

## **Consultation on the closure of Bramblebrook House residential home for older people**

### **SUMMARY**

1.1 On 31 July 2007, Council Cabinet agreed to:

- Begin consultation on the closure of Bramblebrook House residential home for older people
- Undertake further work in 2007 / 8 to clarify future options for the remaining seven homes, including the possibilities of mental health resource centres and extra care housing options
- Explore Extra Care Housing for older people as an option for effective use of the adjoining Arthur Neal House and Lois Ellis sites and as part of the expansion of Extra Care in Derby and to agree in principle to use any capital receipt realised for this purpose

1.2 The purpose of this report is to give feedback on the consultation on the closure of Bramblebrook House residential home and to recommend that the closure proceed.

### **RECOMMENDATIONS**

- 2.1 To approve closure of Bramblebrook residential home for older people at the end of May 2008 but to delegate to the Cabinet Member for Adult Services the power to extend this timescale by no more than three months if necessary.
- 2.2 To work closely with individual residents of Bramblebrook House to identify alternative placements that are suitable for them, bearing in mind their neighbourhood links, their friendship groups and their preferences about where services are delivered.
- 2.3 To ensure each affected resident has a key worker based at Bramblebrook to liaise with them, their relatives or carers and the staff at the place the resident transfers to.
- 2.4 To ensure that staff at Bramblebrook House are appropriately supported to transfer to alternative places of work

### **REASON FOR RECOMMENDATIONS**

- 3.1 The decline in demand for residential care for older people, combined with the increase in demand for alternatives like Extra Care Housing, means action is necessary to divert resources to where they will have most long-term impact.

- 3.2 There is enough remaining care home resource in Derby, between the independent sector and the Council's own provision, to cover needs in the long and short term.
- 3.3 The closure of a residential home for older people is very difficult for residents and their families. Care must be taken that further trauma is minimised at this sensitive time, through working closely with them and ensuring their preferences are met wherever possible. If continuity through local links or friendship groups can be maintained this should be a high priority.
- 3.4 Bramblebrook staff have provided an excellent service and engaged extremely professionally in the consultation process. The decision to close Bramblebrook House is by no means a reflection on them, and they must be supported to find alternative opportunities in the Council.



## **Options appraisal for Council's Residential Homes for Older People 2007/8**

### **SUPPORTING INFORMATION**

- 1.1 An overview of consultation feedback is given in Appendix Two. The information below seeks to respond to this feedback, firstly in terms of the proposal to close any Council care home for older people, and secondly in terms of Bramblebrook House
- 1.2 The recommendation to consult on the closure of a Council residential care home for older people approved by Council Cabinet on 31<sup>st</sup> July was based on the following rationale:
  - That there has been a demonstrable fall in demand for older peoples' residential care placements over several years due to the availability of more intensive home care support.
  - That this has occurred in spite of the rising numbers of older people in Derby.
  - That further planned developments, such as the growth of Extra Care Housing in Derby, the creation of an "enablement" home care service and the delivery of more focused community support for older people with dementia, will further erode the demand for traditional care homes, even in spite of the future demographic pressure.
  - That this fall in demand has affected and will continue to affect occupancy levels in Council care homes for older people. It is very difficult to justify funding this under utilised provision at the same level as previously, especially where independent sector care homes, with whom we already make over 55% of residential care placements and 100% of nursing care placements for older people, also report increasing void levels.
  - That closure of a home in the context of this over-supply will make essential revenue saving that will support the Council's difficult budget position.
  - That decommissioning of a Council residential care home for older people will also release significant capital receipt that can be used to develop further Extra Care Housing and dementia resource centre services, areas benefiting older people where Derby has a clear under-supply rather than an over-supply.
- 1.3 Consultation feedback from Bramblebrook residents and their relatives was perhaps understandably sceptical about the loss of a care home in the context of expanding population. However, the survey of existing sheltered housing tenants carried out in the consultation period illustrates their overwhelming preference for an Extra Care Housing "own front door" model rather than the traditional care home model should respondents' care needs increase. The findings of the Adult Services and Health Commission in response to the consultation fully support this, and also substantiate

the need to invest in dementia. The proposal to close a care home, which the Adult Services and Health Commission supports, is not intended to divert resources away from older people, but to focus them in new areas which have greatest appeal to Derby's ageing population and greatest impact on their well-being.

- 1.4 There was concern, expressed by both the Adult Services and Health Commission and some individual respondents, that loss of Council presence in the care home market would give the independent sector leverage to raise prices. This was felt to have been a factor in costs experienced by Children and Young Peoples services. However, firstly it should be noted that the loss of one Council care home from eight is unlikely to destabilise the market in this regard, and secondly that the Council is 100% dependent on the independent sector for older peoples' nursing home placements, without signs of rampant inflation. The Adult Services and Health Commission helpfully recommend that the Council should work alongside care providers to promote the positive attributes of the independent sector who are already, as substantiated above, supporting the great majority of older people who move to residential or nursing care.
- 1.5 The rationale to select Bramblebrook House in the 31<sup>st</sup> July Council Cabinet report was based on the following:
  - Bramblebrook House had not developed a specialism, for example intermediate care or dementia care, which gave it longer term strategic relevance and also helped justify its unit cost as higher than the independent sector.
  - Bramblebrook House was in a part of the city already well served by care homes from both the independent sector and the Council.
  - The capital receipt from Bramblebrook House and the neighboring Humbleton View site would maximize the benefits to older people across the city when invested into Extra Care or Dementia resources.
- 1.6 A great deal of consultation feedback focused upon the high quality of the Bramblebrook service reported in terms of its high degree of occupancy, the loyalty and dedication of the staff, the fabric of the building and the happiness of the residents. However, the proposal to consult on the closure of Bramblebrook was not based on perceptions of its quality, but upon its strategic relevance both in its current form and in its capacity to generate resources to deliver more services for older people. The recommendation was also made in the context of an ongoing options appraisal of all Council care homes for older people, designed to ensure they all develop to provide necessary 21<sup>st</sup> century services for Derby's senior population.
- 1.7 Some consultees asked whether there was a reason why Bramblebrook could not be developed to deliver some of the specialist functions that were currently lacking. The arguments for not doing this are two-fold:
  - Coleridge House (providing dementia care) and Warwick House (providing intermediate care) are relatively nearby. Council-owned homes in other areas would be higher priorities for future developments of this sort, to deliver a more city-wide service.
  - Capital from the sale of a care home site is a financial necessity for developing future provision of the sort already described.

- 1.8 Many consultation respondents felt that the consultation upon closing a home was based primarily upon financial matters. However, the Council Cabinet commitment to fully reinvest these resources in broader developments benefiting greater numbers of older people is key here. It is regrettable that Age Concern organized a petition stating that Bramblebrook House was recommended for closure so that “the Council.... can sell the land the home sits on” without mentioning this commitment.
- 1.9 The proposal to consult on closure of Bramblebrook House has undoubtedly been extremely traumatic for the current residents of Bramblebrook House, their families, and the home’s staff. There has understandably been feedback that residents’ wishes and prior expectations were not weighted heavily enough before the decision to consult was made. The difficult decision for the Council has been how to balance responsibilities to this group with obligations to the wider older people’s population, both now and in the future.
- 1.10 Disruption to existing Bramblebrook residents must clearly be minimised should the decision to close the home be supported. Residents and their carers have already been sensitively asked about their preferences in this eventuality, and the plans we propose to put in place are a direct result of listening to them within the consultation process. The council will provide alternative long term residential care placements within council residential care homes where this is the preference of the individual. All new vacancies in council care homes will be used to meet the needs of Bramblebrook residents first and foremost, and the use of existing capacity within the in house homes will be re designed to allow friendship groups to remain together. Over a period of 6 months we are confident that all Bramblebrook residents will be able to move to another council care home, with their friendship group. If necessary this period of time could be extended.
- 1.11 Although some have stated a wish to move to different areas, many residents have indicated their preference for remaining in the same locality. The majority have also expressed a preference to move to a Council owned home. There are significant numbers who wish to move in friendship groups and maximise continuity. The concerns about the availability of alternative placements raised by some parties in the course of the consultation are unlikely to materialise in practice.
- The Council will give a commitment that all Bramblebrook residents will be able to move to another Council care home
  - Vacancies in independent sector homes in the surrounding locality exist for those for whom locality is the most important issue
  - There is also considerable potential to use capacity at Warwick House in Littleover, a nearby Council home currently focused on short-term care, for Bramblebrook residents who wish to move locally to a Council run home.
  - People wishing to move to different parts of the city can be accommodated.
- 1.12 We propose to close Bramblebrook at the end of May 2008. This will give a six month period to enable residents to move to alternative care home placements. This period could be extended by up to three months if this proves necessary.
- 1.13 Residents will be allocated an individual key worker who knows them and their needs. This will enable effective liaison to take place with residents, relatives or carers and staff at the residential home residents chose to transfer to.

## OTHER OPTIONS CONSIDERED

- 2.1 Doing nothing will result in worsening occupancy and poorer value for money, as well as further undermining the Council's financial position. It will also lessen the choice and positive outcomes available to the wider older people population in Derby from future developments that will not be possible.
- 2.2 Other Council residential care homes require detailed consideration as part of the ongoing options appraisal into their use and impact. However, changing the decision to nominate Bramblebrook at this stage would:
- Result in the nomination of a home with more strategic relevance either in terms of geography or specialism.
  - Lessen the likely capital receipt and therefore the potential to reinvest in new services for older people.
- 2.3 The option of selling Bramblebrook House as a going concern was also discussed. However, this is not recommended on three counts:
- Legal advice indicates there would be TUPE implications in terms of transfer of care home staff. This would mean that costs would be likely to increase for any prospective purchaser, which would most likely be reflected in their placement rates.
  - The difference in valuation between selling the full site for development and selling the two components separately, with Bramblebrook House as a going concern, has been professionally assessed at £0.4 to £0.6 million. In view of the TUPE advice above it is unlikely that the Council would get the maximum return on sale as a going concern. This would detract significantly from reinvestment in other services for older people.
  - A key premise of this and the preceding 31<sup>st</sup> July report is that demand for care home places in Derby is falling. There is no indication that maintaining a care home on the site is essential for local supply.

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Background papers:	Appendix 1 – Implications Appendix 2 – Consultation Process and Feedback	

<b>IMPLICATIONS</b>
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**Financial**

- 1.1 Decommissioning Bramblebrook House would result in a full year efficiency of around £230k presuming the home was at 95% occupancy, all residents transfer to independent sector residential placements and that placements are able to be made at the Council's standard "general" rate.
- 1.2 Bramblebrook House adjoins Humbleton View Day Centre for adults with Learning Disability which was approved for closure at Council Cabinet on 3 July 2007. Council Cabinet have already agreed to all capital receipts from these sites being used to develop further Extra Care Housing and dementia residential care for people in Derby.

**Legal**

- 2.1 A health service circular (1998/048) provides checklists of steps to be taken during the closure process. There should be a "project plan", flexible enough to adapt to changing circumstances. The council should set up a steering group to see the project through with a project manager, a service user transfer co-ordinator, and a key worker who works at the home that is to be closed. The key worker should know the service user and their needs and liaise with them, their relatives or carers and the staff at the place it is proposed that the service user is transferred to. Contingency plans must be prepared for all aspects of the project and information shared between all parties. A named staff member should be authorised to postpone or cancel the transfer of the service user should this become necessary.
- 2.2 Some residents appear to have claimed that they were promised a "home for life" at Bramblebrook. This is being investigated to determine whether there are any Human Rights implications that need to be considered. Further advice will be given orally on this issue at the meeting.

**Personnel**

- 3.1 Redeployment options would need to be fully explored for Council staff affected by these proposals.

**Equalities impact**

- 4.1 These proposals will not have an adverse impact in terms of equalities.

**Corporate priorities**

- 5.1 The modernisation programme supports the Council's objectives of healthy, safe and independent communities and furthers the priority of modernising social care, including adult home care.

<b>Consultation on Possible Closure of Bramblebrook</b>
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<b>Process and Feedback</b>
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**1. SUMMARY**

In August 2007 we asked all stakeholders for their views on the proposal to close Bramblebrook House care home for older people and reinvest capital receipts in Extra Care Housing and specialist dementia provision.

The Court of Appeal has held that there are four elements to a proper consultation of this sort: “First, that consultation must be at a time when proposals are still at a formative stage. Second, that the proposer must give sufficient reasons for any proposal to permit intelligent consideration and response. Third, that adequate time must be given for consideration and response and finally ... that the product of consultation must be conscientiously taken into account in finalising any ... proposals.”

This report details feedback on the consultation itself. Feedback on the product of consultation is incorporated in the prior reports.

**2. PROCESS**

- The consultation was “project managed” at a senior level by the Assistant Head of Direct Services for Older People. A consultation plan was developed and monitored regularly.
- The consultation began on 1 August 2007. All residents, all staff and all relatives had been informed by 10am on 2 August 2007.
- Each resident (39), staff member (26) and main involved relatives or friends (42) were given a letter outlining the reasons why the council was consulting on possible closure, reflecting the main themes of the 31<sup>st</sup> July Cabinet Report. The duration of the consultation period was also specified.
- Once commercially sensitive material had been removed, the full Cabinet Report was made available to all stakeholders from August 22<sup>nd</sup>. A letter was sent out to each person confirming this.
- Residents, family members and involved friends were interviewed in accordance with their wishes over the first six weeks of consultation and their opinions were recorded.
- Residents were asked whether they would like independent advocacy. A list of those who did was passed on to Age Concern.
- Staff members were offered the opportunity to individually meet with the Service Manager and a senior Human Resources officer. The trade unions were informed. Staff were informed there would be no compulsory redundancy in the event of closure.
- Residents were also given opportunities to discuss the implications of the proposals at Residents Meetings where minutes were noted and circulated.
- A list of Frequently Asked Questions was circulated in writing to all residents, staff members and involved relatives or friends on 5<sup>th</sup> September 2007, after the first wave of consultation.
- The Cabinet Member for Adult Services attended Bramblebrook on two occasions in the consultation period. The first meeting was focused upon residents. Residents, staff and relatives / friends were invited in advance to the second meeting.



- As part of the proper political process, the Overview and Scrutiny Commission considered the Cabinet decision to consult on the possible closure. They took views from key stakeholders and delivered a report and recommendation on 29<sup>th</sup> October 2007.
- A survey was also carried out of older people in sheltered housing in Derby; to test out the hypothesis that Extra care Housing was more attractive to them than residential care should their needs begin to increase.

### 3. FEEDBACK FROM RESIDENTS

Bramblebrook residents were asked whether they agreed that a Council home for older people in Derby should be closed, and if so whether it should be Bramblebrook. The table below represents their responses to these direct statements.

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>We should close a council home in Derby</b>	0	0	3	4	31
<b>If so – it should be Bramblebrook</b>	0	0	1	4	34

It is clear from the above that the vast majority of residents and relatives were strongly against closing Bramblebrook and against closing a home at all.

There were frequent comments about the high quality of the home, the excellence of the staff group and the friendships that residents had made since they had moved in.

- “Bramblebrook is a life-saver for me, the staff are superb and I have made many friends. I would be devastated if I had to leave”
- “I have no family, my only friends are here, they are my family. I want to stay here – this is my home”

Some also emphasised their local connections:

- “Not only would I be leaving my friends but it would also make it difficult for my daughter to visit, as she has to rely on public transport”

It was also clear that residents found the proposal to close the home and the consultation process itself extremely stressful.

- “We feel like a bag of refuse that can be thrown anywhere, they are so cruel and wicked for doing this”

Residents, like many other stakeholders, felt that the main motivation for the closure was financial.

- “Bramblebrook is always full and popular, so why close it? The reason is simple – prime building land”

Residents understood that the numbers of older people were increasing. They did not have confidence that community care would absorb the additional service demands, and felt the Council should be increasing residential care rather than decreasing it.

- "As for the myth that older people prefer to remain in their own home with visits from council staff – my relative could tell you it just doesn't work. It is hardly surprising, given that home helps etc are being cut back"

Smith Partnership Solicitors were instructed by thirty Bramblebrook House residents and raised the following concerns:

- The declining demand for residential care in the city as a whole was immaterial to Bramblebrook House as it was virtually full
- Age Concern had reported there were only 11 unused beds at other care homes in the Mickleover and Littleover areas
- The home was in close proximity to the hospital and therefore convenient for residents with access needs
- The wishes of residents were not sufficiently weighted, especially in view of "the expectation on the part of all our clients, and promises given to some of them, that it would be their home for life"
- "Hardly any other Home provides 'specialist care', so Bramblebrook is in no worse position than most other Homes in the area"
- The good condition of the building precluded closure

#### **4. FEEDBACK FROM RELATIVES AND FRIENDS**

Relatives and friends also emphasised the high quality of Bramblebrook:

- "Bramblebrook is an excellent quality care home with long standing staff who promote, and are part of, the caring community of the home, and it should remain open for that reason"

There was some strong assertion on the basis of information requested that Bramblebrook was the most efficiently run of all Council care homes:

- "There is no business case for its closure"

Relatives and friends were also concerned for the well-being of residents, and the affect that closure would have:

- "Residents of Bramblebrook are old and frail and should not be subjected to the distress and disruption of moving, which research shows can hasten illness or earlier death"

Several commented that they had not been consulted with properly, either because of the number of opportunities they had to make their view known, or because they felt information was not forthcoming, or because the opportunity to speak with Councillor Hussain came too late in the process.

Other comments reflected the residents' feedback given above: the increasing numbers of older people that would sustain future demand, the residents' expectations around their Home of Choice, the perception that financial concerns were paramount.

There were also comments that the Bramblebrook site could evolve into providing the specialist services that it currently lacked: dementia care and Extra Care Housing being given as examples.

- "The lack of specialist services is due to the Council not putting them into Bramblebrook. The Council should do a feasibility study into providing such services"

There was some thought that Bramblebrook could be preserved by the Council selling it as a going concern although doubts were expressed about any guarantee this would bring for the future.

There was also concern that closure “would create greater demand in the private sector and serve to protect profits made by such homes in future”.

## **5. FEEDBACK FROM STAFF**

25 staff made individual consultation appointments. They responded in the main with concern for residents and the stress of the situation.

- “My heart goes out to the residents”
- “I’ve been through this before. I sat with the very last resident at Rykneld who was awake all night worrying, it was horrible”

There was considerable pride about Bramblebrook:

- “I view Bramblebrook as a flag-ship for Social Services homes. Closure would be a short-term gain for a long-term loss”

Staff were also concerned for their own future:

- “I feel very sad, it’s a job I enjoy”
- “I love it, there’s such good rapport. I don’t want it to close”

There was some feeling that any change ought to seek to benefit older people in some way:

- “If the money raised went directly into older people’s services it wouldn’t be so bad”

## **6. TRADES UNIONS**

UNISON submitted a series of questions by email that they felt reflected the main issues raised by their members. These were:

- What is going to happen to me?
- Am I going to be made redundant?
- Who will pay my travel costs?
- I would like to know when we carried lots of vacancies at Bramblebrook?
- Is the closure purely money motivated?
- Why are the council being so cruel to up root the elderly?
- Will residents get choices as to where they go?
- When will someone see sense and change their minds?
- Have the committee who are making the decisions visited the home for themselves?

## **7. FEEDBACK FROM OTHER INTERESTED PARTIES**

A total of 41 people sent in letters and one sent an email. All were responded to in writing. Concerns raised were similar in nature to those from residents and family or friends already described.

Age Concern also organised a petition with 4,038 signatures under the heading: “Please sign to support the residents of Bramblebrook House Residential Home in Mickleover. These residents are facing the possible closure of their home by Derby City Council in order that they can sell the land the home sits on”.

## **8. REPORT OF THE ADULT SERVICES AND HEALTH COMMISSION**

The Commission considered evidence from a range of individuals including the Cabinet Member for Adult Services, Senior Assistant Director for Adult Social Services, relatives and friends of the residents of Bramblebrook House, Derby Seniors Forum and Age Concern Derby. The Commission also looked at information about population projections, demand for residential care, Adult Social Services eligibility criteria, strategies for addressing the future needs of older people, the cost differential between Council-run and independent sector care homes and any distinctive features of each of the Council's care homes.

Recommendations made by the Commission on the basis of this evidence were as follows:

- The Commission accepts there is a case for closure of one home but does not believe this should be Bramblebrook as it has recently been modernised and there are other homes in far worse condition
- Should the Council Cabinet decide to close a home, this should not be carried out quickly because closures place a great amount of stress on the residents affected who should be given the time and support they need to find suitable alternative homes
- The Council should retain a strategic level of in-house provision proportion as experience shows that fees in the independent sector can raise dramatically if there is no competition
- There seems to be significant nervousness in people wishing to be placed in the independent sector and therefore Council should work alongside care providers to promote the positive attributes of independent sector

The Commission drew further conclusions which were not stated as recommendations but are nonetheless significant:

- "Evidence shows that older people increasingly want to live independently with dignity. They want en suite facilities, freedom to cook what they like and when they like and to have complete control to their front doors. It was apparent that none of our existing residential homes provide all of these facilities and are therefore not fit for purpose".
- "It is evident from visits to the Councils care homes that more and more people are entering the service with higher levels of needs than in the past".
- National and local evidence shows that dementia is on the increase and our only secure unit has 12 places which is totally inadequate for the scale of the needs in the city. The Council therefore needs to reorganise its services to meet this growing need".
- "The Commission recognises the Council's duty to provide value for money especially as there are significant differences in the cost of provision between in-house and the independent sector. It also feels that we should offer choice between in-house and the independent sector, especially as users seem to have a higher level of confidence in the council run provision".
- "[T]here does not appear to be sufficient vacancies in the combined sectors to cater for all residents, especially in the Council run homes in order to give meaningful choice to the residents".

## **9. SURVEY OF SHELTERED HOUSING SCHEMES**

A survey of residents of sheltered housing was carried out during the consultation period, establishing the factors that respondents most valued about their housing. 51 people aged 55 and upwards were surveyed, the largest proportion being in the 75 to 84 bracket. The opportunity was taken to also ask them to consider their preferred choice of future accommodation, should their needs increase to a level where they could not stay in their current tenancy.

38 people (74%), chose Extra Care and 10 (20%), chose Residential Care. 6% did not make a choice. The main reason for the Extra Care preference was given as the greater independence that it would offer.