



Agenda item:

[No.]

Overview and Scrutiny Special Meeting On 15th August 2011

Report Title: **Call-in of a decision taken by Cabinet on 19th July 2011 regarding the decision to close three Older People's Residential Care Homes and Whitehall Street Learning Disability Residential and Respite Home**

Report of: **Mun Thong Phung, Director of Adult and Housing Services**

Signed:

Contact Officer: Lisa Redfern, Deputy Director, Adult and Community Services

Wards(s) affected: **All**

Report for: **Key Decision**

1. Purpose of the report

1.1. To respond to matters raised in the call-in of the decision made at Cabinet on 19th July 2011 (CAB20).

1.2 Response to reasons for call-in and Variation of Action proposed

1.2.1 The call-in document contains an acknowledgement that the proposals are "considered to be inside the policy and budget framework" but then lists five reasons for requesting call-in and four proposed variations to the proposed action. These are set out and addressed in the following paragraphs.

- a) *The proposal does not adequately take into account the specific needs of the users of 100 Whitehall Street, many of who have severe learning disabilities, have built up personal relationships with staff and other users, and will find the change extremely difficult.*

Firstly, we deeply regret the need to propose the closure of Whitehall Street. This is because of the severe cuts imposed on public sector service by the Government. As previously stated, this is a much valued service however; the proposal does take into account the specific needs of the nine permanent residents and the individuals who have respite at Whitehall Street; their needs;

and the personal relationships with staff and other users they have built up. This has been demonstrated through the approach to and conduct of the consultation process and to the project plan with regards to the home closure. Specifically:

i. The Consultation

- Advocacy support was offered on an individual basis for all residents and respite users of the home. The independently commissioned advocates from Mencap Advocacy Service attended all formal consultation meetings and also individual meetings with service users who requested this support. A copy of the advocacy report to this proposal (anonymised) is attached as Appendix 1;
- Information for the consultation made clear that all users currently in receipt of services at Whitehall Street have been assessed as needing these services and that alternative would be provided according to assessed need; and
- Having listened to what people had to say, residential and respite issues were separated during the consultation process and separate meetings were held to discuss specific issues which pertained to each.

ii. Home Closure Plan

- A project group is in place and weekly meetings now established following the decision to close the home. Please note, all meetings now suspended until after the call-in meeting on 15th August 2011;
- There is a Best Practice guidance and detailed project plan for home closure and re-provision, which is a working document and which we will endeavour to comply with as far as possible (Appendix 2);
- Of the nine permanent residents three have approved alternative accommodation which is of their choice. These residents are in various stages of transition to placements of their choice;
- Four residents on the same floor have friendships that they have asked to be taken into account and it is commissioning intention that this is respected and adhered to;
- For all residents the project plan is for transition to identified placements to involve choice of location, planned transition with, familiar staff to assist in settling, overnight stays, and up to date person centred support plans to aid hand over;
- A list of current providers of residential care home is attached as Appendix 3
- Respite Users – a consideration will be made of appropriate and available respite care options and list. A list of current providers of bed based respite is attached as Appendix 4. We are also in receipt of a business plan by a well established provider who is embarking on significant respite development in the borough. Staff employed currently at current Whitehall Street will be involved in supporting the transition of respite users into alternative respite options.

b) *The proposals will result in reduced provision and choice for people with learning disabilities and their families, contrary to council policies on widening choice.*

- c) *The proposal fails to address the shortage of acceptable alternative respite care provision for people with severe learning disabilities, which was highlighted as real problem by the user's families during the consultation, and which Haringey officers agreed was a problem during the consultation meeting.***

Please note that the issues raised in (b) and (c) are responded to together.

Residential Provision

The Department of Health (DH), the Care Quality Commission (CQC), Valuing People and Valuing People Now policy documents have all stressed the importance, for the last ten years now, of the need for local authorities to secure appropriate Supported Housing and Supported Living options rather than institutional residential care. One of our CQC Performance Indicators judges Adult Services performance in regard to placing people with a learning disability in Supported Housing and in developing appropriate Supported Living options. We are currently working closely with our Council Housing colleagues, maximising the newly formed joint directorate with housing affords us to fully explore and maximise potential supported housing opportunities. We also have a new Extra Care Scheme: 'The Trees' in the west of the borough and one other in the various stages of the building and planning process, i.e. Roden Court built in partnership with a Housing Trust and due to be completed early in 2012.

Respite Provision:

Whitehall Street has 4 beds currently used for respite provision. From the recent consultation of the families who currently use this respite provision, of the respite options people most wanted, approximately 50% of people said they would like short breaks and bed-based respite in the future; the same percentage wanted holidays and support for day activities and week-ends away. Approximately 30% wanted a "sleep-in" service. There is therefore a clear need for a range of respite options including bed based respite.

Existing respite currently in use

- The Adult placement scheme (Adult Fostering) regulated by the Care Quality Commission (CQC) currently has **12** vacancies with 10 approved carers for family based weekly respite. Costs range from **£255/week** to **£595/week** dependent on assessed needs.
- Alternative private sector homes have been identified and used for bed based respite for LD service users - see Appendix 3

Haringey Association for Independent Living, (HAIL) also offers a range of respite options including short breaks, sitting service and personal assistants who support leisure activities with users.

With regards to ongoing developments our market development officers have been acting consistently with "A Vision for Adult Social Care" where it says that we

should look to the market; shaping the market has been a key tenet of our approach to the 'Putting People First' and 'Think Act Local' agendas that will lead inevitably to the creation of more appropriate, flexible and 'personalised' services as the use of Personal Budgets increases. Towards this end a number of providers have indicated an interest in developing a range of respite options including bed based respite.

- d) *The proposal does not consider the substantial £550,000 capital investment made by the Council just 5 years ago on 100 Whitehall Street, and the cost effectiveness of continuing to use the building for services for people with learning disabilities.***

The capital project referred to was completed in May 2006. The expenditure of £550k was part grant funded, £280k Learning Disabilities Development Fund, and part funded by capital receipts.

The scope of the project was to redesign the living spaces, providing full disabled access and to ensure the building complied with Care Quality Commission national minimum standards and the Disability Discrimination Act. This was non-negotiable as part of the statutory registration requirements. Works were completed in May 2006.

- e) *The proposal has been developed without consideration of or consultation with local residents who live in the vicinity of 100 Whitehall Street or local residents associations.***

The main purpose of the consultation that ran from 31st January to 30th April 2011 was for local people to have their say about the impact of closure of the home on the people most affected by the proposed closure, namely the people who live there, their families and carers. We however did our utmost to ensure that details of the consultation were widely publicised before, during and after the consultation and that we kept people informed (updates, reminders and answers to frequently asked questions on our consultation webpage and elsewhere). We did not write specifically to residents associations for the reasons outlined although one such group did take the opportunity to invite us to one of its meetings. We did however consciously use a range of other local networks to ensure that the consultation was publicised as widely as possible, including LINKs, voluntary sector organisations and such like. We also notified Homes for Haringey so that it could advise its network of how local people could have their say on the proposed closures. There has also been extensive discussion of the issue in the local and national press and media and among the local voluntary sector networks and online communities.

Should Whitehall Street close, be sold or there be proposals for a change of use, there would be ample opportunity for residents associations and people who live in the vicinity of 100 Whitehall Street to have their say about what might happen to the building once the results of a wider property review that the Council is

undertaking are known and under separate, more appropriate planning and Development Control procedures as is the usual practice. We would be very happy to meet with local residents and local tenants/residents associations should the closure go ahead so that they can have say about any aspect of the proposed closure of Whitehall Street.

1.3 Variation of action proposed

- a) ***There should be an immediate suspension of the process of closing 100 Whitehall Street.***

Following the call-in, all actions to operationally progress the decision of Cabinet on 19th July 2011 to close this service has immediately ceased, subject to the outcome of the Overview & Scrutiny process.

- b) ***The Council should develop a management plan for reducing costs at 100 Whitehall Street to deliver the £237,234 savings set out in the budget plans, without closing this well-loved facility.***

- c) ***The Council should use expertise from the voluntary, independent or private sector to look at ways of reducing costs at 100 Whitehall street. A review of the decision should take place and include an analysis of the long-term cost implications of closure of these services on Council services and the NHS.***

Please note that the issues raised in (b) and (c) are responded to together.

Whitehall Street has been the subject of yearly budgetary efficiencies measures for several years. As recently as 2009/10 significant savings were realised by restructuring and reorganisation of the unit with significant reductions in management staffing. In addition a sustained value for money discipline has been ongoing in all in-house homes which includes robust management, further improved systems, significant reduction in the use of agency staff, levels of authorisation of spend, pooled procurement and the use of a monthly "Star Chamber" system where all managers share learning from efficiency controls and value for money considerations. It should be noted that approximately 90% of the gross budget for this service relates to employee costs. The service is staffed based on the recommended Care Quality Commission ratio and service user needs. To further reduce costs in this area would make this service unsafe.

Further required savings of almost quarter of a million cannot be realised without jeopardising the integrity of service delivery and thus seriously threatening our compliance with CQC regulations, nor would we wish to do so.

The long term implications of this decision will mean that there is increased choice through market development and increased empowerment and control for users through the use of personal budgets.

- d) If necessary the Council should consider transferring ownership or management of the centre over to voluntary, independent or private sector provider, if this secures the continuation of a quality service at 100 Whitehall Street.**

Yes we have considered this option and it is not economically viable in terms of delivering the required efficiencies. Any transfer option would fall under TUPE regulations and would require a Council contractual commitment.

2. Introduction by Cabinet Member

2.1 Adult social care services are provided to the most frail and vulnerable of people living in Haringey. The proposals in the report of 19th July 2011 were calculated to generate a total saving of £237k to the Council's revenue budget in 2011/12 and in following years, whilst continuing to maintain and prioritise services to vulnerable people in need of care and support who have had a Fair Access to Services (FACS) assessment, either at the "substantial" or "critical" levels. It is important to be clear that all users of Whitehall Street are assessed as entitled to services.

2.2 All residents and people who access respite care will receive a full assessment and review of their care plan, and an alternative, high quality residential placement found which fully meets both theirs and the needs of their carer, in terms of both quality and appropriate geographical location. This will be handled in a most careful, humane and sensitive manner with plenty of time to consider an appropriate placement minimising distress and disruption to a person's care.

On residential care, Haringey was recently assessed by the Care Quality Commission as the best London council for placing people in homes which were rated as **Excellent** quality (3-star) and **Good** (2-star). We will maintain this approach.

2.3 As part of a complex and wide-ranging process of consultation over the period between 31st January 2011 and the end of April 2011, I personally attended Whitehall street consultation meetings in relation to the proposal to close this service and have spoken to service users, as have other senior officers of the Council. The argument that Whitehall street is well valued by families and users is not in dispute.

2.4 However, in a situation where there is a need to meet the challenge of very significant reductions in funding to this Council, I feel that there is no alternative but to go ahead with these proposals. I am pleased that the efforts of our market development and commissioning division has meant that they are viable alternatives to the Whitehall provision. In addition these are alternatives that offer a range of choice for users and families alike, and that also embrace the continued need for bed based respite services.

3. State link(s) with Council Plan Priorities and actions and /or other Strategies:

Adult and Community Services Council Plan Priorities are:

- Encouraging lifetime well-being at home, work, play and learning;
- Promoting Independent living while supporting adults and children in need; and
- Delivering excellent customer focused cost effective services.

Full Council Plan Priorities can be found on the left hand side of the page at <http://harinet.haringey.gov.uk/index.htm>.

4. Recommendations

- 4.1. That the decision of Cabinet taken on 19th July 2011 in relation to the report (CAB20 - please scroll down to item 20) be upheld.

5. Reason for recommendation(s)

- 5.1 The proposal to close and re-provide Whitehall Street will enable Adult Social Care to contribute to the required efficiency savings following the Comprehensive spending review in December 2010. All users in receipt of services at Whitehall Street have been assessed as eligible for residential or respite services. There is a detailed project plan to support re-provision for users. All current services will be re-provided and no-one will be without an appropriate residential, respite or supported living service.
- 5.2 The direction of travel is in keeping with National policy, The Department of Health (DH), the Care Quality Commission (CQC), Valuing People and Valuing People Now policy documents have all stressed the importance, for the last ten years now, of the need for local authorities to secure appropriate Supported Housing and Supported Living options rather than institutional residential care and also the need to offer a range of respite options for users and families.

6. Other options considered

- 6.1. Transfer options were considered but deemed not appropriate because of the ongoing Council revenue funding commitments.

7. Summary

- 7.1. A decision in principle was made on 21st December 2010 to consider the closure of Whitehall Street and the three residential homes for older people. The decision to close the home, made at the 19th July 2011 Cabinet Meeting, followed a 90-day period of consultation which ended on 30th April 2011 and a full Equalities Impact Assessment completed.

8. Chief Financial Officer Comments

- 8.1. The savings proposed to Cabinet on 19th July 2011 total £2,051k. These proposals have been made as part of the Medium Term Financial Plan in accordance with the Council's budgetary framework. As presented to Cabinet on 8th February 2011 and to Full Council on 24th February 2011; and
- 8.2. Should there be a decision not to proceed with the proposed saving, alternative savings will be required to ensure that the Council continues to operate within a balanced budget position.

9. Head of Legal Services Comments

- 9.1. Overview & Scrutiny members are advised that the decision taken by the Cabinet on 19 July 2011 on a report entitled "Proposed Closure of three Older People's Residential Care Homes and one Learning Disabilities Residential and Respite Home" falls inside the Council's policy and budget framework.

10. Head of Procurement Comments

- 10.1. N/A.

11. Equalities & Community Cohesion Comments

- 11.1. A full and detailed Equalities Impact Assessment (please scroll down to item 20, Appendix 2) was appended to the Cabinet report of 19th July 2011 and was taken into account as part of the original decision. No specific equalities concerns have been raised as part of the call-in.

12. Consultation

- 12.1. A full and detailed consultation (please scroll down to item 20, Appendix 1 & Appendix 1 Addendum) was carried out over the three months between February and April 2011. The outcome of the consultation was included with the report to Cabinet on 19th July 2011 and was taken into account in the decision of that date. No specific concerns have been raised in relation to the consultation.

13. Service Financial Comments

- 13.1. A decision to close the services detailed above will allow revenue savings to be achieved of £237k, full year effect. Delays in implementation will mean that part year savings are achieved in 2012/13, the exact amounts not known until the final decision is reached, with the full saving achieved in 2013/14.
- 13.2. Efficiencies - N/A.

14. Use of appendices /Tables and photographs

- 14.1. Appendix 1 - Advocacy Report
- 14.2. Appendix 2 - Home Closure Best Practice Guidance
- 14.3. Appendix 3 - Residential Providers
- 14.4. Appendix 4 - Respite providers

15. Local Government (Access to Information) Act 1985

- 15.1. January 2011, "Think Local, Act Personal", Cabinet Office.
- 15.2. No reasons for exemption or confidentiality.