

Consultation on the proposed closure of Merrill House

SUMMARY

- 1.1 On 23rd November 2010 Council Cabinet decided to consult on a proposal to close Merrill House care home for older people. The consultation ran from 1st December 2010 to 23rd 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 keep Merrill House open but put a freeze on further long-term places.
- 2.2 To use vacant beds for short-term care, for instance to address emergencies or to provide respite care.
- 2.3 To keep the viability of Merrill House under review with a view to eventual closure and replacement with extra care housing or other comparable services.

REASONS FOR RECOMMENDATIONS

- 3.1 There has been strong opposition to the closure of Merrill House but information is provided in the following report that explains why the care home does not have a long-term future. The Council needs to release current resources over time to enable it to invest in new models of service for older people that are working extremely well in other parts of the country and are being increasingly demanded in Derby by older people themselves.
- 3.2 It is not justifiable to close Merrill House quickly in the face of the concerns that have arisen from the consultation. This is because there is no identifiable Extra Care Housing scheme or other necessary new service for older people that could be funded by capital receipt from the sale of Merrill House at this point in time.

- 3.3 Work is ongoing to develop Extra Care Housing and other modern services for older people that help reduce the demand for residential care. It would be inappropriate to use vacant beds for new long-term admissions while Merrill House remains under review.

SUPPORTING INFORMATION

4.0 Background to the proposal

- 4.1 The proposal to consult on the closure of Merrill House was agreed by Council Cabinet on 23rd 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 17th March 2009 and 27th October 2009. 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 quality care.
- 4.3 The conclusion reached by Council Cabinet on 27th October 2009 was to continue providing residential care at Merrill House pending the further development of Extra Care Housing in the local area. Merrill House would be reviewed against the development of Extra Care Housing in the area which was not expected before 2012 at the earliest.
- 4.4 However, since this decision there has been a considerable restriction of national funding available to deliver Extra Care Housing. The Council is no longer in a position to depend upon the Homes and Communities Agency (HCA) for resources and needs to focus on making best use of its own assets.
- 4.5 The Cabinet Report of 17th March 2009 had already concluded that there was an oversupply of residential care beds but no action was taken in response to this at the time. However 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 Merrill House site was therefore proposed to give the Council money to help develop more Extra Care Housing.

- 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 Council also has a plan to consolidate intermediate care and maintain respite care through developing a specialist service at Perth House.
- 4.8 The Cabinet Report of 23rd November 2010 recommended the closure of Merrill House for the following reasons:
- The refocusing of Extra Care Housing at Handyside Court on high level needs will directly impact upon Merrill House because of its relatively close proximity.
 - Merrill House is in the South East of the city, where again there is an above-average supply of care home places.
 - Merrill House does not provide any day services or supporting other specialist functions.
- 4.9 The Handyside Court Extra Care Housing scheme has now been geared to accepting high level needs when future vacancies arise.

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 1st December, 11th January and 1st February
 - Via two written briefings with cover letters that were posted to stakeholders and gone through in person at the meetings on 1st December and 1st 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 Merrill House and meet staff in the consultation period but were advised that staff preferred to wait for the outcome of the consultation before considering implications.
- 5.3 The Council commissioned Agencia Consulting to collect feedback from residents, their families, advocates 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 Appendix 5 (residents, families and advocates) and Appendix 6 (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.

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, advocates, family members and staff that are set out in Appendices Five and Six.

7.2 Some consultation feedback expressed uncertainty that the Council had a clear rationale for the proposal to consult on the closure of Merrill 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 1st 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 Merrill 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 sets out responses to the main queries raised about the rationale for the work.

Query	Response
There was opinion that Merrill House, with 36 out of 40 beds occupied, was very successful and should not be targeted for closure	<i>Merrill House is the least occupied of Council long-term homes. The proposal to close the home is because of the risk that occupancy levels will decline further in view of falling demand and the home's disadvantage in competing with other local services in terms of space and facilities</i>
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>
There was scepticism about the surplus of care home provision. One respondent had rung round Council homes and found only four vacancies.	<i>The overprovision refers to all residential homes, not just those provided by the Council. There are 750 care home places provided in total. The level of provision has stayed the same but demand has demonstrably reduced in recent years</i>
It was pointed out that new private care homes were opening so there must be a demand for care homes	<i>Three care homes for older people have opened in the last year. All are nursing homes. There is no evidence of rising demand for residential homes. Now that home-based support is more intensive people who can no longer cope at home often tend to go straight to nursing care</i>
There was concern about the Council's focus on savings, and whether closing Merrill House would actually deliver any worthwhile saving	<i>The proposal is chiefly concerned with making resources available to improve the range of services for older people. There are modest revenue savings which are outlined in Appendix 1.</i>
There was a request for evidence that older people in Derby were interested in Extra Care Housing	<i>This was set out in the Cabinet Report of March 2009 which is referred to in Appendix 3. A further briefing (Appendix 4) was produced on this and circulated at the February 1st consultation meeting</i>

Query	Response
There was concern that Extra Care Housing was not actually being delivered: it was mentioned that other homes have closed and are lying derelict because there is no money for development	<i>The Council has now secured funding for the Extra Care Housing scheme on the site of Arthur Neal House. Work on site began in March 2011 and the scheme, with 98 flats and a range of communal facilities, is expected to be completed in 2012.</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</i>
There was mistrust about 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 Merrill 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>

- 7.5 Many people raised the refurbishment of the Council House in relation to the proposed closure of Merrill 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 was a suggestion that services at Merrill House should be consolidated and regarded as a centre of excellence, and further comments that it might be possible to link day services or even youth services. However, this would not address the underlying physical weaknesses of the home and the risk of falling demand. It does not seem likely to be a robust option in terms of the future development of either day services or youth services

8.0 Issues for residents

8.1

Query	Response
An overriding concern for many people who responded to the consultation was the difficulty of moving current residents and respite attendees.	<i>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 Merrill House before reaching the decision to consult on closure of the home.</i>
Some respondents were not convinced that the Council had a plan for how to support residents if the home had to close.	<i>This was covered in the briefing given on the first day of the consultation period, and was repeated and amplified in the subsequent meetings. More detail of the Council's duty of care in these circumstances, the steps that would be taken and the support that would be given is provided in Appendix 1 (legal) and Appendix 3.</i>
There was some concern that the Council's plans to develop Extra Care Housing assumed that residents would move to Extra Care Housing if Merrill House was to close.	<i>Extra Care Housing is to be developed as an alternative to care homes in general not as a replacement for them. Residents would be fully supported to move into care homes if that was their wish should Merrill House have to close. This was communicated to residents and family members at the 1st February meeting and is reflected in Appendix 3.</i>
Some people feared having to move back into the community.	<i>As above, if a care home is the best way to meet any resident's needs that is what will be provided for that resident if Merrill House was to close.</i>

Query	Response
<p>Some respondents were concerned that they would not have a choice of placements if Merrill House was to close. They were concerned about the time they might have to make a decision and the limitation of choice if an independent sector home cost them more than Merrill House.</p>	<p><i>If Merrill House was to close there would be a considerable period allowed for people to move that would mean they could wait for preferred homes to have a vacancy. The Council would fully support with the finding of appropriate homes, as set out in Appendix 3. Provided a given home is appropriate for a given resident's level of needs, the Council would be responsible for any extra cost that is charged presuming this is consistent with prevailing market rates in the area</i></p>
<p>There was a strong feeling from some residents that if they had to move, they would like to do so with friends they had made at Merrill House. Two residents who met at Merrill House are now engaged to be married.</p>	<p><i>If Merrill House was to close the Council would move people in friendship groups when that is their wish and when it is possible. There has to be a caveat about what is possible because a very large friendship group will be harder to move together. The engaged couple mentioned above will on no account be separated as a result of any closure.</i></p>
<p>Some concern was expressed about the November 23rd Cabinet Report stating that a minimum of six months would elapse between any decision to close Merrill House being made and the home actually being closed. There was a strong feeling in consultation meetings that if the Council was to decide to close the home there should be a commitment that this should not be allowed to happen until the last existing resident had moved on naturally.</p>	<p><i>It is acknowledged that six months would be too short a timescale for the home to close should this decision be taken. Any closure timescale should be lined with a clear rationale around the timing and use of the receipt from the sale of the site.</i></p>

9.0 Timescales for review

- 9.1 The strategy with 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.
- 9.2 Current development conditions suggest that Merrill House, while needing to be replaced by more modern alternatives over time, has a medium term future of between two and five years. The remaining four homes, while also needing to be replaced by more modern alternatives, similarly seem likely to have a medium term future (up to five years) as indicated by the table below.

9.3

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 Merrill House. See Appendix 1 (Legal) for further details.

OTHER OPTIONS CONSIDERED

- 10.1 Closing Merrill House would enable the Council make best use of available local alternative care home supply whilst releasing a capital asset that could be used to invest in more modern alternatives like Extra Care Housing which provide greater choice and control over an individual's support arrangements. However, this is balanced against the disruption making a move to a new home would cause for the current long term residents.
- 10.2 Keeping Merrill House open as a long-stay home for the foreseeable future would not address the changing demand for residential care or the increasing preference among Derby's older people for alternative forms of provision.
- 10.3 Agreeing to closure but providing an open-ended commitment to maintain Merrill House until the last resident had left naturally would create significant uncertainty and delay around new developments. It would be more difficult to maintain service quality.
- 10.4 Agreeing a very rapid closure, for instance within 2011, would create unnecessary concern for residents, respite attendees and involved families or friends.

This report has been approved by the following officers:

Legal officer Financial officer Human Resources officer Service Director(s) Other(s)	Robin Constable Roger Taylor Liz Moore Sally Curtis
---	--

For more information contact: Background papers: List of appendices:	Phil Holmes 01332 716985 phil.holmes@derby.gov.uk None Appendix 1 – Implications Appendix 2 – CONSULTATION BRIEFING GIVEN TO RESIDENTS, RESPITE ATTENDEES AND FAMILIES, 1 ST DECEMBER 2010 Appendix 3 – FOLLOW-UP BRIEFING GIVEN TO RESIDENTS, RESPITE ATTENDEES AND FAMILIES, 1 ST FEBRUARY 2011 Appendix 4 – FEEDBACK ON EXTRA CARE HOUSING REQUESTED BY CONSULTATION RESPONDENTS AT MERRILL HOUSE Appendix 5 - Final report on consultation of residents, family members and advocates at Merrill House from Agencia Consulting Appendix 6 – Feedback from home staff collected by Agencia Consulting Appendix 7 – Letter from Smith Partnership
---	---

IMPLICATIONS

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 Merrill 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 Merrill House will provide at least a modest revenue saving although this is lower than was envisaged in the November 23rd 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 Chellaston area) the annual saving would be just over £10.5k. In the best case scenario (the Council does not pay any top-ups on its usual rates) the annual saving would be just over £45K. Whether minimum or maximum the level of revenue saving gained from closing Merrill 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 Merrill House land, should the decision be made to close the home, will be set against the development of Extra Care Housing in Derby. However, no Extra Care Housing scheme is currently identified which this receipt could support.

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, Five and Six 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 in Appendix 6

- 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.
- 4.2 The impact of closing Warwick House care home has been demonstrated not to be detrimental to older people as a group in the local area or the city as a whole.

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 Merrill 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. Merrill House was built in the 1970s and is not efficient in terms of energy consumption.

Asset Management

- 7.1 The proposal has clear asset management implications in terms of suggesting the disposal of the Council-owned site at Merrill House to investing the capital receipt to deliver Extra Care Housing.

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 AND FAMILIES, 1ST DECEMBER 2010 (posted to those who could not attend meeting)

Consultation on the Proposed Closure of Merrill House

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

The consultation process will begin on Wednesday 1st December 2010 and end on Wednesday 23rd 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 19th 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 Merrill House should closure be approved.

Current services at the home

Merrill House provides residential care. It does not regularly provide intermediate care or respite care. Merrill House has 40 bedrooms: at the time of writing 36 bedrooms are occupied and four are vacant.

Previous work

The Council has been considering changes to care home services for some time. Reports were presented to Council Cabinet on 17th March and 27th October 2009 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 27th October 2009 Council Cabinet said that residential care should be provided at Merrill House until Extra Care Housing was developed in the area.

What has changed?

Like many other Local Authorities, the Council's financial situation has changed a great deal in the last year. 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 Merrill 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 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. Merrill 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 current residents at Merrill House?

The Council recognises that closure of the home would be extremely difficult for residents, 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.

- Council Care Managers will work very closely with residents and their families, looking at how needs have changed and making sure the wishes of residents and the people who care for them are central to decisions.
- Residents without involved family members or friends will be offered advocacy that can help them express their wishes.
- 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.

- Approximately six months will be allowed between any decision to close Merrill House and its actual closure.
- If residents wish to make new arrangements well ahead of the final home closure date this can of course be supported.
- Some people will have developed friendships at Merrill House and may prefer to move in groups. This will be accommodated when at all possible.

Next steps in the consultation process

People affected by the proposed changes to Merrill House will be consulted between 1st December 2010 and 23rd February 2011.

These will include:

- Residents of Merrill House
- The families, carers and advocates of the above
- Council staff who work in Merrill 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 Merrill 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 Merrill House. This decision will be given on 19th April 2011.

Contact details for Agencia Consulting:

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

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

HU13 0EG.

FOLLOW-UP BRIEFING GIVEN TO RESIDENTS AND FAMILIES, 1ST FEBRUARY 2011 (posted to those who could not attend meeting)

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

The open meetings on 1st December and 11th January showed that many people wanted more information about why the Council had made decided to consult on a proposal to close Merrill House. People also wanted to know more about what would happen if the decision was made to close Merrill 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

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 23rd 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

Why is there a proposal to close Merrill 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 Merrill House will go directly towards the cost of building Extra Care Housing.
4. Merrill House in particular has been chosen because it is in an area with other care homes that can support local people if Merrill House was to close.

Other issues also need to be mentioned:

1. The proposal to close Merrill 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: Merrill 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 Merrill 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 Merrill House and Warwick House are closed.

What will happen to existing residents if Merrill House closes?

1. A decision to close Merrill House cannot be made before Council Cabinet meets on April 12th.
2. If Council Cabinet decide to close Merrill House, an undertaking has already been given that this cannot be before September 2011.
3. If the decision is made to close Merrill 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 Merrill 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 Merrill 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.

Plans for respite care

1. 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.
2. As with long-term residents, respite attendees will be assigned a key worker who can work through options with themselves and their families.

Plans for Extra Care Housing

Some people have expressed concern that more Extra Care Housing is not being developed very quickly.

1. The Council is actively working on two schemes at the moment, one with 98 flats in Mackworth (on the site of Arthur Neal House care home) and another with 67 flats in Normanton (on Grange Avenue).
2. The issue with both schemes has been getting the funding together to build them, but the Council has recently made significant progress.
3. There is a very good chance of both schemes being developed. An announcement about one scheme is expected very soon.

Plans for Dementia

Concern has also been expressed about what the Council is doing to support people living with dementia and their carers.

Some of the things the Council is doing are focused on people living in the community.

1. The Council is working with the NHS locally to make it easier for people to get a diagnosis of dementia, and to make sure services are available for people at this point.
2. The Council has worked with the Alzheimer's Society to set up ten Alzheimer's cafes in the city.
3. The Council has set up training for family members of people with dementia so they understand how best to support them and where to get help.
4. The Council has worked with home care providers to improve respite at home services.

The Council is also working with care home providers to increase the amount of specialist dementia care that is offered.

1. The Council is providing training for care home staff
2. The Council is drawing up a set of standards for dementia care (in terms of staffing and environment) and is working with care home providers so these are adopted.
3. The Council is working with Derby's Local Involvement Network (LiNK) to visit all care homes and keep standards high.

FEEDBACK ON EXTRA CARE HOUSING REQUESTED BY CONSULTATION RESPONDENTS AT MERRILL HOUSE

Asking people in Derby about Care Homes and Extra Care Housing

Some people have asked how the Council gathered information that showed local older people wanted Extra Care Housing to be developed. There was concern that the Council had asked people who had not yet got to the point in their lives where they might need residential care, and that this had skewed the results.

The following is a summary of a report that went to Council Cabinet in March 2009. The full report can be obtained at <http://cmis.derby.gov.uk/CMISWebPublic/Binary.ashx?Document=13056> or by asking for a paper copy. The information below comes from pages 4, 5 and 6 of the report.

Adult Social Services sent a survey to 1500 home care service users across the city in December 2008. This was because people getting home care were felt to be more likely to have thought about where they might have to move if their care needs got too great.

- 242 responses were received which is a response rate of 16.1%.
- 234 people gave their age. 42% of people were aged 85 and over, 33% were aged between 75 and 84, 14% were aged between 65 and 74 and the remainder (11%) were younger.

People were given descriptions of both Care Home and Extra Care Housing facilities (reproduced below) and asked to choose which would be preferable for their situation.

Descriptions of Extra Care Housing and Care Home facilities

Extra Care Housing and Residential Care are two different ways of supporting older people who have quite high care needs that would be hard to meet elsewhere. Both have care staff on site twenty four hours a day who support residents with their personal needs as necessary.

Extra Care Housing is a scheme of self-contained homes and is sometimes known as 'very sheltered housing'. Residents own or rent flats within the scheme. These may have one or two bedrooms and will have their own living areas, bathrooms and kitchens. There are also communal facilities like lounges and dining areas on site for residents to use to socialise when they wish.

Residential Care provides one bedroom accommodation. Rooms are rented. The more modern homes have ensuite bathrooms but other facilities (lounges, dining rooms, etc) are shared with other residents. Homes often run activities in these communal areas.

Overall Extra Care Housing was a more popular choice for people than residential care homes among all age groups, both in terms of having fewer people who definitely would not want to move there and larger numbers who definitely would want to move to Extra Care Housing if their needs increased.

For example:

- In the over 85 age group, 38% of people said they would definitely consider moving into a care home, while 16% said they would definitely not consider it.
- By comparison, 51% of people aged over 85 said they would definitely consider moving into Extra Care Housing, while 13% said they would definitely not consider it.

Extra Care Housing was more popular and Residential Care was less popular in younger age groups

Conclusions

Younger age groups seem to be less accepting of traditional models of care than the very old. However, respondents aged 85 and over are probably giving the most "realistic" responses to the question at this point in time, being more likely to be approaching applicable levels of need.

The responses show that both care homes and Extra Care Housing are needed in Derby. However, at the moment there are far more care home places (approximately 750) than Extra Care Housing places (76).