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## **The Future of Greenacre Older Persons Home and Day Centre**

Report of Cllr Carole Hegley, Executive Member for Social Care and Housing  
([carole.hegley@centralbedfordshire.gov.uk](mailto:carole.hegley@centralbedfordshire.gov.uk))

Advising Officers: Julie Ogley, Director of Social Care, Health and Housing  
([julie.ogley@centralbedfordshire.gov.uk](mailto:julie.ogley@centralbedfordshire.gov.uk)); and  
Tim Hoyle, MANOP Head of Service ([tim.hoyle@centralbedfordshire.gov.uk](mailto:tim.hoyle@centralbedfordshire.gov.uk))

**This report relates to a Key Decision**

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### **Purpose of this report**

1. To consider the outcome of the consultation on the future of Greenacre Older Persons Home and Day Centre<sup>1</sup>.
2. To decide on the future of the home and the services within it.

### **RECOMMENDATIONS**

**The Executive is asked to:**

1. **note the outcome of the consultations on the future of Greenacre Older Persons Home and Greenacre Day Centre;**
2. **approve the closure of Greenacre Older Persons Home and cessation of services at Greenacre Day Centre based on the matters set out in this report, its appendices and background papers;**
3. **authorise the Director of Social Care, Health and Housing to determine the date of closure of Greenacre Older Persons Home, taking into consideration the assessed eligible care and support needs of residents of the home along with relevant operational matters;**
4. **authorise the Director of Social Care, Health and Housing to determine the date of cessation of the provision of service at Greenacre Day Centre, taking into consideration the assessed eligible care and support needs of the day centre users and their carers along with relevant operational matters;**

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<sup>1</sup> Throughout this document the following terms are used: 'Greenacre Older Persons Home' – this refers to the care home aspect of the building; 'Greenacre Day Centre' – this refers to the day centre operation within the building. The term 'Greenacre' is used to refer to the entire building or the entirety of operations on the site.

- 5. authorise the Director of Social Care, Health and Housing to undertake the processes set out in paragraphs 89 to 91 and to determine the location of the replacement day service;**
- 6. authorise the Director of Social Care, Health and Housing to commence the processes set out in paragraphs 92 to 95 to determine the future of the 'Step Up Step Down' residential reablement service; and**
- 7. approve the commencement of the processes set out in paragraphs 104 to 106 in relation to the staff employed at Greenacre Older Persons Home, Day Centre and Step Up Step Down unit.**

### **Overview and Scrutiny Comments/Recommendations**

3. This report was considered by Social Care, Health and Housing Overview and Scrutiny Committee on 25 January 2016. The recommendations of the committee are as follows:
  - a. the committee recognises the need to offer improved accommodation for clients to meet modern physical and environmental standards and the increased expectation of our clients;
  - b. the committee is satisfied that the consultation process has been carried out in a comprehensive and diligent manner;
  - c. the committee recommends that in future the investigation of the financial stability of a new provider is carried out and deemed satisfactory before consultation commences on the future of a home;
  - d. the committee notes the dependency of the proposals on the provider of Rosewood Court achieving CQC registration;
  - e. the committee emphasises the need to take account of the assessed eligible care and support needs of residents;
  - f. the committee notes that account must be taken of the effect on staff of closure;
  - g. the committee notes the need to explore further how the relocation of the day care centre is to take place; and
  - h. the committee notes the need to explore further where the step up, step down facility will be sited.

## Background

4. At its meeting on 10 February 2015 the Executive considered a report on the challenges facing Central Bedfordshire in the provision of good quality accommodation for older people and the approach being taken to meet these challenges. (Members of the Executive should read this report prior to this meeting).
5. The challenges were set out in detail in the report and can be summarised as follows:
  - a. In common with other council areas and the nation as a whole, Central Bedfordshire's population of older people is set to grow much more rapidly than the overall population. This is particularly true of the group of people aged 85 and over.
  - b. When asked older people consistently say that their preference is to remain living independently in their own home for as long as possible and the Council aims to support this as much as it can.
  - c. The vast majority of people will continue to live in ordinary housing throughout their lives, supported by informal carers (such as relatives and friends) and 'paid for' carers sourced privately or commissioned by the Council. Additionally, in recent years the Council has developed extra care housing schemes that are able to deliver a high level of flexible care options to support residents as and when they need it.
  - d. However, even with the provision of extra care housing, for a small proportion of older people the best place in which their needs can be met is in a care home setting. In recent years increased expectations of the facilities in care homes have led to changes in the physical and environmental standards which new care homes need to meet.
  - e. Prior to the closure of Caddington Hall, the Council owned and operated seven care homes for older people across Central Bedfordshire. These were built in the period between the late 1960's and the early 1980's. None of them meet the modern physical and environmental standards that new care homes achieve.
6. The Council's response to these challenges of an increase in population of older people and rising expectations is necessarily set within the financial constraints within which the public sector operates. The approach being taken to address these challenges was also set out in detail in the report to the Executive on 10 February 2015 and can be summarised as follows:
  - a. Increase the availability of home care services in response to increasing demand and the desire by older people to remain in their own homes for as long as possible.
  - b. Develop both domiciliary and residential reablement services that assist older people to regain independent living skills which allow them to remain living at home, even after a spell in hospital.

- c. Commence the development of extra care housing schemes for independent living in Dunstable (Priory View), Leighton Buzzard (Greenfields) and Houghton Regis (Houghton Regis Central) and plan to deliver a further three schemes of this type over the next five years.
  - d. Reconfigure care home provision for older people to deliver higher physical and environmental standards. This is the most challenging as such changes inevitably mean a degree of disruption to the lives of residents in the homes affected.
- 7. With these factors in mind in February 2015 the Executive authorised the commencement of a consultation on the future of Caddington Hall Older Persons Home. The timing of this was influenced by the opening of a new care home – Dukeminster Court, Dunstable – in April 2015 and the operator making 26 of its places available to the Council within the rates and terms of the Council's standard contracts with care homes.
- 8. At its meeting in July 2015 the Executive heard the outcome of this consultation and after due deliberation agreed the closure of the home and the transfer of residents to alternative homes.
- 9. This process concluded in September 2015 and Caddington Hall has now closed. Follow-up work was undertaken with the residents who transferred and/or their relatives and the feedback about the process was very positive. An internal review of the process and its outcomes was also undertaken and the 'lessons learned' from this have been used to inform subsequent activities.
- 10. In October 2015 the Executive authorised the commencement of a consultation on the future of Greenacre Older Persons Home and the Day Centre. The timing of this was influenced by the planned opening of a further new care home in the area – Rosewood Court, Dunstable – in March 2016 and the operator being willing to make 22 of its places available to the Council within the rates and terms of the Council's standard agreement with care homes. In addition nine of the 26 places at Dukeminster Court which were set aside during the closure of Caddington Hall remained vacant and available to the Council.
- 11. The Executive requested that a report on the outcome of the consultation process be brought to a future meeting along with recommendations about the future of the home in order to make an informed decision.
- 12. The main issue in relation to Greenacre Older Persons Home is that the home does not meet the modern expectations as it has relatively small rooms and no en-suite facilities.
- 13. In addition to the residential care facilities, Greenacre is also the location of:
  - a. A small but well-used day centre focussing on the needs of older people with dementia.
  - b. The 'Step Up Step Down' short term residential reablement service.

14. Both the Day Centre and the Step Up Step Down unit are operated separately from the rest of Greenacre Older Persons Home and each has its own staff team.
15. During 2015 inspections of the home by the Council and Care Quality Commission ('CQC') it was found that the quality of care at Greenacre Older Persons Home had deficiencies and the home became subject to the 'serious concerns' process<sup>2</sup> on 27 April 2015. During this time the home was not able to admit new residents and its occupancy fell. The quality of care was addressed and the process concluded on 17 August 2015. Since then Greenacre has been able to take new residents and its current occupancy is in the region of 70% with 21 of its 34 long term places occupied.
16. Greenacre Day Centre provides places for up to 14 people during the daytime Monday to Friday. A total of 18 customers attend the day centre and on average attend on around 3 days per week. In addition some of the residents of the home use the day centre on an ad hoc basis for social interaction. The centre provides a service mainly to older people who live in the community – often supported by one or more relatives. Most of the people who attend the day centre have some degree of dementia. Since the start of the consultation one customer has stopped attending and no new customers have started.
17. Should a decision be made to close Greenacre, the expectation is that the service provided by the day centre will continue but in a different location. The options for this are set out in paragraph 69 below.
18. Greenacre is the location for the 'Step Up Step Down' residential reablement service. This service has 8 places and provides older people who normally live in the community with intensive support in a residential setting for a period of up to six weeks either to prevent them being admitted to hospital ('step up') or to enable them to return home after a hospital stay ('step down'). The service has been located at Greenacre since its inception in 2011, apart from a period in 2015 when Greenacre was in 'serious concerns' when it was relocated to Ferndale in Flitwick.
19. The monitoring of the outcomes for people who receive the Step Up Step Down service indicates that the service is valuable both in terms of improved outcomes for the people who use it and also in overall reduced costs for both the NHS and Adult Social Care. A full review of the service has yet to be carried out but based on the evidence to date the service should continue in a similar form to the present arrangement.

### **Consultation Process on the Future of Greenacre Older Persons Home**

20. The consultation process lasted for 13 weeks, from 14 October 2015 to 13 January 2016. Separate consultations were carried out for the care home and the day centre as they have different customers and options for their future.

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<sup>2</sup> This process involves CQC, the Council and the home-owner where there are concerns about the quality of care being offered by a home. It seeks to address those concerns and restore the quality of care to an acceptable level.

21. In relation to the future of the care home consultees were asked for their views on seven options. These were:
  - a. Doing nothing – continue to run Greenacre in its present form.
  - b. Relocating existing residents to better homes and closing Greenacre – the Council's preferred option.
  - c. Transferring Greenacre to another organisation to run as a going concern.
  - d. Building a new home on the Greenacre site – moving residents to alternative homes, demolishing the old home and building a new one.
  - e. Running the home down – stopping new admissions to the home but keeping it open for an agreed period of time or until it had no residents.
  - f. Refurbishing the home so that it meets modern standards.
22. Consultees were also given the opportunity to identify other options and put forward proposals.
23. The Council set out in the consultation the offer to residents of alternative accommodation should the home close. This is:
  - a. Residents would be accommodated in a home that offers a good quality of care.
  - b. Residents would be offered alternative accommodation in a home that meets modern physical and environmental standards and customer expectations.
  - c. Residents would be accommodated in a home that can meet their assessed eligible care and support needs.
  - d. Residents would be accommodated in a home at fee rates within the range paid by the Council whose area the home is in.
  - e. Residents would be accommodated in a home that is a reasonable distance from their current home.
  - f. Residents who expressed the wish to move as a group would be accommodated where possible.
  - g. Residents would not be required to move more than once.
24. In conjunction with the core offer set out above, resident's individual wishes and circumstances would be further taken into account where at all possible. Examples of this would include:
  - a. Where a resident wished to move to a different location to be close to a relative.
  - b. Where a resident wished to move to another type of accommodation.

25. In order to be able to honour the offer set out in the consultation the Council needs to be able to secure sufficient places in alternative homes. The Council was offered nine places at Dukeminster Court, a newly-built home in Dunstable operated by Quantum Care and 22 places at Rosewood Court, a home due to open in March 2016 and operated by Only Care. Given the occupancy of Greenacre Older Persons Home this was sufficient places to offer residents a place in one of them (subject to the home being able to meet their care needs).
26. The consultation documents in relation to the care home are set out in Appendices 1, 2 and 3 and should be considered by Members.
27. At the start of the consultation process there were 23 permanent residents in the home and no short term residents. During the course of the consultation there was one new short term resident who later became permanent, three of the residents died and one resident moved to a nursing home. At the time of writing there are 20 permanent residents and one short term resident.
28. In order to ensure that the people most affected by any changes were involved in the consultation process the following activities were undertaken during the consultation period:
  - a. Before it commenced, meetings were held for residents, relatives and staff advising them of the proposals and explaining about the consultation period.
  - b. Relatives and residents were offered 'one-to-one' meetings with members of the consultation team to discuss the options.
  - c. Residents, relatives and other stakeholders were provided with regular updates about the progress of the consultation and what was planned to take place.
  - d. Staff were offered 'one-to-one' meetings with members of the consultation team to discuss the options.
29. Particular attention was given to supporting residents to be involved in the consultation process even though some lacked mental capacity to fully understand the Council's proposals. The ability of all residents to participate in the consultation was assessed by a social worker by undertaking an assessment in accordance with the principles of the Mental Capacity Act 2005.
30. The assessments undertaken during the course of the consultation period showed that eight residents had capacity to take part in the consultation and were assisted to do so. 12 residents were assessed not to have capacity to participate meaningfully in the consultation, however of those, seven could give a view to a limited extent. These views are summarised in paragraph 60 below.
31. The majority of residents had friends or relatives who were able to support them in participating in the consultation or contribute on their behalf. In no cases was it judged or requested that independent advocacy was required to enable a resident to participate.

32. During the consultation period a document was published that set out the most common questions asked during the process so far with answers. This document appears as Appendix 7.
33. A total of 26 responses were received to the consultation. These are set out in full in Appendix 9 and the key issues raised are discussed in the next section.

### **Key issues**

34. The key issues can be categorised into two areas - those that are significant in determining the future of Greenacre and those that are important to be considered should the decision be to close the home.

### **Issues important in determining the future of the home**

35. Those which are significant when coming to a decision about determining the future of the home are:
  - a. The supply of and demand for residential care for older people in the area.
  - b. The degree to which the home currently meets the care needs of current and future customers.
  - c. The availability of alternative homes for existing residents.
  - d. The views of existing residents.
  - e. The potential impact of a move on existing residents.

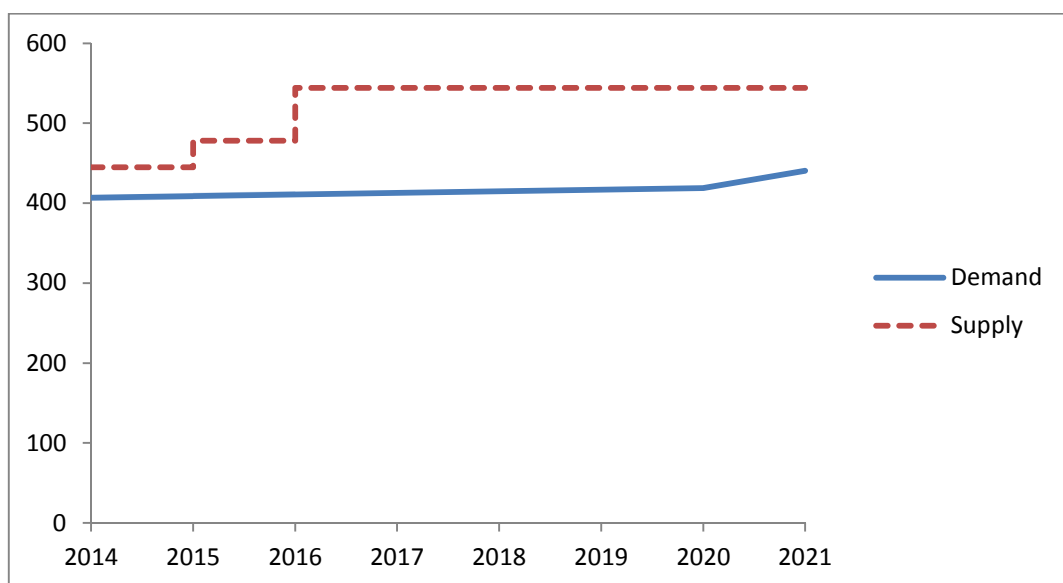
### **Supply and Demand for Care Home Places**

36. Under Section 5 of the Care Act 2014 ('the Act'), the Council has a duty to commission services and shape the market for social care services. The principles set out in the Act which should underpin this activity are:
  - a. A focus on outcomes and wellbeing;
  - b. Promotion of quality services, including through workforce development and remuneration and ensuring appropriately resourced care and support;
  - c. Supporting sustainability;
  - d. Ensuring choice;
  - e. Co-production with partners;
  - f. The promotion of diversity and quality of provision in care services.
37. The approach set out in the 10 February 2015 report to the Executive is to maintain the total number of care home places in the period to 2020 across the Central Bedfordshire area whilst re-providing the capacity in the seven Council-owned homes with places in homes that meet modern standards (the Council currently has six homes following the closure of Caddington Hall). The expectation is that the market will deliver these replacement places on a commercial basis.

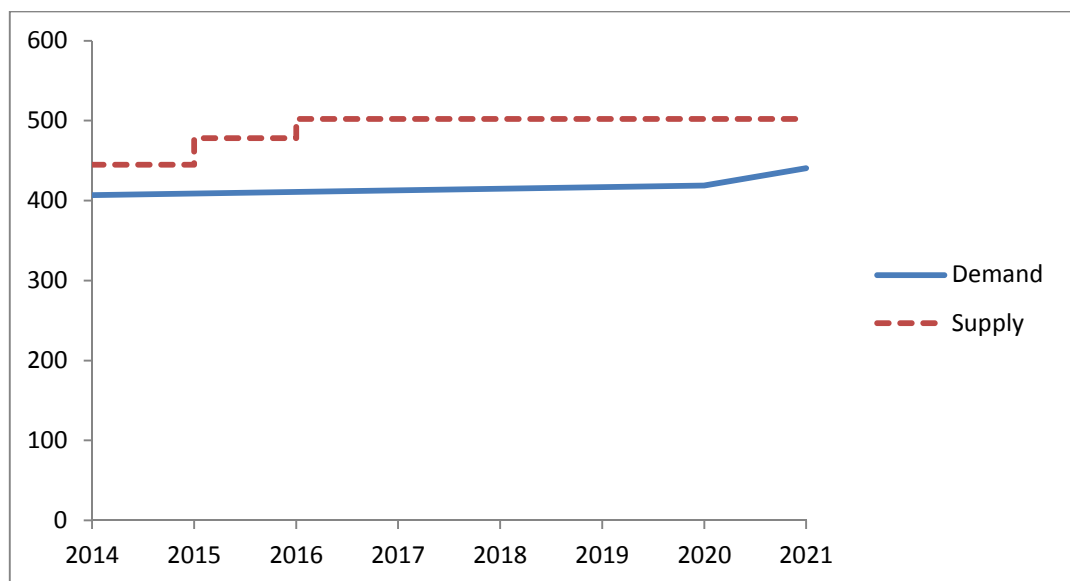


This 'market-led' approach delivers the outcomes the Council is seeking without capital investment by the Council but has the consequence that the Council cannot dictate when a new home will be built and must react to developments in the market.

38. People entering care homes tend to look for ones that are in their local area and as a result most care home residents enter homes within five miles of their previous home. This is the case with Greenacre Older Persons Home where the majority of residents previously resided in Dunstable or Houghton Regis.
39. The Council maintains data of care home capacity and usage in Central Bedfordshire based on publicly-available registration information and its own contractual information. It calculates demand based on population data and population forecasts.
40. Looking at the locality of Chiltern Vale one new 75-place care home (Dukeminster Court, Dunstable) opened in April 2015 and another (Rosewood Court, Dunstable) is under construction and scheduled to open early in 2016.
41. On that basis projected supply and demand for care home places indicates that supply will run well ahead of demand in the period to 2020 and therefore this is the opportunity to consider the future of homes in this locality. The data also indicates that it is unlikely that further new care homes will be developed in this locality in the same period.
42. This data is shown in the graphs below. The first graph shows supply and demand assuming that Greenacre Older Persons Home remains open and the second shows this impact of its closure.
43. In addition, the introduction of new care home places into the market may have a destabilising effect on other care homes (by taking customers and staff away from them) and using the opportunity to reprovide Council-owned capacity will have the effect of moderating this.



**Figure 1: Forecast Care Home Supply and Demand in Chiltern Vale (Greenacre remaining open)**



**Figure 2: Forecast Care Home Supply and Demand in Chiltern Vale (Greenacre closing)**

44. Therefore on the basis of supply and demand this is a good opportunity to pursue the replacement of the residential places at Greenacre Older Persons Home and would not lead to a shortage of placements for those that require one.

#### **The availability of alternative care home places for existing residents**

45. As has already been stated the offer of nine places at Dukeminster Court and 22 places at Rosewood Court means that if they wish residents can move in friendship groups.
46. The Council contracts with care home providers in Central Bedfordshire using standard contracts - the Framework Agreement for Accommodation Services in Care Homes and the ADASS Contract for Accommodation Services in Care Homes. Both forms of contract specify the service provided and the rates paid.
47. The Council already contracts with Quantum Care, the operator of Dukeminster Court. In order to place residents at Rosewood Court its operator, Only Care Ltd will need to be contracted with.
48. In accordance with the Council's policies checks have been undertaken on Only Care Ltd and the company meets the financial criteria set down. The ownership of Only Care Ltd is in private hands and the owner also has an interest in other companies providing residential care. For this reason similar checks were undertaken into those companies. None of the information obtained gave cause for concern.
49. On this basis officers have therefore agreed to contract with Only Care Ltd and arrangements are in hand for this to take place.

50. In addition to agreeing to the Council's contractual requirements, Rosewood Court will need to be registered with CQC to provide residential care before it can start to admit residents. This is not a matter that involves the Council but registration would also be a necessary pre-requisite to the placement of any people in the home. Only Care Ltd is already registered with CQC and has advised the Council that it will be seeking to achieve registration for Rosewood Court at the earliest opportunity.
51. In the event that the places at Dukeminster or Rosewood Court cease to be available to the residents of Greenacre Older Persons Home for any reason then the Council would need to reconsider its approach to the future of the home. In respect of Rosewood Court, for example, the places would only be available once the home has successfully registered with CQC and the contractual arrangements made.
52. In addition to the places at Rosewood Court and Dukeminster Court, there are ten other independently provided care homes in the Chiltern Vale locality which provide care to people placed by the Council. At the time of drafting this report seven of these homes had at least one vacancy and across these homes there were a total of 34 vacancies. This indicates that even without the places at Greenacre Older Persons Home there is capacity in local homes to provide a good range of choice for people seeking residential care.

**The degree to which Greenacre Older Persons Home meets the care needs of older people.**

53. The most recent CQC inspection of Greenacre Older Persons Home took place in January 2015 and was published in May 2015. At that inspection the care provided in the home was rated as 'Requires Improvement'. This has been and continues to be addressed by the current manager and the staff team.
54. The building has no immediate major maintenance issues. However the mechanical and electrical systems are over thirty years old and would require significant investment over the next five years to extend the useful life of the building beyond that.
55. The building was designed and constructed before the modern requirements were introduced and as a result it does not have the room sizes and en-suite facilities that homes constructed more recently do.
56. The issue of room sizes is significant not just in terms of the resident having enough space but it can also be an issue which affects delivery of care. The care needs of older people in care homes have increased since Greenacre was designed and constructed. Many residents now need help with transfers, often needing two carers and suitable hoisting equipment, and this can be difficult to deliver in a small space.

57. The provision of en-suite bathrooms greatly enhances the dignity of the residents who are able to use the facilities, either independently or with assistance. There will always be a proportion of residents who are not able to make full use of this type of facility but even in those situations the en-suite can make the delivery of care to residents more dignified for the residents and staff and removes the need for rooms to have commodes.

#### **The views of existing residents.**

58. The views of existing residents and their relatives (along with those with others that responded to the consultation) are set out in full in Appendix 9 - Response to Consultation - The Future of Greenacre Older Person's Home. Exactly half of the 26 respondents supported the preferred option to close the home and re-locate current residents and many of those mentioned the need for improved facilities in more modern homes. 11 people disagreed (42%) and 2 were neutral (8%). Some of those who disagreed would like the Council to pursue the refurbishment option but others stated that they did not accept that the home needed modernisation. Some were concerned about the long term need to suitable accommodation for older people.
59. Many respondents mentioned the potentially disruptive effect on a move on existing residents and the need for such moves to be adequately planned and supported. This matter is covered in detail in the next section.
60. The majority of those who lacked capacity to participate in the consultation but could give a view, said they liked where they were living and did not want to move. Most of them also said that they liked the idea of an en-suite bathroom as it would be easier for them to use and would give them more privacy.
61. Whilst it is understandable that some residents and their relatives would prefer the facilities in the home to be brought up to date a number of issues would also be relevant:
- a. Major building work would require the home to close and the residents move elsewhere whilst it was being carried out.
  - b. Given the site constraints upgrading the home would be likely to reduce the number of places in the home and this would significantly impact on its long term viability.
  - c. Capital investment in the region of £500,000 to £2,000,000 would be needed.
62. Other matters raised during the consultation are dealt with elsewhere in this report or its appendices.

### **The potential impact of a move on existing residents.**

63. Research on the effect of previous home closures in the UK and elsewhere has provided some evidence that the closure of a home can impact negatively on the health and wellbeing of residents. This is an area not without controversy but there is a general consensus that the risk of harm to individual residents can be reduced to an acceptable level by following a number of principles. These are:
- a. The importance of clear, open and honest communication with residents, relatives and staff.
  - b. Communication should be regular and be both proactive and reactive as the situation demands.
  - c. Residents should be sensitively encouraged and facilitated to take part in the consultation process about the future of the home in ways that are compatible with their needs and abilities. Professional assessment of their ability to participate and the potential harmful effects of participation would be made.
  - d. Residents should have access to advocacy.
  - e. All residents should have comprehensive assessments undertaken by appropriate professional(s) and the recommendation of these assessments will be taken into account in the choice of accommodation offered and in planning their move.
  - f. Residents and their relatives should be offered the opportunity to visit other homes and given time to make an informed decision.
  - g. In planning moves particular attention should be paid to those residents identified as most vulnerable or at risk.
  - h. Residents should be given practical help and support to move.
  - i. Residents should not be moved if there is medical advice that to do so would put them at imminent risk. Moves would be postponed until this risk had been mitigated.
  - j. Appropriate methods should be put into place to monitor the people who have transferred.
64. These principles have been defined more fully and published in good practice guidance<sup>3</sup> including:
- a. 'Making Choices Good Practice Guide' – Reconfiguration of Statutory Residential Homes – Health and Social Care Board for Northern Ireland. This document was published in 2013 as guidance for practitioners and managers in Northern Ireland in relation to the closure of homes there. Although there are some historical, governance and legislative differences between the UK and NI the majority of the recommendations in the guide are useful and relevant.

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<sup>3</sup> It should be noted that this guidance covers both 'planned' and 'unplanned' closures. The latter type of closure is where a home needs to close at short notice because of regulatory action, provider failure or catastrophic building issues.

- b. 'Achieving Closure – Good Practice in supporting older people during residential care closures' – University of Birmingham / ADASS. This document was published in 2011 and draws on previously published studies and guidance as well as drawing on the experience of authorities that had undertaken care home closures.
65. The key points from these documents are incorporated into the Council's own guidance 'Closure of Care Homes and Relocation of Residents' which explains to practitioners how to put these principles into practice. This document is available as a background paper. To date all of these good practice principles have been followed and this will continue should the decision be to close the home.
66. Included in the guidance are:
- a. Pre-move evaluations are completed with the resident and relative to identify their aims and any concerns.
  - b. A personalised move plan checklist is used for each resident to detail and track all actions both before and after the move.
  - c. These documents are used to identify and mitigate any risks and are shared with the receiving home.
  - d. 24-48 hours after a move has taken place the post-move evaluation is completed to ensure aims were met and highlight any issues to address.
  - e. The creation of 'Life Story Books' is encouraged and materials and support are supplied to help residents, relatives and carers to complete this. As well as helping people reminisce about their life it is also a way of bringing the person to life for staff who have not known them previously.
  - f. Photo books are provided with pictures of the new home(s) for those unable to visit, enabling the resident to familiarise themselves with their new home.
67. Full assessment of the needs and options for residents will be undertaken should a decision be made to close the home but an initial professional assessment has been made of the needs of residents to ascertain those who may be most at risk should the home close and to identify what actions can be taken to mitigate those risks. A summary of these assessments is set out in an anonymised form in Appendix 11.
68. Although, quite rightly, this approach focusses on managing the risks associated with a closure of the home, a number of residents and relatives see this proposal as one which has its positive aspects and which will lead to an improved quality of life for current and future residents. There is evidence from the previous closure that this is the case.

## **Consultation Process on the Future of Greenacre Day Centre**

69. In relation to the future of the day centre consultees were asked for their views on seven options. These were:
  - a. Doing nothing – continue with day care at Greenacre in its present form.
  - b. Relocating existing attendees to Houghton Regis Day Centre with the existing staff team and running it as a separate group within the Houghton Regis Day Centre.
  - c. Relocating existing attendees to Houghton Regis Day Centre with existing staff and merge the operation of both Centres.
  - d. Provide a similar service using another venue.
  - e. Replace existing provision with more individual services.
70. Consultees were also given the opportunity to identify other options and put forward proposals.
71. The consultation document stated that of the options set out the Council's preference was for either b) or c) as set out in paragraph 69 above and it was made clear to people who used the service and their relatives that all would be offered a place at any alternative service. Similarly it was stated that under options a) to d) that the staff who provide the day service would remain in post albeit at a different location under options b) to d).
72. In conjunction with these proposals, user of the centre's individual wishes and circumstances would be further taken into account where at all possible.
73. Prior to the commencement of the consultation it was identified that Houghton Regis Day Centre had capacity to provide accommodation of the service, either integrated within the centre or in a separate space.
74. The consultation documents in relation to the day centre are set out in Appendices 4, 5 and 6.
75. At the start of the consultation process there were 18 users of the day service. During the course of the consultation one person's needs changed and they stopped attending the centre.
76. In order to ensure that the people most affected by any changes were involved in the consultation process the following activities were undertaken during the consultation period:
  - a. Before it commenced, meetings were held for users of the service, their relatives and staff advising them of the proposals and explaining about the consultation period.
  - b. Relatives and users were offered 'one-to-one' meetings with members of the consultation team to discuss the options.
  - c. User, relatives and other stakeholders were provided with regular updates about the progress of the consultation and what was planned to take place.

- d. Staff were offered 'one-to-one' meetings with members of the consultation team to discuss the options.
- 77. As with the residents of the home, particular attention was given to supporting day centre customers to be involved in the consultation process even though some lacked mental capacity. The ability of all residents to participate in the consultation was assessed by a social worker by undertaking an assessment in accordance with the principles of the Mental Capacity Act 2005.
- 78. The assessments undertaken during the course of the consultation period showed that ten residents had capacity to take part in the consultation and were assisted to do so. Four users were assessed not to have capacity to participate meaningfully in the consultation; however of those two could give a view to a limited extent. The views of these customers are set out in paragraph 85.
- 79. The majority of users had friends or relatives who were able to support them in participating in the consultation or contribute on their behalf. In no cases was it judged or requested that independent advocacy was required to enable a resident to participate.
- 80. During the consultation period a document was published that set out the most common questions asked during the process so far with answers. This document appears as Appendix 8.
- 81. A total of 24 responses were received to the consultation. These are set out in full in Appendix 10 and the key issues raised are discussed in the next section.

### **Issues important in determining the future of the day centre**

- 82. The proposals for the day centre are consequent of any decision on the future of Greenacre Older Persons Home. No review has determined the long term requirements for day care for older people so the proposals are based on a range of solutions designed to replicate the existing service in a different location.
- 83. The consultation responses indicate that the majority value the existing service, appreciating the friendly peaceful environment, the care that the staff provide and the small group sizes. Many also value the current location. Many respondents want to keep as many aspects of the current provision the same even if the service relocated (for example the staff, days of attendance, friendship groups and own space).
- 84. Some respondents expressed concern about the loss of service provision within Dunstable and asked for alternative venues to be investigated.
- 85. The views of the users who did not have capacity were that they liked Greenacre day centre and they indicated that it was important to carry on activities they liked.



86. Given the feedback it is clear that a significant majority of respondents place the great value in the relatively small group and the staff team that supports them. Within this clear preference some are happy with the proposal to go to Houghton Regis but others would prefer to remain in a location is Dunstable, either because they believe it is a more convenient location from a transport perspective and/or because they are not sure that the larger Houghton Regis Day Centre will meet their needs.
87. During the consultation period informal enquiries were made to investigate whether there were alternative venues available in Dunstable. The initial findings were that some venues may be available although no further investigation has taken place with regard to costs or suitability.
88. As a result of the virtual unanimity of view on the desire for the current customers of the day service and the staff that support them to stay together then it is proposed that only options that achieve this are pursued any further and the others are discounted. In both of these options the existing staff group would be retained. These are options b) and d) set out in paragraph 69 above:
  - a. Relocating existing attendees to Houghton Regis Day Centre with the existing staff team and running it as a separate group within the Houghton Regis Day Centre.
  - b. Provide a similar service using another venue.
89. In coming to a final decision on which option is chosen it is proposed that a process be undertaken with the current customers and their relatives and the staff and would include:
  - a. Discussions with customers and relatives about how the service could best be delivered in Houghton Regis Day Centre.
  - b. Undertake and report back on more detailed enquiries into the availability, suitability and cost of alternative venues in Dunstable.
  - c. Visit(s) for customers, relatives and staff to Houghton Regis Day Centre and any other venues identified as suitable.
  - d. Analysis of the transport implications of each option from the perspective of individual customers' journeys.
  - e. Analysis of the costs of each option.
90. Whilst at this stage the Council has an open mind on which option will be chosen it is expected that the following factors will need to be taken into account in coming to a decision:
  - a. The degree to which any option meets the needs of current and likely future customers.
  - b. The degree of disruption to existing customers.
  - c. The overall suitability of alternative premises.
  - d. Cost.

91. It is envisaged that decisions about the final option and transition arrangements will be made in a timescale that is commensurate with that envisaged for the care home aspect.

### **The future of the Step Up Step Down Unit**

92. No public consultation was carried out in relation to the Step Up Step Down Unit as the nature of the service means that it does not have any ongoing customers who would be affected by the proposals.
93. The intention is to continue with the service and to engage in a process with providers of residential care to secure suitable provision of Step Up Step Down. It is envisaged that the arrangements will be based on the existing contractual arrangements and will run concurrently with them.
94. Such a solution would impact on the staff employed by the Council currently delivering the service and it will therefore be necessary to undertake the appropriate Human Resources processes with those affected.
95. Although not a long term solution, as a short term arrangement it would be possible to transfer the delivery of the existing service to another home operated by the Council if, for example the process set out above could not be completed before those relating to other aspects of the home had been completed.

### **Next steps - issues which need to be considered should the decision be to close Greenacre.**

96. There are a number of issues that will need to be considered should the decision be to close Greenacre. These are:
  - a. The degree to which risks to residents associated with a move can be managed and mitigated.
  - b. Managing moves and making practical arrangements.
  - c. Managing the employment options for staff and ensuring the Council meets its obligations to them.
97. Whilst there are a number of actions that cannot be undertaken ahead of a decision on the future of the home, it is important to explain what arrangements would be put in place to deal with these matters.
98. Plans are in place to have a professional team available to work with existing staff in the home, residents and their relatives to review care needs (alongside the resident's GP and any specialist medical advice), agree on the preferred options, plan moves and make the practical arrangements such as transportation.
99. All residents will have the risks to them assessed in more detail as part of the activities set out in paragraphs 66 to 68 above and actions put into place to reduce those risks to a minimum.
100. The assessments and actions required will be recorded for each resident in an individual 'move plan'. This will include follow-up and monitoring for a period after they have moved.

101. Some of the residents of the home are very frail. It is important to be responsive to any changes of needs or deterioration of a resident's condition. Even if arrangements have been made to close the home, residents who are reaching the end of their life or for whom medical advice is that a move could cause a significant deterioration in their health would not be moved and the home would remain open for as long as is necessary. For this reason the recommendation in this report is set out to allow the decision on the actual date of closure to be made operationally by the Director of Social Care, Health and Housing taking any issues of this nature into account.
102. Similar processes to those set out above were followed when a decision was made to close Caddington Hall. Following this relatives who had been involved were contacted and asked for their feedback. All made positive comments about the process. Few had suggestions for improvements but where these were offered they were incorporated into subsequent plans.
103. Following on from the process for the day centre set out in paragraphs 89 to 91 above a timetable and transition plan will be developed and shared with all those affected. The implications for each customer will be assessed and actions identified. Although formal assessment of customers' needs is not likely to be required the planning of transition process will involve a social worker and re-assessment of care needs can be undertaken in an individual basis if required.
104. Although staff in the home have been kept informed of the proposals and invited to participate in the consultation process about the future of the home, no formal employment-related activity has commenced. Should the decision be to close the home then staff from the Social Care, Health and Housing Directorate, supported by Human Resources would follow the agreed process in the circumstances where a change of this nature is being proposed.
105. This process will involve the following activities:
  - a. Formally advising staff of the plan and, where appropriate, that their posts are 'at risk'.
  - b. Advising staff of their options and rights.
  - c. Consulting staff on an individual and group basis on the options for their futures.
106. The Council's processes seek to avoid compulsory redundancy for staff where posts are at risk and would explore other options with them such as redeployment to another unit in a similar role or to another area of the Council. Some staff may wish to seek employment to another care home outside of Central Bedfordshire Council. Whilst the Council cannot arrange this directly it would aim to support staff to do this and would work with interested providers to facilitate this where possible.

## **Corporate Implications**

107. The management of the Greenacre building and the site is a corporate responsibility. Should the decision be made to close the home then there will be a number of consequent actions that will need to be undertaken once the residents have moved out and the home closed. These include:
  - a. Decommissioning the building and making it secure.
  - b. Arranging for ongoing management of the site.
  - c. Examining options for the future use of the site.
108. Following closure the expectation is that a further report would be brought to the Executive setting out the options for the use of the site.

## **Legal Implications**

109. When a Council is contemplating the changes to service provision in the way that is proposed in respect of the care home and day centre there are a number of legal aspects that need to be fully considered. There are three areas of law which are most significant in relation to these decisions:
  - a. The duty to consult: there is a requirement that the Council conducts a consultation before making a decision.
  - b. Obligations under the Human Rights Act 1998 (HRA): the Council has obligations to ensure that any actions it takes do not infringe the human rights of residents in the home.
  - c. The Public Sector Equality Duty (PSED): in coming to a decision about the future of the home the Council must be aware of its duty to promote equality.
110. The obligations placed on the Council have been considered in the actions of officers and in the preparation of this report.
111. Case law sets out a number of principles for the conduct of consultation. These are:
  - a. consultation must take place when the proposal is still at a formative stage
  - b. sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response
  - c. adequate time must be given for consideration and response
  - d. the product of consultation must be conscientiously taken into account.
112. The consultation and decision-making process has been designed to ensure that these principles are adhered to.
113. The HRA set out a number of rights that we all have. Most relevant in relation to the matter in question are:
  - a. Article 2 – the right to life.
  - b. Article 3 – the prohibition of torture or inhuman or degrading treatment.
  - c. Article 8 – the right to privacy.

114. A decision which potentially restricts a human right does not necessarily mean that it will be incompatible with the HRA. Public bodies also need to take into account other general interests of the community. Some rights can therefore be restricted where it is necessary and proportionate to do so in order to achieve a legitimate aim. Provided a restriction of such a right has a legitimate aim and the restriction itself does not go any further than necessary to protect this aim, then it is likely that it will be compatible with the HRA. In this way the HRA recognises that there are certain situations where a public body is allowed to restrict individual rights in the best interests of the wider community.
115. In this situation the Council is proposing changes to service configuration that will result in an overall improvement of care home facilities for older people (which will ultimately benefit many hundreds of people) whilst acknowledging that in doing so there will be some unavoidable disruption to the lives of current residents. Providing that the Council does all that can reasonably be done to minimise the affect on existing residents then closing a home is not incompatible with the requirements of the HRA. The actions to date and proposed are set out in paragraphs 66 to 68 and 96 to 106 above.
116. Discussion of the Council's duties in relation to equalities is set out in paragraphs 126 to 128 along with the actions taken to ensure that it meets its obligations.

### **Financial Implications**

117. Financial considerations have not been a fundamental driver for this proposal but the changes being considered do have financial implications compared to the current position.
118. Under the current contractual arrangements with care homes the Council does not block purchase places at care homes – it pays fees for any places it takes up. The fee structure is set out in the contract.
119. Residents pay an assessed contribution towards the cost of their care depending on their means. Once over a capital or income threshold residents reimburse the Council for the full cost of their care fees. These arrangements are not fundamentally affected by the proposals but the fees paid by full cost payers may increase to the level payable under the contract. Other residents' contributions will be unaffected. For example, the full cost fee for a place at a care home rated as 'Good' under the Framework Agreement is £489.87 per week. The full cost fee for a residential place at Greenacre Older Persons Home is £477.16 per week.
120. It is not envisaged that the proposed changes to the delivery of the services of the Greenacre Day Centre would affect the charges paid by customers.
121. Greenacre is operated as a directly-managed service and the majority of the operational costs relate to the employment of staff. In addition there are supplies and services costs and maintenance costs for the building.

122. If the decision is to close the home then the costs will shift from the directly-managed services to purchased services. In the long term this shift is likely to be cost-neutral but in the case of this home the fact that it has been operating below its capacity means that there are likely to be in-year cost savings.
123. During the transitional period (when residents are in the process of moving out of the home) there are dual running costs because the home needs to remain operational as residents move out. When this programme was originally envisaged the cost of dual running was estimated and incorporated into an earmarked reserve. This will be utilised as required and at this stage is deemed to be adequate to cover all anticipated costs.
124. Monitoring and management of costs in relation to these proposals will be undertaken using the Council's normal procedures and reported to members as part of the Council's normal budget monitoring activities.
125. Decisions around the future of the site have the potential to yield a capital receipt but this would be the subject of a further report should the decision be to close the home.

### **Equalities Implications**

126. Central Bedfordshire Council has a statutory duty to promote equality of opportunity and have due regard to the need to eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
127. An Equality Impact Assessment (EIA) has been completed as part of the development process, and it is available as a background document. Members should read and consider the EIA before coming to a decision on the recommendations in this report.
128. An important aspect referred to in the EIA is the potential for there to be adverse impacts on residents if a care home is closed and they need to move. In light of this the key recommendations of the EIA are:
  - a. There is a need to balance the potentially conflicting duties in relation to consultation with residents who may be distressed (or be at risk of harm for other reasons) by the consultation process itself.
  - b. There is a need to ensure that decision-makers are given accurate information about the risks to individual residents and the degree to which these can be mitigated when coming to a decision about the future of the home. This information is contained in Appendix 11.
  - c. There is a need to ensure that the requirements of the PSED are taken into account and reflected in the information presented to decision-makers.
  - d. A good understanding of the needs and preferences of each resident, along with detailed transition plans that reflect these needs are important in reducing the risk to residents.

- e. A high level of communication and engagement with residents, relatives and staff is important in helping to deal with issues as they arise and manage people's anxieties.

### **Conclusion and Next Steps**

- 129. The availability of alternative places in homes that meet modern standards, the specific offer of places in newly-completed homes in Dunstable and the plans to ensure the welfare of residents mean that this is an appropriate time to proceed with the closure of the home.
- 130. If the recommendations are accepted then the next steps will be to commence the processes set out in paragraphs 96 to 106 of this report.

### **Appendices**

The following appendices are attached/provided through an electronic link:

- 1. Have Your Say on the Future of Greenacre Older Persons Home
- 2. Options Considered for the Future of Greenacre Older Persons Home
- 3. Greenacre Older Persons Home Questionnaire
- 4. Have Your Say on the Future of Day Care at Greenacre
- 5. Options Considered for the Future of Day Care at Greenacre
- 6. Greenacre Day Centre Questionnaire
- 7. Update on the Future of Greenacre Older Persons Home
- 8. Update on the Future of Day Care at Greenacre
- 9. Response to Consultation - Future of Greenacre Older Persons Home
- 10. Response to Consultation - the Future of Day Care at Greenacre
- 11. Anonymised needs and risk assessments of current residents of Greenacre Older Persons Home

### **Background Papers**

- 1. The following background papers, not previously available to the public, were taken into account and are available on the Council's website:
  - a. Equality Impact Assessment – The Future of Greenacre Older Person's Home and Day Centre
  - b. Closure of Care Home and Relocation of Residents – Good Practice Guidance

### **Reports Considered Previously**

2. The following reports relating to this matter were previously considered and are available on the Council's website:
  - a. Improving Care Home Provision for Older People in Central Bedfordshire – Report to Executive on 6 October 2015
  - b. Improving Care Homes For Older People In Central Bedfordshire – Report to the Executive on 10 February 2015