

## **Consultation on the proposed closure of Warwick House**

### **SUMMARY**

- 1.1 On 23<sup>rd</sup> November 2010 Council Cabinet decided to consult on a proposal to close Warwick House care home for older people. The consultation ran from 1<sup>st</sup> December 2010 to 23<sup>rd</sup> February 2011.
- 1.2 This report summarises the responses to the consultation process and seeks to address the key concerns that were raised.
- 1.3 Further details about the consultation process and the responses received are appended to the report.

### **RECOMMENDATIONS**

- 2.1 To close Warwick House on a date no sooner than 31<sup>st</sup> March 2012.
- 2.2 To secure the futures of the Council care homes at Arboretum House, Bramblebrook House, Coleridge House and Raynesway View for at least the timescales set out in table 9.2 below.
- 2.3 To provide an option for Warwick House's seven long-term residents to move together to nearby Bramblebrook House.
- 2.4 To transfer Warwick House's six Intermediate Care beds to Perth House care home for older people on or before 31<sup>st</sup> March 2012.
- 2.5 To transfer Warwick House's fifteen respite care beds to Perth House over time, with appropriate use also made of respite beds at Coleridge House and Bramblebrook House on an interim basis.

### **REASONS FOR RECOMMENDATIONS**

- 3.1 Consultation feedback has strongly challenged the proposal to close Warwick House, but the rationale for the closure remains solid and is set out in the Supporting Information section. An extended timescale for the closure is felt to be important in view of the concerns of existing residents, respite attendees and their families.

- 3.2 Assurances about the long-term future of Council care homes cannot be provided because of concerns about their design and the changing expectations of Derby's older people. Perth House, planned for a specialist focus in intermediate care and respite care, is an exception to this. However, medium term assurances can be made about the remaining four homes because plans to replace them imminently are unrealistic in the current financial climate. It is important to provide these assurances for the sake of the people who currently live and work there, so that the Council can make most efficient use of the services, and also so that long-term residents and respite attendees at Warwick House understand their options if they strongly prefer to move to a Council-run setting in the event of closure being approved.
- 3.3 Residents of Warwick House would get tailored support from a key-worker, based on their individual preferences, if the home had to close. The offer made in Recommendation 2.3 above is designed to support the opinions generally expressed by the seven residents and their families in the consultation period, based on the friendships they have made with one another. However, other arrangements would be made for any resident where this did not meet their needs or suit their preferences.
- 3.4 The decision to move all of Derby's residential intermediate care capacity to the same site has been made previously because this will enable a more high-profile and consistent service. Warwick House beds will be transferred to Perth House so that the city's intermediate care capacity is maintained.
- 3.5 The Council has made the decision to continue being a substantial provider of residential respite care. This is in recognition of the vital importance respite has in helping older people and their informal carers to sustain their day-to-day lives. It is extremely important that current respite attendees at Warwick House are reassured that capacity to support them will remain if the home should close, that a specialist focus on respite will continue, and also that there will be further respite options local to Warwick House for at least the medium term.

<b>SUPPORTING INFORMATION</b>
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#### **4.0 Background to the proposal**

- 4.1 The proposal to consult on the closure of Warwick House was agreed by Council Cabinet on 23<sup>rd</sup> November 2010 after detailed study of the demand and supply of care home places in Derby.

- 4.2 This study drew on reports that were presented to Council Cabinet on 17<sup>th</sup> March 2009, 27<sup>th</sup> October 2009 and 16<sup>th</sup> February 2010. The main reasons set out for change in these reports were:
- Fewer people were moving into care homes each year because they were now better supported at home
  - This meant there were too many care home places in Derby as a whole
  - There was very little Extra Care Housing in Derby and older people said they wanted this as an alternative to care home places
  - There needed to be a clearer focus on dementia and on intermediate care (short-term rehabilitation designed to help people return home)
  - The Council's care homes were built in the 1950s, 1960s and 1970s for more able people than currently live in them. Despite the best efforts of staff the design of the homes do not support good care.
- 4.3 The conclusion reached by Council Cabinet on 16<sup>th</sup> February 2010 was that Warwick House ought to be retained and adapted to specialise in dementia care. However this decision had to be reversed because of changes in available funding both nationally and locally.
- 4.4 Firstly, the Council now has much less money available to build new services like specialist dementia care homes and Extra Care Housing. Council Cabinet have already decided to focus available investment on building Extra Care Housing.
- 4.5 Secondly, the Council can no longer justify running all of its care homes in a situation where there are too many care home places in Derby as a whole. The selling of the Warwick House site would give the Council money to help develop more Extra Care Housing. The Council is having to rely more and more on its own funding for these developments since other Government funding has dried up.
- 4.6 The Council has decided to develop dementia care in other ways. There has been considerable recent investment in community services that support people with dementia and their carers to live at home for longer. In 2011-12 there will also be investment in independent sector care homes that meet the Council's new specification for dementia care by providing the quality accommodation and focused staffing that residents with dementia need. The Council plans to increase the amount of high quality residential dementia care in the independent sector by 90 beds each year for the next three years.

- 4.7 The Cabinet Report of 23<sup>rd</sup> November 2010 recommended the closure of Warwick House for the following reasons:
- The existing Intermediate Care function at Warwick House (six beds known as the "Cherry Tree Unit") can very straightforwardly be transferred to Perth House.
  - Warwick House is in the South West of the city, which has the second highest supply of care home places in Derby (after central wards).
  - The care home has for some time been primarily focused on short-term care as well as Intermediate care. This means there are only seven long-term residents.
  - Although there are other older people accustomed to using the home periodically for respite, the low number of long-term residents minimises the number of older people significantly affected by closure.

## **5.0 The consultation process**

- 5.1 Information was provided to residents, respite users and their families in the following ways:
- Via face-to-face open meetings on the 1<sup>st</sup> December, 14<sup>th</sup> January and 1<sup>st</sup> February
  - Via two written briefings with cover letters that were posted to stakeholders and gone through in person at the meetings on 1<sup>st</sup> December and 1<sup>st</sup> February. These are attached as Appendix 2 and Appendix 3 of this report.
- 5.2 Information was provided to home staff via the Unit Manager who was briefed in person at the start of the consultation period. Service Managers and the Head of Direct Services offered to visit Warwick House and meet staff in the consultation period but were advised that staff did not see this as fruitful, preferring to wait for the outcome of the consultation before considering implications.
- 5.3 The Council commissioned Agencia Consulting to collect feedback from residents, respite users, their families and staff in the consultation period. Opportunities were provided for face-to-face, telephone, e-mail or postal contact.
- 5.4 The consultation feedback is presented by Agencia Consulting in Appendices Five (residents, families and advocates) and Six (staff). The Council have had no input into the presentation or the content of this information, having appointed Agencia to act as an impartial facilitator of consultation feedback.
- 5.5 Council officers also attended Blagreaves Neighbourhood Forum and were invited to attend a follow-up meeting on the 12<sup>th</sup> February that was specifically focused on the Warwick House proposal. The issues raised by people at that meeting are set out in Appendix Four.

## **6.0 Petitions**

6.1 Councillors received four petitions opposing the closure of both Merrill House and Warwick House. The titles of these petitions were as follows:

- Save our Care Home – We the undersigned petition Derby City Council to redirect the necessary funding from the millions being spent on the new Council House and consultancy fees, to safeguard the future of Merrill House and Warwick House
- Warwick House – Please support us and sign our petition to stop our home closing
- Merrill House – Please support us and sign our petition to stop our home closing
- Labour says – Keep our Care Homes open – We the undersigned call on Conservative and Liberal Democrat Councillors who run Derby City Council to THINK AGAIN and keep Warwick House and Merrill House open

6.2 In total, once invalid entries have been removed, 4732 signatures are on record as opposing one or both of the potential closures. This reflects considerable public opposition but it should be noted that the petition process did not involve consideration of the reasons that the closures were being consulted upon by the Council.

## **7.0 Consideration of consultation feedback**

7.1 This section will address the main areas of comment from residents, respite attendees, family members, staff and local citizens that are set out in Appendices Four and Five.

7.2 Some consultation feedback expressed uncertainty that the Council had a clear rationale for the proposal to consult on the closure of Warwick House. Information about the previous Cabinet reports had been made available at the home in the course of 2009 and 2010. A briefing (attached at Appendix 2) followed by a question and answer session was given to residents, respite attendees and family members on the first day of the consultation, but understandably information needed to be repeated and clarified at the two further open meetings at the home. A second briefing, circulated at the open meeting on 1<sup>st</sup> February, is attached at Appendix 3.

7.3 Some respondents disputed the Council's interpretation of current trends and preferences. These comments have been considered but the Council's previous analysis still holds firm. Appendix 3 summarises the evidence that the Council has used to justify consulting on the closure of Warwick House and also provides a link to the detailed work carried out to support the first stage of the care home review that reported to Cabinet in March 2009. The table in 7.4 overleaf sets out responses to the main queries raised about the rationale for the work.

Query	Response
It felt counter-intuitive to some people that demand for care homes would be going down while the numbers of older people were going up	<i>Both the increase in Derby's population of older people and the decline in numbers of those older people needing to move to care homes are objective facts over recent years and are projected to continue</i>
Some residents and family members, having had first-hand experience of needing to leave home and move into care, felt sceptical that Extra Care Housing could support people with significant levels of need	<i>There are residents in Derby's current Extra Care Housing schemes who have moved there from residential care homes. The Council has consulted older people of all ages and disabilities and found a strong demand for Extra Care Housing as an alternative to care homes</i>
Existing residents and their families tended to mistrust independent sector care home provision. Some respondents also reported negative experiences of independent sector care homes that they had encountered previously	<i>Many older people do actively choose independent sector homes rather than Council homes. The Council's safeguarding responsibilities remain the same, whichever type of home someone is in. However, if Warwick House was to close, residents would be given an informed choice about the Council's remaining care homes should they strongly wish to stay in-house.</i>
Some people were concerned that all Council care homes would be closed quickly	<i>Current proposals concern the potential closure of Warwick House and Merrill House only. Further homes could only be closed subject to individual consultation, but this would only be countenanced if alternatives like Extra Care Housing were more widely available than at present.</i>
Concern was expressed that the Council was only motivated by saving money and that there would actually not be a saving from this proposal	<i>The proposal to close Warwick House is prompted by the need to make the best use of the Council's resources to provide more choice for older people. Evidence of value for money is provided in Appendix 1 of this report.</i>
Some people felt that Warwick House ought to be extremely viable: it was popular and there was evidence of new care homes being built by independent sector providers, suggesting the care home market was in a healthy state	<i>Warwick House accommodation is not well designed for older people with high care needs. New care homes have more space and better facilities, increasing privacy and dignity for residents. These homes will make it harder for Warwick House to compete over time.</i>

- 7.5 Many people raised the refurbishment of the Council House in relation to the proposed closure of Warwick House as evidence that the Council was not prioritising older people. Respondents had not picked up that the Council House refurbishment was designed to reduce accommodation costs and that without this efficiency there would be less funding available for Council services in future, including those for older people.
- 7.6 There were several suggestions that services at Warwick House should be consolidated, in particular through the development of day services on site. Two community responses suggested that the home was more strategically important than the Council's day centres for older people, and that one of these should be closed with at least some day service being moved to Warwick House. However, this would not address the underlying physical weaknesses of the home and does not seem likely to be a robust option in terms of either value-for-money or customer choice.

## **8.0 Issues for residents and respite attendees**

- 8.1 An overriding concern for many people who responded to the consultation was the difficulty of moving current residents and respite attendees. Appendix 1 sets out how the Council considered this issue in the context of the European Convention on Human Rights, and weighed up very carefully the possible impact on vulnerable people having to move from Warwick House before reaching the decision to consult on closure of the home.
- 8.2 Smith Partnership asserted in their letter of 16<sup>th</sup> February (attached at Appendix 7) that in August 2009 residents were advised that Warwick House would be their "home for good". This is categorically not the case. On 27<sup>th</sup> October 2009 Council Cabinet decided that Warwick House would be one of three homes with a long term future, two being focused upon dementia care and one being focused on intermediate and respite care. Residents were visited at this point and advised that neither of these possible futures would result in them being asked to leave the home. However they were not given a wholesale assurance that Warwick House would be their "home for good" regardless of other eventualities.
- 8.3 Although predominately focused on short-term intermediate care and respite placements, Warwick House has offered long term care placements for many years. When a resident moves to Warwick House s/he is clear that, following any trial period, the intention is that it will become their home and that they will live there (as opposed to staying for a short time). It is intended that this is the person's home on a long term basis, and indeed for some people this will be for the rest of their life. However, this is not a promise or a guarantee. On entering the home, staff reassure people that this is their home now and assist them to feel at home and comfortable within it. This does not imply that there is guarantee that the person will live at Warwick House for the rest of their life.

- 8.4 The fact there are only seven long-term residents and that this small number could be supported by other care homes in the local area over time was a significant factor in the decision to consult on the closure of Warwick House. However, all seven residents had strong ties to the home, and their situations need to be given significant weight. Several have lived there for a considerable period of time, with one having stayed for 23 years after originally being admitted with her disabled husband. Some other residents moved from Arthur Neal House and Bramblebrook House when those homes were facing closure (Bramblebrook subsequently stayed open) and would obviously not welcome moving again.
- 8.5 There seems to have been a very strong consensus from residents and their families about key points:
- They did not wish to move at all
  - They valued the support they got from Warwick House staff very much
  - They had a strong friendship bonds as a group
  - They were mostly committed to the local area
  - They preferred Council provision to independent sector provision
  - They did not think Extra Care Housing was right for them at this point in time
- 8.6 If the decision is taken to close Warwick House the feedback above indicates that the most appropriate offer to make to long-term residents would be to move together to another Council-run care home in the local area. Some people might prefer a different option and the first stage after any decision to close Warwick House would be for individual key-workers to have separate conversations with each person and any involved family members or advocates. However, in view of consultation responses, it would be inappropriate of the Council not to offer the above as an option, with the aim of maximising continuity and minimising stress for residents.
- 8.7 There was significant misunderstanding about the Council's plans for respite care. A number of respondents presumed that the Council was cutting respite beds and were understandably concerned about this. The Council's plan for both respite and intermediate care is to continue to provide it at Perth House in Derwent Ward. Perth House has 22 long-term beds which would be converted into respite and intermediate care as existing residents moved on. This would fully replace the 21 respite and intermediate care beds at Warwick House. Respite care could also be provided at nearby Bramblebrook House and Coleridge House over a transitional period while Perth House was building up its capacity. This information was emphasised in the February 1<sup>st</sup> briefing (Appendix 3).
- 8.8 The recommendation for Merrill House is to use all future vacancies to provide short-term care (see 9.2 below and the accompanying report on Merrill House). This will also support with the transitional arrangement until full respite capacity is available at Perth House.

- 8.9 Feedback from long-term residents, respite attendees and family members emphasised that any change, however well-managed, could be challenging. There was a strong representation to keep the care home open until the last long-term resident had moved on. It is not recommended that the Council makes this open-ended commitment. There is a need to strike a balance between supporting the current group of residents and the need to release resources that will help develop Extra Care Housing to other groups of older people. However, if a decision is reached to close the home, it is very sensible for the Council to delay actual closure by as much time as can be afforded so that the number of current residents and respite attendees affected by the change is minimised.

## 9.0 The future of other Council care homes for older people

- 9.1 It is important for the Council to be clear about the future of its other homes in light of 8.5 and 8.7 above. Perth House in Derwent Ward has been identified as the future site for Intermediate Care and Respite Care offered by the Council. The strategy with other Council care homes is to plan to replace them over time in a “New Homes for Old” approach which is dependent on both a continued decline in demand for them and an increase in alternatives such as Extra Care Housing and more modern care home provision delivered by the independent sector. However, the development of alternatives is obviously being hampered by the economic climate. The remaining five homes, while needing to be replaced by more modern alternatives over time, seem likely to have a medium term future (up to five years) as indicated by the table below.

9.2

Care home	Previous position and current issues	Minimum lifespan**
Arboretum House	In an area that is well served for care homes, but no clear current plan for replacement	2013
Bramblebrook House	Intended for replacement by Extra Care Housing on the same site. However, no development capital is available or earmarked for this at present	2014
Coleridge House	Previously intended for replacement by Extra Care Housing at a local site. However, although ECH is going ahead, Coleridge House provides a valuable dementia service and could not be considered for closure until the amount of care home specialist dementia capacity increases	2013
Merrill House	The consultation on the closure of Merrill House is recommending that home stays open but that this is kept under review, and only short-term placements are admitted	2013
Raynesway View	In an area that is poorly served for care homes. Local alternatives would need to be developed before home closure could be considered	2015

\*\* Any closure could only be decided after consultation following the same process as that being undertaken for Warwick House. See Appendix 1 (Legal) for further details.

## OTHER OPTIONS CONSIDERED

- 10.1 Not closing Warwick House would be the best decision for existing residents, respite attendees, family members and staff but would not serve many other older people, their families and communities well. This is because resources could not be diverted to more modern alternatives like Extra Care Housing which provide choice and control in other parts of the country but are only recently emergent in Derby.
- 10.2 Remaining with the previous plan of developing Warwick House to provide dementia care would divert resources from new-build Extra Care Housing and deliver a remodelled scheme within the shell of a building constructed in the early 1960s with correspondingly high maintenance costs and reduced lifespan.
- 10.3 Agreeing to closure but providing an open-ended commitment to maintain Warwick House until the last resident had left naturally would create significant uncertainty and delay around new developments.
- 10.4 Agreeing a very rapid closure, for instance within 2011, would create unnecessary additional concern for residents, respite attendees and involved families or friends.

**This report has been approved by the following officers:**

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Robin Constable Roger Taylor Liz Moore Sally Curtis
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<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Phil Holmes 01332 716985 <a href="mailto:phil.holmes@derby.gov.uk">phil.holmes@derby.gov.uk</a> None Appendix 1 – Implications Appendix 2 – CONSULTATION BRIEFING GIVEN TO RESIDENTS, RESPITE ATTENDEES AND FAMILIES, 1 <sup>ST</sup> DECEMBER 2010 Appendix 3 – FOLLOW-UP BRIEFING GIVEN TO RESIDENTS, RESPITE ATTENDEES AND FAMILIES, 1 <sup>ST</sup> FEBRUARY 2011 Appendix 4 – ISSUES RAISED BY ATTENDEES AT BLAGREAVES NEIGHBOURHOOD OPEN MEETING, 16 <sup>TH</sup> FEBRUARY 2011 Appendix 5 - Final report on consultation of residents, family members and advocates at Warwick House from Agencia Consulting Appendix 6 – Feedback from home staff collected by Agencia Consulting Appendix 7 – Letter from Smith Partnership
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<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 An undertaking has been provided to all current residents that they would not be asked to incur any additional placement costs if Warwick House was to close and they were to decide to move to independent sector placements (see Appendix 3). In most usual situations a third party would be asked to provide a “top-up” if a Derby care home charged more than the Council’s usual rate but in this case the Council will pay any top-up which is consistent with the prevailing rates in the area.
- 1.2 The closure of Warwick House will provide at least a modest revenue saving although this is lower than was envisaged in the November 23<sup>rd</sup> Cabinet Report. In the financial worst-case scenario (the Council pays the full top-up for all placements at the normal market rate for the Blagreaves and Littleover area) the annual saving would be £36K. In the best case scenario (the Council does not pay any top-ups on its usual rates) the annual saving would be £80K. Whether minimum or maximum the level of revenue saving gained from closing Warwick House is clearly not significant within the Council’s overall budget strategy. This initiative is designed to help increase the range of options for older people in the future rather than being primarily focused on maximising savings.
- 1.3 In capital terms the receipt from the sale of the Warwick House land, should the decision be made to close the home, has now been set against the development of Extra Care Housing on the Grange Avenue / Normanton schools site. A development partner is in place for this scheme. The capital receipt from the Warwick House site would ensure that enough funding was available to deliver the scheme and bring 78 further one and two bedroom Extra Care Housing flats to the city.
- 1.4 It should be noted that the sale of the Coleridge House site (subject to consultation) was previously set against the Extra Care Housing development at Grange Avenue but this has now been replaced by Warwick House in view of the continuing requirement for Coleridge House set out in 8.2 above.

**Legal**

- 2.1 When a Council makes a decision to close a residential care home they must demonstrate they have satisfied certain legal tests and that they had sufficient information to allow them to make a fair, balanced and legally sound decision. These tests are set out and addressed below.

- 2.2 The case of *R v Brent London Borough Council ex parte Gunning* identified four requirements to make any consultation valid. These were confirmed in *R v North and East Devon Health Authority ex parte Coughlan* and are:
- consultation must be at a stage when proposals are still at a formative stage
  - the proposer must give sufficient reasons for the proposal so as to 'permit of intelligent consideration and response'
  - adequate time must be given for consideration and response
  - the product of consultation 'must be conscientiously taken into account in finalising any statutory proposals'.
- 2.3 Section 5.0 of the main report and Appendices Two, Three, Four and Five set out the consultation which has been carried out on this occasion. Officers believe that it meets the first three of the requirements above. It is for Members to conscientiously take into account the outcome of the consultation before making the final decision.
- 2.4 In *Coughlan* a precedent was established that – in certain circumstances – if a resident had been given a clear and unequivocal promise of a home for the rest of their life this was a significant factor in deciding whether a care home could close. The facts in this case are very different and can be distinguished. No residents were given an assurance that they could live at Warwick House for the rest of their life and none of the written information produced suggests this would be the case. It would be misleading and inaccurate to do so as Warwick House is a residential care home and it is common that a resident will need nursing care as their needs increase and this would necessitate a move of accommodation. When residents move into the home they sign a standard agreement which makes it clear they are granted a licence rather than a tenancy which would confer additional rights.
- 2.5 Article 8(1) of the European Convention on Human Rights ('the convention') provides that everyone 'has the right to respect for his private life, his home and his correspondence'. Article 8(2) provides that interferences with this right are only justified if they are permitted by law, if they are measures necessary in a democratic society to meet a pressing social need and are proportionate to the aim being pursued. Legitimate aims include the economic well-being of the country or the protection of the rights and freedoms of others. In the case of Warwick House there is a persuasive argument that Article 8(1) would apply to people who now live there as permanent residents. That being so it would be necessary to demonstrate that Article 8(2) is satisfied in order to make a decision to close the home.
- 2.6 The Courts have held that a local authority can legitimately decide to close a residential home based on the aim of using available resources to meet the needs of older people across a local area. This is with the proviso that all current residents are offered suitable alternative accommodation. In the case of Warwick House that justification can apply. The rationale for deciding to close the home is based on a need to improve accommodation provision for older people, and all residents will be offered an alternative which is suitable for their own individual needs after discussion with an allocated member of staff.

- 2.7 In a 2008 case involving home closures proposed by Havering and Coventry councils an argument was advanced that a transfer of residents may amount to a breach of Article 2 of the Convention, which covers the right to life, or be unreasonable according to 'Wednesbury' principles. The Court held that this right would only be engaged where there is evidence to show that there is a real and imminent risk to life as a consequence of closure and that the Local Authority had not taken steps to address that. There is no specific evidence that has come forward in this case and needs to be considered. The court reviewed the medical evidence of the risks to residents and concluded that they presented a very mixed picture and that different people reacted to a move in different ways. The Judge felt that "Moves which are sensitively and thoughtfully handled can be achieved without a significant increase in mortality, although there may be individuals who cannot be moved however carefully the moving process is handled, though such cases are rare."
- 2.8 The Havering and Coventry decision also gives important guidance about how individual assessments should be carried out. It stresses the importance of sensitivity and care with each person but concludes there is no need to assess risk to individuals prior to a decision to close. This is consistent with the approach we have adopted. Residents and their families have been advised that they will be allocated a worker who will talk to them about their wishes and try to minimise the upheaval and risk of a move as far as possible.
- 2.9 Although medical opinion is not unanimous on the nature and extent of risks to health it is clear that moving elderly and frail residents could have adverse effects on their physical and mental health. R on the application of Rutter v Stockton on Tees Borough Council, another 2008 case, provides useful direction on how this should be considered by local authorities when making a decision. (This is in addition to the Human Rights considerations set out above). It should be demonstrated that Council Cabinet considered the issue of the impact on the health of the residents of a decision to close and relocate in a prominent and focussed way.. Critically, there must be due consideration of whether adequate steps are taken to address and minimise that risk. During the consultation residents and their families have been assured that they will receive considerable support if they need to move. This would include discussing their preferences for where they would like to go, visiting other accommodation, advice about the financial impact, passing on detailed information to the new care provider and follow up checks after a move. The proposed timescale for closing the home gives a considerable period to find a suitable alternative and make the practical arrangements to move. This should also help to minimise the potential risks. Council Cabinet should be satisfied this is the correct approach to minimise risks to health and that the legal requirements are met. The view of officers is that this is appropriate.

## **Personnel**

- 3.1 Staff affected by these proposals have been given opportunity to feed their views into the consultation process, and to have these views considered before a decision is made. Staff feedback is summarised within Appendix 5.

- 3.2 If the home was to close staff would have access to the Council's redeployment procedure and would be prioritised as appropriate for vacancies in other care homes. However, they would have no guarantee of another job within the Council.

### **Equalities Impact**

- 4.1 This proposal is designed to enable the further development of Extra Care Housing, which older people have strongly requested in Derby and which is under-supplied at present. The closure of Warwick House would support the development of an Extra Care Housing scheme in Normanton ward, an area without this service at present but subject to high levels of deprivation.
- 4.2 The impact of closing Warwick House care home has been demonstrated not to be detrimental to older people in the local area or the city as a whole, because respite and intermediate care will be re-provided and there are enough local facilities to meet demand for long-term care.

### **Health and Safety**

- 5.1 Potential Health and Safety impacts from closing the home are noted and addressed in paragraph 2.9 above.
- 5.2 There are potential Health and Safety impacts from not closing Warwick House if the annual investment in maintenance required to keep the home in operation is not provided.

### **Environmental Sustainability**

- 6.1 The net environmental impact will be positive. Warwick House was built in the early 1960s and is not efficient in terms of energy consumption. The home will be replaced by a new-build Extra Care Housing scheme with environmental sustainability as a significant part of the specification.

### **Asset Management**

- 7.1 The proposal has significant asset management implications, from proposing the disposal of the Council-owned site at Warwick House to investing the capital receipt to deliver Extra Care Housing on another Council-owned site at Grange Avenue.

### **Risk Management**

- 8.1 Risk management is already explicitly covered within this report. Chief among these are the risks to existing residents and respite attendees if the home was to close. Paragraph 2.8 above, along with Appendix 3, set out how the Council plans to manage this risk proactively and responsively.

### **Corporate objectives and priorities for change**

- 9.1 HC1: To increase choice and control to support independence.  
HC2: To increase the range and quality of regulated and non-regulated adults social

care services

9.2 COD2: To deliver value for money across all services

**CONSULTATION BRIEFING GIVEN TO RESIDENTS, RESPITE ATTENDEES AND FAMILIES, 1<sup>ST</sup> DECEMBER 2010** (posted to those who could not attend meeting)

**Consultation on the Proposed Closure of Warwick House**

On 23<sup>rd</sup> November 2010 Derby City Council Cabinet made a decision to allow consultation on a proposal to close Warwick House care home for older people.

The consultation process will begin on Wednesday 1<sup>st</sup> December 2010 and end on Wednesday 23<sup>rd</sup> February 2011. At the end of this period the responses to the above proposal will be collated and considered by Council Cabinet. It is only at that point that a final decision will be made. The date for this decision will be Tuesday 19<sup>th</sup> April 2011.

This briefing is intended to explain the reasons for the proposal, how it was developed, and the actions that will be taken with regard to Warwick House should closure be approved.

**Current services at Warwick House**

Warwick House has 28 bedrooms. 7 bedrooms are occupied by long-term residents. A further 6 bedrooms, known as the Cherry Tree Unit, are used to provide Intermediate Care. The remaining rooms are used to provide emergency and respite care.

**Previous work**

The Council has been considering changes to care home services for some time. Reports were presented to Council Cabinet on 17<sup>th</sup> March 2009, 27<sup>th</sup> October 2009 and 16<sup>th</sup> February 2010 setting out the reasons that changes needed to be made and the time over which changes should take place.

The main reasons set out for change were:

1. Fewer people were moving into care homes each year because they were now better supported at home
2. This meant there were too many care home places in Derby as a whole
3. There was very little Extra Care Housing in Derby and older people said they wanted this as an alternative to care home places
4. There needed to be a clearer focus on dementia and on intermediate care (short-term rehabilitation designed to help people return home)
5. The Council's care homes were built in the 1950s, 1960s and 1970s for more able people than currently live in them. Although staff are generally excellent the design of the homes do not support good care.

On 16<sup>th</sup> February 2010 Council Cabinet agreed that Warwick House should be adapted to provide specialist dementia care.

## **What has changed?**

Like many other Local Authorities, the Council's financial situation has changed a great deal in the last year.

Firstly, the Council has much less money available to build new services like specialist dementia care homes and Extra Care Housing. The decision Council Cabinet has made is to focus available investment on building Extra Care Housing. This is why the proposal to develop specialist dementia care at Warwick House has been abandoned.

Secondly, the Council can no longer justify running all of its care homes if there are too many care home places in Derby as a whole.

There are two ways that closing Warwick House will help the Council:

1. Day to day running costs will be saved
2. The selling of the site will give the Council money to help develop more Extra Care Housing. The Council is having to rely more and more on its own funding for these developments since other Government funding has dried up.

## **What has stayed the same?**

The Council's financial situation has speeded up the need for change, but the principles of the previous work still apply. The five reasons for change set out on the previous page still stand. In particular, there are still too many care home places in Derby. The report shows that the numbers of beds could be reduced by 78 and there would still be enough places for older people who need to move into residential care.

This principle of making sure there are enough places for older people is extremely important. Care home beds cannot be cut so much that vulnerable older people have nowhere to move. Although money is clearly an important factor, the overriding consideration is that there are enough care home places for older people at any given time.

Another principle of the previous work that is still very important is to look at the different needs of different areas and not treat Derby in a "one-size-fits-all" way. Warwick House is one of two sites chosen out of the Council's seven homes because there are enough local alternatives to support the area if the home is closed.

Ensuring older people have proper access to good dementia care is still essential although the approach to achieve this has changed. The Council's commitment to providing Intermediate Care that helps people regain confidence and skills to return home when it is safe also remains strong.

## **What will happen to people who live at Warwick House or who attend for respite or intermediate care?**

The Council recognises that closure of the home would be extremely difficult for residents, respite attendees, family members and friends, as well as staff working in

the home. If closure was confirmed the Council would work sensitively with affected people, exploring good quality alternatives over a manageable period of time that minimises the stress of moving.

For everybody affected:

- Council Care Managers will work very closely with residents, respite attendees and their families, looking at whether needs have changed and making sure their wishes are central to decisions.
- Residents or respite attendees without involved family members or friends will be offered advocacy that can help them express their wishes.
- Approximately six months will be allowed between any decision to close Warwick House and its actual closure so that decisions are not rushed.

For long-term residents:

- Permanent residents will be supported to move to care homes that meet their needs in locations they prefer.
- Some residents may prefer to move to other Council-run care homes. This may be an option but extreme caution needs to be exercised: the Council has made it clear that other care homes will undergo consultation on closure as the demand for places falls further.
- Some residents will have developed friendships at Warwick House and may prefer to move in groups. This will be accommodated when at all possible.

For respite attendees:

- Respite attendees will also be given help to access different respite arrangements that suit them.
- The Council's obligation to meet individual respite needs will not change if the home closes.

For intermediate care attendees:

- Intermediate care arrangements will be switched to Perth House.
- The same number of beds as now will be available so, apart from a change of location, people with intermediate care needs should not experience any difference in their service.

## **Next steps in the consultation process**

People affected by the proposed changes to Warwick House will be consulted between 1<sup>st</sup> December 2010 and 23<sup>rd</sup> February 2011.

These will include:

- Residents of Warwick House
- Respite attendees at Warwick House
- The families, carers and advocates of the above
- Council staff who work in Warwick House
- Wider stakeholders who have an interest in the development of older people's services in the area including local residents and community groups.

The Council recognises the significance of these proposals and has therefore recruited an independent organisation to facilitate and report on the consultation for

them. The organisation is called Agencia Consulting and they have considerable experience of ensuring that people affected by change and their families are properly engaged in consultation. All responses to the consultation should be directed to Agencia Consulting, whose contact details are given below.

There will be opportunities for individual or small group meetings with the Agencia team as the consultation period progresses, to help to share information, hear responses to the consultation and answer questions. The arrangements for these meetings will be made through the staff at Warwick House, and a range of dates/times will be offered.

If you would like to respond in writing, please use the comments form attached. We do not need your name, unless you want to receive an individual reply. Everybody taking part in the consultation will also be advised of answers to Frequently Asked Questions.

At the end of the consultation period all feedback will be collated and forwarded with a covering report to Council Cabinet for a decision on Warwick House. This decision will be given on 19<sup>th</sup> April 2011.

**Contact details for Agencia Consulting:**

***Ian Hargreaves,  
Principal Consultant,  
Agencia Consulting,  
8 Waterside House,  
Livingstone Road,  
Hessle,  
East Yorkshire  
HU13 0EG.***

*You can also contact the Agencia team by telephone on: **01482 649939** or by e-mail at [info@agenciaconsulting.com](mailto:info@agenciaconsulting.com) (please let us know if you would like an electronic copy of the comments form).*

**FOLLOW-UP BRIEFING GIVEN TO RESIDENTS, RESPITE ATTENDEES AND FAMILIES, 1<sup>ST</sup> FEBRUARY 2011** (posted to those who could not attend meeting)

**Consultation on the closure of Warwick House:  
further briefing**

The open meetings on 1<sup>st</sup> December and 14<sup>th</sup> January showed that many people wanted more information about why the Council had made decided to consult on a proposal to close Warwick House. People also wanted to know more about what would happen if the decision was made to close Warwick House, especially how they and their families would be supported if this happened.

This information is provided overleaf. It is difficult to strike a balance between writing too much and not enough: anybody with any queries should contact Phil Holmes, Head of Commissioning on 01332 716985 or at [phil.holmes@derby.gov.uk](mailto:phil.holmes@derby.gov.uk)

The Council's aim is for everybody to have all the information they need to contribute to the consultation if they wish to. The consultation runs until 23<sup>rd</sup> February 2011. You can respond to the consultation in several ways:

Ian Hargreaves,  
Agencia Consulting,  
8 Waterside House,  
Livingstone Road,  
Hessle,  
East Yorkshire HU13 0EG

You can also make your views known  
by telephone on **01482 649939** or by  
e-mail at [info@agenciaconsulting.com](mailto:info@agenciaconsulting.com)

## **Why is there a proposal to close Warwick House?**

There are several reasons why this proposal has been made. The Council has set out evidence in great depth in public reports that have gone to Cabinet. The best place to read all of the background information is at

<http://cmis.derby.gov.uk/CMISWebPublic/Binary.ashx?Document=13056>

while the most recent report can be read at

<http://cmis.derby.gov.uk/CMISWebPublic/Binary.ashx?Document=16656>

Both of these reports can be posted on request.

In summary,

1. There is strong evidence that there are too many care home beds in Derby as a whole. Numbers of people moving in to care homes have gone down considerably over the last five years, even though numbers of older people in Derby are going up. This is because community services are better at helping people stay at home for longer. Other Councils have shown that there is plenty more Derby can do to lower numbers further, at least until 2015.
2. Rather than keeping too many care home beds the Council would rather build more Extra Care Housing. Derby has 76 Extra Care Housing flats as compared to nearly 750 residential home places and nearly 850 nursing home places. Older people have said they would like a choice between care homes and Extra Care Housing, rather than care homes being the only option for them if they cannot stay at home.
3. The proceeds from closing Warwick House will go directly towards the cost of building Extra Care Housing.
4. Warwick House in particular has been chosen because it is in an area with other care homes that can support local people if Warwick House was to close.
5. There was an announcement in February 2010 that Warwick House would be adapted to provide specialist dementia care but these plans have had to change. This is because there is now much less money available locally and nationally for building projects of this sort. The Council has decided to use any money it can raise itself or obtain from national bodies for Extra Care Housing rather than adaptations to Warwick House.
6. The Council is still working to help local providers increase the number of dementia places in Derby's care homes as a whole.

Other issues also need to be mentioned:

1. The proposal to close Warwick House has not been made because there is anything wrong with the care there. It is very clear that the care is excellent and the staff group is of high quality. The only thing that compromises the quality of the care is the design of the building: Warwick House was built for much more able older people than currently use it. More modern care homes have much more space for residents so care can be provided with more dignity.
2. The Council has the same responsibility to people in Derby's independent sector care homes as in its Council care homes. Both are regulated in the same way. Although quality in independent sector care homes varies, like in the Council's own homes, most of the homes in the city are rated as either good or excellent by the Care Quality Commission.

3. The proposal to close Warwick House has not been made with the main intention of saving money. As above, the main reason the proposal has been made is so that the Council is better able to develop Extra Care Housing and increase choice for older people. The Council expects a relatively modest saving to come from any closure: no more than £300,000 per year is expected to be saved if both Warwick House and Merrill House are closed.

### **What will happen to existing residents if Warwick House closes?**

1. A decision to close Warwick House cannot be made before Council Cabinet meets on April 12<sup>th</sup>.
2. If Council Cabinet decide to close Warwick House, an undertaking has already been given that this cannot be before September 2011.
3. If the decision is made to close Warwick House then the Council will assign a key worker to support each resident and their family. Their role will be to assess how the resident's situation has changed since they came to Warwick House, and help the resident and their family find the best place to move to.
4. The assessment of the resident's needs will involve other people where necessary, for instance Nurses, Occupational Therapists, Doctors.
5. If a resident is not able to speak up for themselves and does not have anybody to do this for them, an advocate from an independent organisation will be organised.
6. If residents want to move with friends they have made at Warwick House this will be accommodated whenever possible.
7. If residents want to move to another care home run by the Council this will be accommodated whenever possible, but the Council will make sure this is an informed choice by explaining to the resident and their family the plans for that particular home.
8. If residents choose to move to an independent sector home, the Council will be responsible for any difference in fees that is payable. The only exception to this would be if the Council assessed that the home was not appropriate for a particular resident. An example of this would be if somebody who did not need twenty-four hour nursing care still wanted to move to a nursing home rather than a residential home.
9. Some residents might wish to move to Extra Care Housing but this is far from compulsory. As previously, The Council wants to develop Extra Care Housing to provide choice. Some people will continue to choose care homes over Extra Care Housing and the Council will always respect that.
10. As above, these decisions will be made over a long enough period of time so that the resident and their family do not feel rushed and are able to make the best decision for them.

### **What will happen to existing respite attendees if Warwick House closes?**

1. As above, any decision to close Warwick House cannot be made until April 12<sup>th</sup> 2011, and the closure cannot happen before September 2011.
2. The Council's plan is to move the respite and intermediate care places at Warwick House to Perth House which is in Derwent Ward. The Council recognises how important respite care is for so many older people and their families and wishes to continue providing this.

3. Warwick House has 28 bedrooms, of which seven are occupied by long-term residents, six by the Intermediate Care Cherry Tree Unit and the remaining fifteen for use by respite visitors.
4. Perth House has 36 bedrooms. At the moment there are twenty two long-term residents, ten Intermediate Care beds and four respite beds at Perth House. The Council's plan is for Perth House to change so that sixteen bedrooms are used for Intermediate Care and twenty are used for respite.
5. This change will take place over a period of time. In the meantime, respite beds will be made available at Bramblebrook House and at Coleridge House, both of which have respite beds set aside and both of which are close to Warwick House.
6. As with long-term residents at Warwick House, respite attendees will be assigned a key worker who can work through options with themselves and their families.

**ISSUES RAISED BY ATTENDEES AT BLAGREAVES NEIGHBOURHOOD OPEN MEETING, 16<sup>TH</sup> FEBRUARY 2011 (notes taken by Christine Bell, Commissioning Officer, Adults, Health and Housing)**

When cutbacks have to happen they are always centred on residential care. These decisions are based on money and don't take the needs of the people into account. Dementia in particular needs special treatment. (The gentleman concerned expressed these views strongly)

One particular area of concern was around couples receiving care. An example was given of a (fictional) older couple in residential care together in Warwick House. If one of the couple becomes ill and has to go to Perth House for assessment what would happen to the other?

It would be difficult for one of the couple to make the journey out of the neighbourhood to visit the other. This would also be the case for a couple living together in a bungalow in the area and one had to go to Perth house for assessment how would one travel to visit the other?

A question was asked in respect of using land values as one of the bases for decision, in particular whether costs that will be incurred during the changes been considered against this? £300, 000 would be quickly eaten up by boarding up, moving people and moving staff.

(The above gentleman also raised the issue of Council House refurbishments cost)

It was recognised that changes in respect of assessment are a good as is an increase in people looked after at home, but concerns remain about peoples care at homes being met.

Concerns about private care and care homes were mentioned. The possibility that private care presents a good front but that care will not be of the quality expected. That people are realising that there is a lot of money to be made. That once out of council control the same staff and quality standards would not be maintained.

Concerns over capacity elsewhere, particularly in Perth House, were raised. Also whether there would be enough room in Council owned care homes for people currently in Merrill and Warwick. Also whether the 7 long-term residents who had expressed an interest in staying together could be accommodated together.

A statement was made that the care home changes were ill thought out, this is the wrong time to think of this, it doesn't add up to real figures, it is not right for the people and there are concerns for them.

(A comment was made that the gentleman hoped members would get involved in the vote at the council meeting and not abstain. He was informed that the matter would be agreed by Cabinet. This was discussed. The speaker felt it was not the right place for the decision. It was noted that cabinet meetings are open to the public but there is no opportunity for the public to speak.

One person had visited many homes in a pastor role and found staff to be dedicated. He finds that Warwick House compares favourably with other places, that staff members have a caring attitude and that it would be a shame to break this up. He expressed concerns for the residents in Warwick House who have mental ill health, fearing that they will drop out of the system. He sought assurances that they will be treated kindly.

The concern that moving people might shorten their life was raised. Examples were given of people who had moved and had deteriorated. New areas are alien to people as they are not part of the community. They should be left in the area they have lived in. Memories of people being moved out of run down areas to houses with better facilities were mentioned. These people did not like the new places despite better housing. A heartfelt request to leave people where they are was made and there was much agreement around the room.

One person raised the issue of the people who were moved from Bramblebrook and now need moving again, asking were the councils duty of care was in this?

Concerns for the future of the staff were raised.

Closing Warwick House was said to possibly be an easy option and that other alternatives should be looked at.

One alternative suggested was that council day centres could be closed and that services provided there could be provided alongside residential care out of Warwick and Merrill.

The source of figures used to inform closure proposals was questioned and whether these were figures for Derby and Derbyshire or National figures. Also had they taken into consideration local area life expectancy, quality of life issues and the aging population?

It is difficult to accept that numbers are going down when private homes are still opening.

Clarification was requested I respect of actions after 12 April should the decision be taken to close, particularly as if that decision is made residents will start to worry and may want to move as soon as possible to get it over with.

A question was asked about how heavily the views collected in the consultation would weigh in decisions

There was recognition that it is difficult to spend so much on just a few people in Warwick House.