent meeting if there is a need to recommend a different course of action.

**Reasons for Proposed Decision:**

To ensure that the Council is best placed to balance the challenges and risks associated with the COVID-19 pandemic with the wider wellbeing and human rights of those that these decisions effect.

**Implementation of Decision:**

The decision is proposed for implementation immediately

**Appendices:**

Integrated Assessment

**List of Background Papers:**

None

**Officer Contact:**

Angela Thomas  
Head of Adult Services  
[a.j.thomas@npt.gov.uk](mailto:a.j.thomas@npt.gov.uk)

Chele Howard  
PO Commissioning  
[c.howard@npt.gov.uk](mailto:c.howard@npt.gov.uk)

