

Communications with people receiving care and support and their families when providers fail

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Most councils are well practised in dealing with social care provider failure. On occasions, however, staff have to react and work very quickly and it can be useful to have resources to refer to.

This briefing from the LGA and ADASS provides tips for council staff drafting communications for people receiving care and support and their families or other representatives when a provider fails.

It is intended to stand alongside the [Contingency planning tips for the business failure of a major social care provider](#) and more detailed resources, such as [Care and Continuity: Contingency planning for provider failure](#) and the Association of Directors of Adult Social Services (ADASS) [Checklist for regional response](#).

Government [guidance](#) about the [Care Act S48 Local Authority temporary duty](#) states that, should a care provider fail financially and services cease, the council must take steps to ensure that **no** people receiving care experience a gap in the services they need. This includes self-funders.

This duty applies temporarily until the local authority is satisfied that each person's needs will be met by a new provider or in a different way.

A. Communications to people receiving council commissioned care and support if a provider is about to fail (or their families or representatives.)

1. Press coverage about provider failure can be unsettling and both formal and informal communication from councils needs to **quickly reassure people** who are likely to be impacted and their families or other representatives that the council is working to minimise any disruption to their services.
2. It is important that people know who in the council to contact if they have questions. Make sure council staff are in place who are **fully briefed** to handle enquiries from people affected (for example call centre staff, social workers or brokers) and **ensure everyone is regularly updated**. People receiving care and support and their families or other representatives need to know that the **council will be doing all it can** to ensure the same staff deliver the service if possible and that, if this is not possible, then a replacement service from another provider will be organised for them.
3. Ideally work with the provider or administrator/receiver if you can, so that **communications with affected provider staff are cross-**

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referenced and aligned as much as possible. Give people affected the key local contacts for the provider. People affected might get information first from the staff delivering their care, so the **failing provider's staff also need to be fully briefed** about what messages the council is giving to people receiving services and their families or other representatives.

4. Also tell people affected **where they can find information and advice** on your website and where they can find other sources of information that may be useful. NB this needs to **include information for self-funders** and their families or other representatives.
5. Think ahead about producing **easy read versions** of your communications. You may also need to **translate communications** for people whose first language isn't English. Don't forget to consider how to communicate with **people who lack capacity** and their families or other representatives. Tell people how they can get support and access to advocacy where needed.
6. Remember to use **all the communications channels** open to you. Social media and information on council websites are important channels supporting any written communications to people affected.

B. Self-funders receiving care and support if a provider is about to fail (or their families or representatives.)

7. The temporary duty on the council when a service fails **also applies to self-funders** receiving care and support or their families or representatives. The only difference is that, unless their needs or circumstances have changed, they will still be expected to pay for their care and support themselves.
8. Your communications will need to **reassure self-funders** and their families or other representatives that the council will be making every effort to offer help and advice so that they stay safe and well and take into account all the points above about capacity issues, easy read versions and translation as needed. Many people who are self-funding their care and support or their families or representatives **will only require the provision of information and advice on alternative services** available locally to help them choose a new provider.
9. Councils need to judge when to ask a provider for **contact details of any self-funders** they provide services to so that they can get in touch with them. In some cases the council or partners may already have some information about self-funders (for example when applications have been made for NHS funded nursing care). Make sure that **data protection issues** are considered when information is transferred. It may be easiest to draft a letter from the council for the provider to send to self-funders, their families or other representatives if they lack capacity, inviting them to contact the council.
10. Councils may need to advise self-funders to take **independent advice** about continuing to pay a provider where it is still trading and they are still receiving a service. They may also need independent

advice about the terms of the contract they have signed with the provider. Councils may want to check if any **local or national organisations** can provide this type of advice and include contact details for these organisations on the website along with other information.

Appendix One - Possible letter/briefing template examples

A. Template for council staff briefing

xxx situation update

xxx provider are *(select as appropriate) applying for a company voluntary arrangement/will be closing/insert other situation*. I am writing to reassure you that we are in regular contact with xxx provider and we are monitoring the situation closely.

Our first priority is to do everything we can to ensure no people receiving care experience a gap in services if xxx happens. If the provider does fail our responsibility as you know also extends to ensuring self-funders are safe and well and helped to find alternative care and support if necessary.

It is likely that you will be asked questions about what is happening by the people affected or their families or representatives.

To help you answer any questions:

The facts are as follows xyz

xxx (insert provider name) have set up a helpline on xxx or you can find more information xxx (insert provider name) website here.

Please also find attached a copy of the letter(s) we have sent to people using xxx (insert provider name) services. We have also set up a council helpline number xxx for people receiving services their families or representatives from xxx provider, or alternatively there is information on the council website here xxx.

We will keep you regularly updated as the situation develops. Please discuss any questions you have about this briefing with your manager so that any issues can be fed back to senior management.

B. For people receiving council commissioned care and support from a failing provider (or their families or other representatives where they lack capacity).

Dear name

xxx provider - update

You may have heard from *(select as appropriate) your xxx provider carer/the media/xxx provider management* that xxx provider *(select as appropriate) is applying for a company voluntary arrangement/they will be closing/insert other situation*. I am writing to reassure you that we are in regular contact with this provider and we are monitoring the situation closely to help them.

Our first priority if xxx happens is to do everything we can to ensure your care and support service continues without a gap in service. We are working to try to ensure the same staff deliver *(select as appropriate) your service/your relative's service/the person you represents service* if possible. If this is not possible then a replacement service from another provider would be organised for *(select as appropriate) you/your*

relative/the person you represent.

You can call xxx provider on their xxx helpline or look on their website here to find out more.

We have also set up a council helpline xxx or alternatively you can find more information on our website here xxx.

Yours sincerely

xxx

C. For self-funders receiving care and support from a failing provider (or their families or other representatives where they lack capacity).

Dear name

xxx provider - update

You may have heard from *(select as appropriate) your xxx provider carer/the media/xxx provider management* that xxx provider *(select as appropriate) is applying for a company voluntary arrangement/they will be closing/insert other situation*. I am writing to reassure you that we are in regular contact with this provider and we are monitoring the situation closely to help them.

Our first priority if xxx happens is to do everything we can to help you find alternative services locally *(add if appropriate) for your relative/the person you represent* if this becomes necessary.

You can call xxx provider on their xxx helpline or look on their website here to find out more.

We have also set up a council helpline xxx or alternatively you can find more information on our website here xxx.

Yours sincerely

xxx

D. For staff of the failing provider (sent in partnership with the provider if possible)

Dear staff member name

xxx (insert provider name) situation update

You may have heard from your management that xxx (insert provider name) are *(select as appropriate) applying for a company voluntary arrangement/will be closing/insert other situation*. We are in regular contact with xxx (insert provider name) and we are monitoring the situation closely.

We want to reassure you that we value the essential work you do and we are working to help your managers resolve the current situation. *(Depending on timing and agreement you can also insert the following sentence.) If this is not possible we will be trying to make sure that social*

care staff currently working for xxx can stay working locally in social care.
Our first priority is to do everything we can to ensure no people receiving care experience a gap in services if xxx happens.

If you have any further questions xxx (insert provider name) have set up a staff helpline on xxx or you can find more information on your organisations website here.

It is also likely that you will be asked questions about what is happening by the people you provide a service to or their families or representatives. To help you answer any questions we have enclosed a copy of the letter(s) we have sent to people using xxx (insert provider name) services. We have also set up a council helpline number xxx for people receiving services their families or representatives from xxx (insert provider name), or alternatively there is information on the council website here xxx.

Yours sincerely
xxx