What is the report about? (Executive Summary)

1. Edenside Residential Care Home is a 23 bed care home in Appleby which was flooded over the weekend of the 4 and 5 December 2015 and subsequently evacuated. A period of consultation on the future of the care home ran from 1 July to the 30 August.

2. During the period of the consultation the residents have remained together in Penrith with their care team.

3. Edenside has been seen for many years as an integral part the community with strong links to local organisations. The recommendations contained in this report have been carefully formulated taking account of the views of all residents, their families, the local community and other stakeholders.

4. There are 15 vulnerable people directly affected by the recommendations contained within this report. The Council has a responsibility to ensure that its services are safe and that those services do not pose any risk to individuals in its care.

5. The period of formal consultation has ensured that the council is better informed to make a decision about the risk and any mitigating factors in relation to operating a care home in the location of a flood plain.

6. This report sets out the outcome of the consultation and the views of residents and their families and makes recommendations about the future of Edenside.

Recommendation of the Corporate Director

7. Recommendation 1: That Cabinet takes a decision not to re-occupy the building in Appleby known as ‘Edenside’ and to de-register this location as a care home on a permanent basis.

8. Recommendation 2: That Cabinet takes a decision to continue to operate the Cumbria Care home in Penrith for the residents that were transferred from Edenside in Appleby during the floods of 2015/16.
9. Recommendation 3: That Cabinet notes and supports the work already being undertaken to develop a robust plan to address and support the future needs of older residents in Appleby and the Appleby Area.

Background to the proposals

10. On 5 December 2015 the ground floor of the Edenside Care Home in Appleby was flooded during Storm Desmond. The floodwater caused significant disruption, with flooding into the internal ground floor rooms. The infrastructure impact included loss of heating and lighting, and the flood impact also isolated the home from the community. A decision was taken to evacuate the home when it became clear that not to do so would further compromise the safety of residents and staff. All residents were moved to a vacant Care Home in Penrith, along with staff from the Edenside home.

11. The decision to evacuate the Edenside Home in Appleby was based on recommendations from relevant emergency services. Prior to the evacuation every individual was assessed for any risk to health and this is the usual process for moving frail and elderly residents. The evacuation of Edenside was extremely stressful for the staff involved and the effect on health and wellbeing should not be underestimated.

12. The priority has been to ensure that care standards have been maintained over this period. Improvements have also been carried out in the new location in order to ensure that residents are made as comfortable as possible. The Care Quality Commission approved registration which enables Edenside to operate from Penrith pending decisions on the long term future of the Appleby site.

People directly affected / Edenside residents

13. At the time of the evacuation 17 people transferred to the Penrith location. Two of these residents have subsequently died, meaning that there are now 15 permanent residents. Of these:

- In total there are 3 men and 12 women.
- 8 of these residents are over 96 years old. Ages of all residents are from 68 to 101 years. and the longest staying resident has been there for 20 years
- A high proportion of these residents have dementia and are highly dependent on care staff for all daily living tasks and lack capacity to make a decision about their future. All others are physically frail.
- Many of these residents require 2:1 care and support with all daily living tasks, including personal care and support with medication, skin care and support to eat and drink.

14. All are regularly reviewed to ensure that the Council can meet their needs in a residential care home setting.
Consultation approach

15. The period of consultation commenced on 1 July and ended on the 30 August. Documents relating to the consultation can be found at appendix 1 and 2.

16. The Adults Scrutiny Advisory Board met on 28 June and on 23 August 2016 to consider the process of the consultation. The Scrutiny Advisory Board has made a number of recommendations which have been included as part of the consultation process and this report.

17. People First Independent Advocacy provided professional advocacy services with all residents and families throughout the period of the consultation in order to ensure that their views were gathered. All those affected, and their families have been offered advocacy support, including an introduction to the advocacy service and one-to-one discussions with a specially trained advocate. Individual reports highlighting the person’s feelings and future wishes for each person have been provided, alongside an overall report identifying key themes and feedback on the process to the council.

18. There are 33 staff working at Edenside. Out of this group of staff 18 live in Appleby; the rest live in Penrith or in surrounding area. Informal staff briefing sessions have been held with Trades Union Colleagues present. A number of staff have contributed to the consultation.

Summary of consultation responses

19. A detailed breakdown of the response to the consultation is provided in Appendix 1.

20. While there was a recognition by respondents of the possible risk to residents from future flooding, the majority of the responses to the consultation were supportive of re-opening Edenside in Appleby. 89.9% of respondents are in favour of Edenside at Appleby reopening, 4.3% in favour of closing and 5.9% don’t know/other. The following key themes were commonly reflected by respondents:

21. Edenside in Appleby is an asset which is well thought of by the community

22. Availability of care

   a) Displaced residents should be returned to Appleby as soon as possible.
   b) The need for people to be housed and cared for in their own local area with easy access to local facilities and family members.
   c) Without Edenside, there is not enough affordable residential care or respite beds in Eden district.
   d) There is an increasing older population in the Appleby area.
23. **Flood risk**

   a) There is a low frequency of flooding and that drains are the problem rather than the river.
   b) Concerns about the risk of future flooding and the value for money of restoration.
   c) Acknowledgement that a future flood may again isolate that home from the town and that flood resilience plans may not remove all risk to staff and residents.

24. **Local impact**

   a) Economic benefits to the wider community including jobs for local people.
   b) Suggestion for use of another premises or new build in Appleby.

25. A longer term issue raised during the consultation concerned the capacity of the care sector to deliver sufficient appropriate services should Edenside close altogether. The Commissioning Strategy for Care and Support Delivered by Adult Social Care 2016-2020 sets out the challenges for Cumbria, which include the requirements of the Care Act 2014. The Care Act requires councils to develop the social care market for the whole population and a “super-ageing” population. For older people who may be frail or have complex care needs, the strategy includes an intention to offer rehabilitative and other support where possible, and to take forward a range of initiatives to offer people a choice of service proportionate to need.

26. The population of Eden as a whole is ageing, with numbers of older people projected to increase, over the next 25 years by +45.7%. The demographic profile of the Appleby area reflects Eden district as a whole in terms of fewer working age residents and more older residents, however, there are slightly more older residents aged 65+ years in Appleby than the rest of the district (28.6% compared to 24.5%).

27. The Council has already increased its capability to supply support at home but it is recognised that there is potential to assist some people who have higher level need to remain at home for longer, in line with their personal choice. Services that are currently available in Appleby include:

   - Reablement Services
   - Domiciliary care services providing care for people in their homes who have complex needs.
   - Extra Care Housing with 24 hour domiciliary cover.
   - Day services in two locations.
   - Meals service
   - Assistive Technology services including response services.
   - Residential and nursing care services across Eden district regardless of income.
28. Alongside the development of Reablement, which ensures that people maintain maximum independence, there is a stable, consistent Home Care service, giving people more choice if they wish to remain at home for longer.

29. As part of the countywide strategy to develop diverse, sustainable services within Appleby and Eden district as a whole, a review of services is currently underway to ensure the council meets its obligations to meet complex care needs, taking into account people’s preferences and choices.

30. There is a strong commitment to develop a joint approach with health partners in order to enhance services in Appleby and surrounding areas in order to meet the future needs of the population.

31. As well as informing this decision, the outcomes of this consultation will inform future commissioning plans for Appleby and the surrounding area.

Options considered and risks identified

Option (a) To reopen Edenside in Appleby

32. Reopening Edenside in Appleby would be the option that would most meet the preferences of local people. There would be an initial delay to residents in relocating back to Edenside, whilst repairs are carried out and a full risk assessment undertaken.

33. In the event of any future flooding it is likely that a decision to evacuate would still be required, due to the location. The improvements to flood defences would not be completed immediately nor would all risk be removed so this option would continue to present risks to the residents and to the council.

34. The consequences of flooding are much greater for a care home than a domestic dwelling because the needs of people living there are much more complex and the impact of any loss of utilities, access to parts of the building, disruption to normal routine and provision of care is therefore more severe.

35. The Council has overall responsibility for the health and safety of individuals living in Cumbria County Council registered Care Homes under the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 and associated Health and Safety legislation. If Edenside reopens in Appleby, the Council will need to take additional measures to manage the risk associated with the impact of future floods and potential evacuation. Assessment professionals would need to take into account the risk associated with evacuation before referring new residents to Edenside or in returning existing residents back to Appleby. Consequently it is currently unclear how many of the existing residents could safely be moved back to Edenside in Appleby, and the ongoing risk of evacuation may reduce the suitability of the facility for future residents.
36. The registered manager of the care home is obliged under CQC regulations to ensure services can safely meet the needs of existing and prospective residents and this may result in a decision to decline admissions.

37. There is a risk associated with this option in terms of the impact of a second move on the residents, who are of course older and in some cases even more frail now than they were during the initial evacuation.

**Option (b) To close Edenside in Appleby and retain Edenside in Penrith**

38. Closing Edenside in Appleby minimises the level of risk faced by residents, staff and emergency personnel in the future. Following this decision the building in Appleby would be released for disposal.

39. Retaining Edenside in Penrith minimises any potential further distress for residents in the event of a further flooding incident. It is also proposed that as part of this recommendation that there would be no further permanent admissions into Edenside at Penrith. At such time when the building becomes vacant it would be de-registered as a care home and the building released for disposal.

40. Due to the frailty of residents and the risk associated with a further move this recommendation will allow all of the former Appleby residents to remain together at Edenside in Penrith with their staff team for the foreseeable future or until care and support needs cannot be met within a residential care setting. Decisions about the future care and support of residents will be taken on a case by case basis, fully informed by assessing professionals and advocates.

**Option (c) To close Edenside in Appleby and Penrith and re-house residents**

41. Closure of Edenside in Appleby minimises the level of risk faced by residents, staff and emergency personnel in the future. Following this decision the building in Appleby would be released for disposal on the open market.

42. Edenside in Penrith was registered by the Care Quality Commission as a response to emergency needs created by the floods but can be used on a permanent basis for a reduced number of people. The building is not to modern standards and the CQC will not register it for a larger number of residents than it currently has. It would therefore be possible to find the residents accommodation in other alternative residential settings across Cumbria and to close this facility as well. This option would adversely affect the relationship of residents with peers and staff.

43. There is a risk associated with this option in terms of the impact of a second move on the residents, who are of course older and in some cases even more frail now than they were during the initial evacuation.
44. There is a risk to health and safety of individuals through the loss of continuity of care and loss of familiar care routines if this option is approved.

**Reasons for the recommendation/key benefits**

45. Since the flood impact in December 2015, officers have been assessing the impact of the flood damage on Edenside and the local infrastructure, and also assessing current defence and resilience measures. This will involve the production of a Flood Investigation Report which is a requirement of Section 19 of the Flood and Water Management Act 2010. Currently the report is in draft format for consultation. However, options to reduce the risk of flooding within Appleby have not yet been determined. Although measures can be installed to reduce the risk of flooding it is unlikely that the risk can be completely removed and emergency plans including evacuation procedures during a flood event will still be a requirement if the home is to reopen.

46. The consequences of flooding are much greater for a care home than a domestic dwelling because the needs of people living there are much more complex and the impact of any loss of utilities, access to parts of the building, disruption to normal routine and provision of care is therefore more severe.

47. The flood damage at Edenside, as such, is not prohibitive to the council operating the building in future. However, the location of the care home means that regardless of the investment required, there are significant risks to safety and continuity of care, both in the short and medium term. Consequently a consultation on the future of Edenside has been undertaken to inform Council decision making as to whether to re-open the home or to make alternative arrangements.

48. The decision to evacuate the Edenside Home in Appleby was based on recommendations from relevant emergency services. Prior to the evacuation every individual was assessed for any risk to health and this is the usual process for moving frail and elderly residents. The evacuation of Edenside was extremely stressful for the staff involved and the effect on health and wellbeing should not be underestimated.

49. The preferred option is (b), closure of Edenside in Appleby and the retention of the facility in Penrith to meet the care needs of its current residents.

50. This option minimises the risk to residents, staff and emergency services from the potential future need to evacuate as a result of flooding.

51. This option enables residents to stay together with their existing staff team.

52. Reopening Edenside in Appleby would result in a further disruptive move for an already frail and vulnerable group, with no guarantee that their needs could be met there given the risk of future evacuation and a revision of admission criteria for new residents in order to manage risk associated with evacuation would limit the use of the service.
Financial - What resources will be needed and how will it be funded?

53. The above option (a) to reopen Edenside at Appleby would incur repair costs estimated to be £0.300m, currently unfunded, and planned maintenance costs funded from the Council’s maintenance budget estimated to be £0.146m. There will also be costs associated with improving flood defences which are not yet known. There are longer term considerations of the value for money from repair and enhancement to a building whose location presents a flood risk.

54. Should a future severe flood event occur, there will be costs associated with evacuation and rehousing of residents. In the future it is unlikely that an empty residential home will be available, as was the case in December 2015, necessitating the dispersal of residents amongst those homes with vacancies within both Cumbria Care and the independent sector.

55. Returning residents to Edenside at Appleby would allow the closure and disposal of the building currently occupied by Edenside in Penrith. This would save planned and essential maintenance costs, as well as generating a capital receipt.

56. Option (b) to permanently close Edenside at Appleby will save the costs of repair and maintenance identified above, and generate a capital receipt from the disposal of the building. However, costs of planned and essential maintenance for the current location of £0.173m in 2016/17 will be incurred.

57. If Members accept recommendation 1 to permanently close Edenside at Appleby, the second recommendation is to keep all residents in their current location at Edenside at Penrith until their care and support needs cannot be met in a residential setting. Once the building had become empty it will be released for disposal. Whilst the day to day running costs of both locations are broadly similar, maintaining the home at Penrith over a period of time with decreasing numbers of residents will increase unit costs.

58. The Health, Care & Communities budget for the day to day running of Edenside is based on the original budget for Edenside at Appleby. If the recommendation to keep Edenside residents at Penrith is agreed there should be a reduction to the original budget as there are fewer residents at Edenside in Penrith than were assumed in the original budget for Edenside at Appleby. The full year estimate of potential savings is in the region of £0.200m, however, this will be dependent on levels of staffing required to care for the residents.

59. Option (c) to close Edenside in Appleby and Penrith would allow both buildings to be released for disposal to generate a capital receipt. This would also remove the need for maintenance and repair costs to the buildings. However residents in Edenside at Penrith will need to be relocated to other homes and it is likely that not all residents could be relocated in Cumbria Care settings elsewhere in county. Whilst closure of Edenside at Penrith and Appleby would release the Cumbria Care budget for this home there would be
additional costs within the independent sector.

**Legal aspects – What needs to be considered?**

60. There is a clear legal expectation that when services are significantly changed or altered that a public consultation process must be carried out. The legal principles established for consultation which includes consideration of closure of a care home requires that:

- Consultation must be undertaken at a time when proposals are at a formative stage
- The consultation must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and intelligent response
- Adequate time must be given for this purpose
- The product of consultation must be conscientiously taken into account when ultimate decisions are taken
- It is important that any proposal is in a form which can be readily understood and responded to by the consultees and the proposals must contain sufficient information about the reasons for the proposals.

61. Details of how the consultation has been conducted are contained in this report and appear to satisfy the principles set out above. Cabinet must take into account the outcome of the consultation when reaching its final decision.

62. The council has an equality duty under s149 Equality Act 2010 to ensure that the needs of protected groups are not disproportionately affected. An Equality Impact Assessment has been undertaken and is provided with this report. Cabinet should have regard to that Assessment when reaching its final decision.

63. If a decision is made to keep Edenside open, then the home must be first of all be made suitable for the needs of the residents and, prior to occupation, it would be necessary to undertake a full risk assessment for all staff and residents in order to be compliant in the Councils Health & Safety obligations.

**Council Plan Priority – How do the proposals contribute to the delivery of the council’s stated objectives?**

64. To support older, disabled and vulnerable people to live independent and healthy lives.

65. To enable communities to help shape their local services, promote health and wellbeing and support those in poverty.

66. To be a modern and efficient council
What is the impact of the decision on health inequalities and equality and diversity issues?

67. The proposal has been subject to a full equality impact assessment (EIA). An EIA was completed prior to consultation and has been updated at the midpoint. As a result of this the service has increased support to Edenside residents to enable greater access to the community and maintain local connection to Appleby. The EIA also indicated a need to develop preventative services in Appleby to support older people.

Appendices and Background Documents

Appendix 1 - Analysis of the Consultation Feedback
Appendix 2 – Equality impact assessment
Appendix 3 – Appleby Flood Report

Key Facts

Electoral Division(s):

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<tr>
<th>Executive Decision</th>
<th>Key Decision Included in Forward Plan</th>
<th>Exempt from call-in</th>
<th>Exemption agreed by scrutiny chair</th>
<th>Considered by scrutiny, if so detail below</th>
<th>Environmental or sustainability assessment undertaken?</th>
<th>Equality impact assessment undertaken?</th>
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Previous relevant Council or Executive decisions

Cabinet decision of 2010 relating to flood risk care homes.

Cumbria Care Homes at Risk of Flooding – Cabinet paper 8 June 2010

Cabinet decision dated 9 June 2016

Consideration by Overview and Scrutiny

The Adults Scrutiny Advisory Board was invited to oversee the consultation arrangements, and met on 28 June and 23 August.

Background Papers

None

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