

**Committee: Cabinet**

**Date of meeting: 30 January 2020**

**Title of Report: Response from Executive Director to Scrutiny Management Board Referral from Call - Cumbria Care – Reshaping of Care Services**

**Report by: Interim Executive Director People – Nick Jarman**

**Cabinet Member: Councillor Patricia Bell Cabinet Member for Health and Care Services**

### **What is the Report About? (Executive Summary)**

1. This report provides a response to the recommendations from Scrutiny Management Board (SMB) following the call in of the Cabinet decision on the 14<sup>th</sup> November 2019 to recommend that The Abbey Residential Care home in Staveley is closed and that options to reshape care services in Staveley would continue to be developed in partnership with the community. The original reasons for the Call in were discussed and the SMB recommendations reflect that wider discussion.
2. Following a discussion at SMB it was **RESOLVED** that this matter be referred back to Cabinet for the following reasons:-
  - (1) SMB is concerned that before taking a decision to close the Abbey Care Home, Cabinet should have an understanding of the future options and the costs of these options. SMB would want Cabinet to be reassured as to any additional costs that may be incurred by closing the Care Home if it is to be reopened at a future date.
  - (2) SMB is concerned as to the consultation that has taken place and whether it has been appropriately taken into account in Cabinet's decision making, in particular SMB is concerned as to whether there has been sufficient consultation with Local Committee and/or its members.

### *Recommendation 1 – SMB*

3. In response to reason 1 the original Cabinet paper clearly stated that discussions with the community including the Parish Council have been ongoing and that if a decision to close The Abbey is taken then the site currently occupied by the home could support development of alternative care provision to meet the community's future aspirations and needs.
4. The three potential options that formed part of the consultation were:

- a) Mixture of Extra Care Housing (which includes a dedicated care team onsite to provide support where needed) combined with a small 10 bed Residential Care unit.
- b) Affordable residential homes plus a number of 'care ready' Elderly Persons homes (design features to support people to live independently). There will be access to 24 hour care support when required. This could also include a potential Care Hub facility as part of the development allowing care and support staff to be located, trained and available to provide that 24 hour support. It is envisaged that the facility could be available to be used by partners and other services across the Council enabling a variety of services to be supported locally.
- c) Sale of the site for mixed provision residential homes with local occupancy (developer opportunity) with the capital income being utilised for other Council services.

- 5. In order to get robust costs for each option a detailed feasibility study for each option would be required. The costs for feasibility studies varies and there is a limited budget to fund this work. Normal process is that a preferred option is identified through a Strategic Investment Group (SIG) Stage 1 report and if approved by SIG permission to invest in further detailed feasibility work is undertaken. The original timeline was for the SIG Stage 1 paper to progress to SIG in January 2020 following the decision by Cabinet in November 2019 and following further work in respect of market testing, planning and site analysis.
- 6. As the three potential options were part of the consultation process and had also been discussed at the community drop in sessions there was no preferred option to progress full feasibility work on at this stage. It was also seen as pre determining the outcome of the public consultation to potentially close the home if detailed feasibility work had already been undertaken for any specific option. It would also not be value for money.
- 7. There are a number of different people and groups within Staveley that have views on potential future options and it is important that all options are considered and explored. These discussions are progressing and will inform the final SIG paper Stage 1 on a preferred option for the future if the decision to close is taken.
- 8. As part of the SMB discussion a member suggested that it would be more expensive to build a new Residential home than it would be to refurbish The Abbey due to the requirement to achieve CQC standards for any new build. It was also suggested that to reopen the home after it had been closed rather than refurbish it as an ongoing home would also be more costly.
- 9. CQC expectations are that new builds are compliant with the latest best practice and guidance in respect of building size, room size and amenities. There is also an expectation that when refurbishing existing homes that they meet the best practice and guidance where possible. There is therefore an expectation that irrespective of whether the home was closed and reopened in its existing structure, whether it was refurbished as an existing home, or whether it was built as brand new home the Council would look to achieve CQC standards where possible and also achieve up to date dementia standards.

10. The Care Quality Commission continues to develop and improve its inspection standards across all of its areas. Our care environments must keep pace with these standards <sup>1</sup>and where possible exceed them in order to provide quality care. This isn't just about the buildings this is about providing the right environment to ensure quality care can be provided to all residents. It is recognised that The Abbey has an excellent staff team and quality of care is rated as Good by the regulatory authority the Care Quality Commission (CQC).
11. It is important that investment delivers the type of environment that residents need and deserve, particularly those with dementia. Increasingly our residents are moving into our homes with higher dependencies that require additional equipment and space to provide quality personal care and support. This is recognised in the overall CQC standards and is also necessary to ensure safe care and support can be provided by our staff. This includes using hoists, wheelchairs and other assistive equipment to safely move people and care for them.
12. The preferred option from the consultation process was a new 10 bed residential unit (meeting CQC standards) alongside extra care housing on The Abbey site.
13. Cabinet does not have the full costs available for each of the options proposed in the original Cabinet paper. In respect of the Extra Care housing option the Council already has a capital investment programme of £3m that is available to developers either through a grant programme or through a framework approach to deliver extra care housing schemes. If this was a preferred option this could be progressed through those existing schemes.

#### *Recommendation 2 – SMB*

14. In respect of the recommendation 2 from SMB a significant engagement and consultation process has been followed over a long period of time to ensure that everyone has had the opportunity to feedback on the proposals put forward. Paragraph 56-59 of the Cabinet report in November (attached as Appendix 1) describe the consultation approach. The engagement and consultation approach described demonstrate that best practice was followed.
15. In respect of engagement and consultation with South Lakeland Local Committee an Area Planning project was initiated by the Council in August 2018. A timeline setting out the key milestones of that project is attached at Appendix 2. This included discussions and close working with the Elected Division Member, with the Local Committee updated through their working group.
16. As part of the area planning approach and with specific reference to reshaping care services a community drop in session was held in Staveley on the 4<sup>th</sup> June 2019 to discuss alternative ways to provide care and support and discuss initial thoughts about future provision. A second community drop in session was held on the 8<sup>th</sup> October 2019 where 97 people attended to discuss and comment on the public consultation.

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<sup>1</sup> CQC guidance states that for a purpose built care home single bedrooms should be a minimum size of 12m<sup>2</sup> and should also have an ensuite.

17. This joined-up approach with transparent community involvement from the outset was followed to ensure that engagement and formal consultation with all involved can inform the decision making. The Council has engaged with the local community, residents and their families and staff on how the Council could support the community aspirations while reshaping the provision of care in the local area.
18. Following this engagement the formal consultation on the closure of The Abbey Residential home and the potential future options for reshaping care services began on 23<sup>rd</sup> September and concluded on 1 November 2019. The Cabinet report in November detailed the outcome of the consultation and the full consultation feedback was made available to all Cabinet members and the Local Member for Staveley in advance of the meeting on the 14<sup>th</sup> November.
19. The Chair of the Adults Scrutiny Advisory Board met with officers in September 2019 to consider the process of the consultation and agreed with the approach being taken.
20. People First Independent Advocacy were available to provide professional advocacy services to all residents and families throughout the period of the consultation.

#### **Recommendation of the Executive Director**

21. On the basis of the additional information provided the following recommendation proposed is that :

**Recommendation 1:** The decision taken by Cabinet taken on the 14<sup>th</sup> November 2019 to cease residential care provision at The Abbey in Staveley is upheld.

**Recommendation 2:** Cabinet restates its support to continue to work in partnership with the community to develop options for reshaped care services in Staveley.

#### **Financial – What Resources will be needed and how will it be Funded?**

22. The financial implications of upholding the recommendation to cease residential care provision at The Abbey are gross revenue savings of £0.879m pa. This is based on the assumption that all Cumbria Care staff employed at The Abbey are employed in alternative Cumbria Care settings, and that the remaining residents at The Abbey choose to move to alternative Cumbria Care homes. Furthermore anticipated future maintenance costs of £0.450m would be saved through the closure of The Abbey.
23. The revenue and capital implications of options to develop reshaped care services in Staveley cannot be quantified until feasibility work for each option is undertaken.

#### **Legal Aspects – What needs to be considered?**

24. Cabinet is required to reconsider the decision to close The Abbey residential care home, originally made on 19 November 2019, in the light of the referral back to it by Scrutiny Management Board (SMB). Before taking a further decision, Cabinet must carefully consider the recommendations of SMB as set out at paragraph 2 of this report.

25. Scrutiny Management Board has recommended that Cabinet should have an understanding of the future options and the costs of these options. SMB wants Cabinet to be reassured as to any additional costs that may be incurred by closing the Care Home if it is to be reopened at a future date. This report deals with those issues at paragraphs 3 to 17 and concludes that the full costs available for the proposed options for reopening the Care Home are not available to be considered by Cabinet. Cabinet should therefore be satisfied that it can make a robust decision without this information and should clearly state its reasons for doing so.
26. Scrutiny Management Board is also concerned as to the consultation that has taken place and whether it has been appropriately taken into account in Cabinet's decision making, in particular SMB is concerned as to whether there has been sufficient consultation with Local Committee and/or its members. There are no legal concerns to highlight to Cabinet regarding the sufficiency of the consultation process that has taken place and which is described in this report at paras 18 to 24 of this report.
27. In reconsidering the decision, Cabinet should also be mindful of the report to Cabinet dated 14 November 2019 and the officer advice and legal comments within that report.

#### **Health and Safety Aspects – What needs to be considered?**

28. The Council has a responsibility under the Health & Safety at Work Act 1974, Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 and associated legislation to ensure, as far as is reasonably practicable, that adequate health and safety management arrangements are in place for all council related services including social care provision within Cumbria Care residential homes.
29. In addition to Council health and safety controls in care settings, residential care services are regulated by the Care Quality Commission with the health, safety and wellbeing requirements for all homes including The Abbey outlined in the report.
30. Should Cabinet decide to continue to retain care provision at The Abbey, then the Council's legal health and safety responsibilities must be fulfilled to the required regulated standards for Council employees, residents and visitors. Should Cabinet decide to close The Abbey but retain the building until a later time when a decision on its future use be determined, then the Council will retain health & safety responsibility for the building and must ensure the site is adequately secured and maintained to minimise any health and safety risks to the public. Finally, if Cabinet decide to close The Abbey and change the site for alternative use, then usual site risk assessments and safe methods of work would need to be followed.

#### **Council Plan Priority – How do the Proposals Contribute to the Delivery of the Council's Stated Outcomes?**

31. The proposals support the delivery of the Council Plan 2018-2022 outcomes the Council wants to achieve agreed by Council in February 2019, which are:
- People in Cumbria are healthy and safe
  - Places in Cumbria are well- connected and thriving

**What is the Impact of the Decision on Health Inequalities and Equality and Diversity Issues?**

32. An Equality Impact Assessment has been undertaken as part of the consultation process and to ensure that all potential concerns or issues have been supported appropriately.

**Appendices and Background Documents**

- Appendix 1 Cabinet paper November 2019  
 Appendix 1a Cabinet paper - Public Consultation Document  
 Appendix 1b Cabinet paper - Consultation Feedback  
 Appendix 2 South Lakeland Local Committee area planning timeline of activities

**Key Facts**

**Electoral Division(s):** Staveley.

<b>Executive Decision</b>	<b>Key Decision Included in Forward Plan</b>	<b>Exempt from call-in</b>	<b>Exemption agreed by scrutiny chair</b>	<b>Considered by scrutiny, if so detail below</b>	<b>Environmental or sustainability assessment undertaken?</b>	<b>Equality impact assessment undertaken?</b>
Yes	yes	No	N/A		N/A	N/A

**Approved by the relevant Cabinet Member/s on** 6th Jan 2020

**Previous relevant Council or Executive decisions**

Cabinet Decision – November 2019

**Consideration by Overview & Scrutiny**

SMB Call in – December 2019

**Background Papers**

None

**Report Author**

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