

SURREY COUNTY COUNCIL**CABINET****DATE: 21 OCTOBER 2014****REPORT OF: MR MEL FEW, CABINET MEMBER FOR ADULT SOCIAL CARE****LEAD OFFICER: DAVID SARGEANT, STRATEGIC DIRECTOR - ADULT SOCIAL CARE****SUBJECT: SURREY COUNTY COUNCIL IN-HOUSE RESIDENTIAL CARE HOMES FOR OLDER PEOPLE****SUMMARY OF ISSUE:**

Surrey County Council owns 30 residential care homes for older people. In 1998, 17 of these homes transferred to Anchor Trust under a block contract for a period of 20 years after a competitive tender exercise. In 2002, a further seven of the homes transferred to Care UK under a block contract for a period of 25 years after a competitive tender exercise. The remaining six homes are maintained and operated by Surrey County Council.

A comprehensive review of Surrey County Council's six older people's residential care homes has been undertaken to:

- Understand the provision of these homes in the wider residential care market within the context of the wider strategic shift within Adult Social Care to deliver services in the community and to enable people to live in their own homes for as long as possible
- Address the impact the physical environment can have upon the quality of care that can be achieved within the homes in light of the new Care Quality Commission's (CQC) inspection criteria (Mum test).

This report outlines the findings of the review and recommends that a consultation process takes place with residents, their families, carers, staff and appropriate stakeholders to enable the council to make an informed decision on the future of Surrey Council's in-house care homes.

RECOMMENDATIONS:

It is recommended that Cabinet:

1. Approves that a consultation with residents, families, carers, staff, trade unions and other affected stakeholders commences regarding the future of Surrey County Council's six in-house older people's residential care homes.

The homes are:

- Brockhurst in Ottershaw
- Cobgates in Farnham

- Dormers in Caterham
- Longfield in Cranleigh
- Park Hall in Reigate
- Pinehurst in Camberley

2. Receives further recommendations on the results of the consultation on 24 February 2015.

REASON FOR RECOMMENDATIONS:

- As people continue to live independently in the community for longer, when they do require residential care their needs tend to be more complex. As such, there has been an increase in the number and proportion of nursing care placements being commissioned as opposed to residential care placements. Surrey County Council is considering its commissioning strategy as a result of this.
- Surrey County Council's Adult Social Care Directorate, in partnership with Clinical Commissioning Groups, continues to commission services that support a shift away from residential care to personalised social care in community settings, supporting individuals to live independently and safely.
- The physical environments of the homes reduce the ability to deliver a quality service maintaining dignity and no longer represent best value for money in light of the new CQC requirements.

DETAILS:

Background

1. Surrey County Council's six older people's in-house homes are as follows:

Home name	Current residents Sept 2014	Registered beds	% Occupancy	Built in	District/ Borough
Brockhurst	14	46	30%	1971	Runnymede
Cobgates	34	50	68%	1970s	Waverley
Dormers	24	39	62%	1985	Tandridge
Longfield	26	50	52%	1974	Waverley
Park Hall	27	50	54%	1988	Reigate & Banstead
Pinehurst	28	50	56%	1990	Surrey Heath

2. These homes also offer short stays (respite care), day services and other community services. Details on the number of people that services are provided to can be found in Annex 2.

Review of the in-house homes

3. The aim of both health and social care is to support people to remain as independent as possible in their own homes until later in life with the support of friends and family and local community services. We are now able to support people more successfully in their own homes, and at the point that a person's needs cannot be safely met at home, the needs are increasingly complex and require 24/7 nursing care rather than residential care.
4. As a registered provider of services, Surrey County Council must meet the essential standards set out by the Care Quality Commission (CQC).
5. The Chief Inspector of the CQC has challenged all inspectors to consider the 'Mum test'. "For every care service we look at, I want us to ask, is this good enough for my Mum?"¹ Future inspection of services will consider whether a provider is delivering services that are safe, effective, caring, responsive and well-led.
6. Surrey County Council's six homes, built in the 1970's-80's, were not designed to meet the current expectations of accommodation.
7. Officers from across the council have explored the feasibility of bringing the in-house homes to a modern state. The conclusion is that the buildings are unsuitable for re-modelling or re-designing to meet new standards in care home provision, such as better disabled access, full en-suite facilities and additional space for hoists and other equipment.
8. Annex 3 details the summary of issues identified on a home by home basis.
9. A decision was made to stop permanent admissions in August 2014 due the difficulties staff face supporting people with dignity within the constraints of the accommodation.
10. Staffing levels have not been reduced but by limiting new admissions, quality care delivery is easier for front line care staff to manage. Planned respite stays and short term admissions (bed based reablement) continue as do additional services such as day care.

Options considered

11. Four options were considered for each home in terms of their potential to meet future needs of residents:
 1. Stay 'as is'
 2. Extend and refurbish or redevelop the home
 3. Sell or lease the home to another provider

¹ Andrea Sutcliffe, A fresh start for inspecting Adult Social Care services

4. Support residents to move to another appropriate service and close the service.
12. A summary of the options and an assessment of each option on a home by home basis is attached as Annex 3. The main findings concluded that:
- a. Doing nothing would not resolve the issue of the homes being unable to meet satisfactory standards in the future
 - b. Given the space and other property constraints, it is unlikely the homes would be able to be transferred to another provider as a going concern, or be suitable for development.
 - c. Action is required as the homes do not comply with the latest CQC requirements.
13. The home by home analysis, detailed in Annex 3, indicates that in each case Option 4 is the preferred option.
14. If this option is supported by Cabinet in February 2015, following the consultation, the process would be managed in a phased programme over a period of around 18 months working closely with residents and their families to find suitable alternatives. Staff in the care homes would also be supported to find positions elsewhere.

Recommendation

15. Having considered these options internally, it is recommended that a consultation on a home by home basis is undertaken. The consultation process will ensure that all relevant aspects have been considered, and all relevant parties are engaged to secure their views. Further details are in Annex 1.
16. The information gathered from the consultation process will enable the Cabinet to make an informed decision regarding the future of the homes, securing the best outcomes for residents of the homes, their relatives, staff and Surrey tax payers.
17. Officers have recently undertaken detailed market research to understand alternate local offerings. Previous experience of home closures and moving people to alternative accommodation has proved positive.

CONSULTATION:

18. A full list of the parties consulted regarding the recommendations within this report is set out on page 7 and 8 of this report.
19. As this report will be publically available via the council's website prior to the Cabinet meeting, residents, families, unions, staff and other stakeholders have been informed that a report will be discussed at Cabinet on 21 October 2014 to approve the start of a consultation on the future of the homes.
20. A Consultation plan is contained in Annex 1.

RISK MANAGEMENT AND IMPLICATIONS:

21. The Project Implementation Group has identified a range of potential risks. Mitigating action has been identified in planning a consultation. The potential risks are:
- Uncertainty for residents and their families/carers
 - Uncertainty for staff
 - Uncertainty in the care market
 - Without consultation a decision on the future of the homes cannot be made. Although there will be ongoing short term expenditure to keep the homes safe for residents, this does not represent value for money in the long term.

Financial and Value for Money Implications and Section 151 Officer commentary:

22. The proposal is driven by quality of care issues with a financial component: it would be prohibitively costly for the council to make the investments required to ensure an environment which continues to provide an appropriate quality of care in the longer term. This is supported by the home-by-home analysis of the costs and practicalities of remodelling / rebuilding on the existing sites. The decision should therefore take account of those costs.
23. There is a subsidiary financial factor: the relatively high running costs of the existing provision would place additional financial stress on the service in achieving the Medium Term Financial Plan (2014 – 19).

Legal Implications – Monitoring Officer

24. Whilst there is no express or implied statutory duty to consult, there is an expectation that that a local authority making decisions affecting the public will act fairly. Therefore if a local authority withdraws a benefit previously afforded to the public it will be under an obligation to consult with the beneficiaries of that service before withdrawing it. That obligation requires there to be a proposal and it requires that there is consultation on the proposal before the decision is reached and that the responses to the consultation are conscientiously considered in the decision making process. Failure to do so will risk the decision being overturned following Judicial Review.
25. The local authority is also required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010.

Equalities and Diversity

26. An initial Equality Impact Assessment (EIA) is included as Annex 4 reviewing the impact of the consultation, helping to inform the planning for the consultation.

27. A full EIA evaluating the impact of the recommendations emerging from the consultation will be included within the February 2015 report to Cabinet presenting recommendations.

Safeguarding responsibilities for vulnerable children and adults implications

28. Some individuals affected by/involved in the consultation may not have the mental capacity to participate. In that event, full assessments will be undertaken to identify any need for advocacy, giving consideration to the Mental Capacity Act or Deprivation of Liberty Safeguards.

WHAT HAPPENS NEXT:

29. Subject to Cabinet approval of the recommendations outlined within this report, the following timetable for implementation will apply:

Action	Date
Cabinet endorsement of recommendations	21 October 2014
Cabinet call in period	29 October 2014
Recommendation 1: - Period of planning for the consultation - Communication regarding intention to consult - Consultation launched - Consultation concluded	1 September – 10 October 2014 7 – 24 October 2014 30 October 2014 19 December 2014
Recommendation 2: - New item added to Cabinet Forward Plan - Recommendations for each of the in house homes based on outcomes of consultation presented at February 2015 Cabinet meeting	October 2014 24 February 2015

30. A more detailed draft consultation timescale is attached within Annex 1.

Contact Officer:

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Consulted:

Internal

Councillor Steve Cosser – Cabinet Associate for Adult Social Care
Local Surrey County Council elected Members
Local District and Borough elected Members

Adult Social Care:

David Sargeant - Strategic Director, Adult Social Care

Commissioning

Anne Butler – Assistant Director, Adult Social Care
Jean Boddy – Senior Manager, Commissioning – Older People
Joanne Parkinson – Assistant Senior Manager – Older People
John Woodroffe – Commissioning Manager – Older People

Personal Care and Support

Wendy Hale – Assistant Senior Manager, South West

Brian Mayers – Assistant Senior Manager, Mid
Steven Ward – Assistant Senior Manager, North West

Service Delivery

Joanna Victor Smith – Acting Assistant Senior Manager, Service Delivery

Projects

Katharine Macann – Project Manager, Policy and Strategy

Business Services:

Julie Fisher – Strategic Director, Business Services

Finance

Paul Carey-Kent – Strategic Finance Manager

Paul Goodwin – Senior Accountant

HR and Organisational Development

Ken Akers – HR Relationship Manager

Gurbax Kaur – Senior HR Advisor

Procurement and Commissioning

Anna Tobiasz – Category Manager, Adult Social Care

Jenna Crombie – Senior Category Specialist

Property Services

Peter Hopkins – Asset Strategy and Planning Manager

Christopher Duke – Asset Strategy and Planning Services

Simon Moore – Asset Strategy Partner Projects

Chief Executive's Office

Akidi Ocan – Senior Lawyer, Legal and Democratic Services

Tim Edwards – Corporate Communications Manager

Governance groups

Adults Leadership Team

Annexes:

Annex 1 – High level consultation plan and key principles

Annex 2 - Homes overview and summary

 Homes list and occupancy overview

 Homes list and political overview

Annex 3 – Options evaluation summary and home by home information

Annex 4 – Equality Impact Assessment

Sources/background papers:

- Care Quality Commission (CQC), The essential standards
- Holbrow Brookes, Surrey County Council Property Review of 6 Residential Care Homes: Estate Appraisal version 1.4 – January 2012
- Knight Frank, Consultancy Report for the Review of Homes for the Elderly – January 2012
- Knight Frank, Care homes Trading Performance Review - 2013
- Social Care Institute for Excellence (SCIE) guidance
- Market Position Statement for Older People's Services 2013/14
- Community and Care Home Provider Closure Protocol 2014

Terms used:

Built environment - The built environment consists of the existing buildings, including their material, spatial and physical elements."