

## **Sent on behalf of Norfolk County Council**

### **Launch of the MPS and New Market Intelligence Tool**

We have published our 2017/18 [Market Position Statement](#). It contains a wealth of market intelligence, including:

- Information and insights on care needs across Norfolk
- Strategic developments
- Social care spending
- Workforce data
- Priorities for the county's five CCGs

This year's publication also sees the launch of our [Market Intelligence Tool](#), a free to access online resource that gives you the ability to dig deeper into the social care market and see localised information to help you plan your organisation's operations. At the heart of the Market Intelligence Tool is an interactive map that allows you to explore social care needs, health and disability data, demographics, employment information and business activity on a scale that is useful to you, ranging from villages and towns up to district councils and CCGs. We have worked with providers to make this tool an invaluable planning resource, enabling you to quickly move between geographic areas and levels of detail in ways that will help you to effectively assess business opportunities. All of the information held in the tool has also been presented visually, giving you an accessible snapshot of the care market in Norfolk that will be meaningful to your organisation.

Overall, this year's MPS is a more interactive document, containing links to a host of websites containing information that will be updated throughout the year. This is very much the direction we intend to take with future MPSs as we develop the format and begin work on co-producing next year's document.

We will be introducing the MPS and the Market Intelligence Tool across the county at the upcoming August and September Provider Forums. This will be a vital opportunity to engage in discussions around the strategies and programmes shaping the care market, the market intelligence that informs the work we all undertake and the opportunities moving forward to raise the level of engagement and co-production in Norfolk.

## **Sleep-ins – Further information**

### **From Royal Mencap**

**Mencap has featured on the BBC and in The Times and The Sun newspapers** calling for the Government to urgently clarify the law around minimum wage and sleep-ins and commit to fully funding any increase in pay.

**These extracts are drawn from the embargoed remarks that Mencap Chairman, Derek Lewis will be making:-**

Since the NMW was introduced in 1999, BIS advised that time spent asleep by care staff in residential homes and supported living residences did not count as work time for the purposes of the NMW (NLW since April last year).

The carer is only ever there 'just in case' for safety and reassurance and recent 'on the ground' research which looked at the last three years showed that in 99.7% of cases the sleep of carers was not disturbed and if it was more than the NMW rate was paid in 80% of cases.

Sleep-ins are widely used in our sector to provide care for those with learning disabilities and the practice of paying a flat rate 'on call' allowance for sleep time has been the norm for more than 16 years. Local authorities determine who needs this type of night time support and providers enter into contracts to deliver it.

Until two Employment Tribunal decisions which decided that BIS had wrongly interpreted the law and sleep-ins in the learning disability sector DID qualify for NLW payments.

BEIS put out new guidance in October 2016, even though the matter is still to be finally determined in a Court of Appeal hearing which is currently scheduled for March 2018 - 9 months away.

We believe the original BIS guidance was done in good faith - NMW is a complex legal area - but the unintended consequences of the change are nothing short of disastrous.

The problem is not so much the future where the learning disability sector and many local authority commissioners are well on the way to treating sleep-ins as working time.

The critical problem is the past and HMRC enforcement action demanding 6 years of back pay. Even if HMRC don't apply penalties - which could triple the cost of retrospective payments - it will do irreparable damage.

Royal Mencap would be severely hit and the reserves that it has worked to build-up over many years, with the help of its generous donors, would be seriously depleted.

For smaller care providers across the country the financial impact will be even more devastating and the resulting multiple business failures will be more serious than Southern Cross because there will be no alternative providers available.

More importantly, innocent, vulnerable people will experience unnecessary disruption and distress.

HMRC pay back orders have already been served and the clock is ticking!

Many providers are understandable reluctant to go public. The Care Quality Commission recently said it was aware of at least 10 large providers who face insolvency if HMRC action continues.

Another large provider has been ordered to pay 6 years back pay by September even though the Court of Appeal may overturn the re-interpretation of the law.

It is not a question of employers not wanting to pay higher wages - we are talking about some of the most hardworking staff in the country! Around 38,000 staff in some 8,000 care settings.

There are also 100,000 families that hold personal budgets, some of whom could also be affected.

All will be innocent victims of Government guidance. Guidance followed rigorously, which now appears to have been wrong.

### **Royal Mencap Call to Action**

**Having caused the problem only Government can fix it!**

Political positioning, Brexit or Parliamentary Recess must not be allowed to stand in the way of an urgent, common-sense solution.

**We want Government to;**

- **Suspend HMRC enforcement action IMMEDIATELY until the law is clarified and a definitive decision is made on back pay,**
- **And to publicly undertake to fund back pay should the Court of Appeal uphold the Tribunal Decision.**

**The future care of the most vulnerable people in our society MUST be protected.**

Many thanks

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**[Sent on behalf of North Norfolk, Norwich and South Norfolk CCG's \(Central Norfolk\)](#)**

**Personal Health Budgets for Wheelchair Users**

The NHS in 'central Norfolk' is looking at how wheelchairs should be provided. At the moment, people who wish to have more choice than NHS provision who are eligible for an NHS-funded wheelchair are given vouchers to pay for a wheelchair but we think a better way would be to offer a personal health budget (PHB) for this instead.

This is a new approach from NHS England who have asked us to trial it.

**What does this mean for me?**

We want to work with people who will experience the service including wheelchair users, user groups, voluntary and 3<sup>rd</sup> sector organisations who are active within the North Norfolk, South Norfolk and Norwich CCG areas.

The new wheelchair personal health budget scheme will offer more choice of where people can get their wheelchair from and a detailed care plan that will help them make informed decisions about their wheelchair.

It means that a wheelchair will form part of a person's wider care, catering for their individual needs and ensuring a more joined-up approach, which is a key aim of NHS England's "Five Year Forward View".

**How do I get involved?**

If you would like to get involved please email: [wheelchairservices@nchc.nhs.uk](mailto:wheelchairservices@nchc.nhs.uk) so that we can inform you of any events taking place that may be of interest to you.

We will continue to provide updates on what is happening throughout the process as well as develop and share with you a series of documents for you to review/use once they are available.

**Would you like more information?**

If you would like to know more information about personal health budgets then please go to:

- National NHS website - <https://www.england.nhs.uk/personal-health-budgets/>
- NHS Wheelchair PHB website - <https://www.england.nhs.uk/personal-health-budgets/personal-wheelchair-budgets/>
- Norwich Local PHB offer - <http://www.norwichccg.nhs.uk/your-health/personal-health-budgets>
- North Norfolk Local PHB offer – <http://www.northnorfolkccg.nhs.uk/personal-health-budgets>
- South Norfolk Local PHB offer - <http://www.southnorfolkccg.nhs.uk/your-health/personal-health-budgets>