

HOUSING CABINET MEMBER MEETING

Agenda Item 41

Brighton & Hove City Council

Subject:	12 Shenfield Way - Feedback on consultation		
Date of Meeting:	9th September 2009		
Report of:	Joy Hollister Director of Adult Social Care and Housing		
Contact Officer:	Name:	Tracy Mair	Tel: 295544
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Key Decision:	No		
Wards Affected:	Hollingdean		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report details the outcome of the consultation process regarding 12 Shenfield Way, a Registered Care Home for people with Learning Disabilities and outlines the options for the future of the service.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member for Housing approve the termination of the lease with A2 Dominion Housing Association in respect to 12 Shenfield Way and transfer the property back to A2 Dominion Housing Association.
- 2.2 That the 3 service users who reside at 12 Shenfield Way move to 15 Preston Drove with their existing staff team to ensure that they receive a consistent service.
- 2.3 That the existing budget from 12 Shenfield Way is transferred to 15 Preston Drove.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 12 Shenfield Way is a Learning Disability Accommodation service that is registered by the Care Quality Commission (CQC). The service is provided in a small semi detached house that has one small communal lounge/dining room and open plan kitchen. The lay out of the property can trigger compatibility issues between the service users that often results in challenging behaviour incidents; on one occasion this necessitated a Safe Guarding Adults alert to be made.

CQC reports dated 2005 and 2007 identify that 'the premises do not provide suitable communal space, which meets the needs of the residents to be able to walk around easily and accessibly.' In the report CQC have also made the recommendation that 'the communal space is made suitable and adequate to meet the needs of the residents'. A2 Dominion Housing Association have indicated that they are not in a position to carry out the building works required. It is not recommended that B&HCC capital investment be used to render the building fit for purpose. Given the space constraints, such remedial work would serve to mitigate rather than solve the problem. The property is not owned by the council and such an investment would not be value for money. It would therefore be of benefit to the service users that they move to more appropriate accommodation and that 12 Shenfield Way is closed.

3.2 The property is owned by A2 Dominion Housing Association, a registered social landlord. The care is provided by Brighton and Hove City Councils (BHCC) in-house Learning Disability Accommodation services. A2 Dominion Housing Association are responsible for the maintenance of the structure of the building. All other maintenance works are the responsibility of BHCC.

a) The current cost of running the home (2009/2010) is £324,530 per year

b) Staffing for the home is as follows (permanent staff)

- 1x Resource Officer
- 1 x Senior Car Officer
- 2 x 37 hour Home Care Support Workers
- 3 x 30 hour Home Care Support Workers
- 1 x 25 hour Home Care Support Workers
- 1 x 16 hour Home Care Support Workers

There are also the following temporary staff:

- 1x 37 hour Home Care Support Workers
- 1x 20 hour Home Care Support Workers

3.3 There are 3 service users residing in the home.

3.4 The opportunity has arisen to remodel 15 Preston Drove which is a registered service that currently supports 4 service users who have learning disabilities and additional mobility needs. The Fire Safety Order 2005 came into effect on 1st October 2006. The purpose of the legislation is to place greater emphasis on fire prevention by transferring responsibility for assessment of risk from the fire authority to owners and occupiers of properties. The outcome of risk assessments is that the current service user group would be at risk in the event of a fire. The decision has therefore been made in conjunction with the Health, Safety and Wellbeing section and Fire and Rescue Service that the service users should be re provided for in more suitable accommodation. The effect of the proposal with respect to these service users will therefore be to more appropriately meet their needs; conferring a reduced risk in the event of a fire. The Community Learning Disability Team are in the process of looking for placements in the independent and voluntary sector.

3.5 Sufficient vacancies have been held to accommodate all the permanent staff employed at 15 Preston Drove, therefore no one is at risk of redundancy.

- 3.6 15 Preston Drove is a large property with more communal space and wider corridors than 12 Shenfield Way. If the service users at 12 Shenfield Way were to move to 15 Preston Drove they would have more suitable communal space enabling them to be able to move around freely. A further benefit from the service users having more suitable communal space would be a reduction in compatibility issues and challenging behaviour incidents.
- 3.7 15 Preston Drove has a large garden, is close to Preston Park and has good public transport routes. The service users would also benefit from the location of the service and local amenities.
- 3.8 In January 2009 the Cabinet Member for Housing gave permission to consult to close and relocate the service users at 12 Shenfield Way.
- 3.9 It is proposed that that officers secure an investment package that delivers key priorities for the city by remodelling two services in line with the commissioning strategy

4. CONSULTATION PROCESS

- 4.1 A full consultation process was conducted by means of individual and group meetings and by receiving views in writing.
- 4.2 The service users have very complex communication needs. In order to avoid causing them significant anxiety they were consulted with through family members, advocates and an Independent Mental Capacity Advocate (IMCA) who agreed to act in their best interest.
- 4.3 The following groups were also included in the consultation process:
- Staff at 12 Shenfield Way and their representatives
 - Advocates
 - IMCA for one service user
 - A range of other stakeholders, including day services, and friends
 - Trade unions
 - Human Resources
 - Lead Commissioner for Learning Disabilities
 - Assistant Director for Housing Strategy
 - Southdown's NHS Trust
 - Kelsey Housing Association
- 4.4 In addition to the above the service users were also allocated a Care Manager from the Community Learning Disability Team (CLDT) who carried out complex social care assessments and made objective recommendations regarding the service users moving out of 12 Shenfield Way. They were also allocated a member of the Behaviour Support Team from the CLDT who assessed the appropriateness of the move, any risk factors and compatibility issues.

4.5 All those involved in the consultation process were informed that the proposal was to relocate the service at 12 Shenfield Way to 15 Preston Drove. All were informed of the CQC advice that the premises at 12 Shenfield Way did not provide suitable communal space, which meets the needs of the residents to be able to walk around easily and accessibly. They were informed that CQC had also made the recommendation that 'the communal space is made suitable and adequate to meet the needs of the residents'. They were informed that A2 Dominion Housing association have indicated that they are not in a position to carry out the building works required. Also that It is not recommended that B&HCC capital investment be used to render the building fit for purpose. They were informed that the property is not owned by the council and such an investment would therefore not be value for money. It would therefore be of benefit to the service users that they move to more appropriate accommodation and that 12 Shenfield Way is closed.

4.6 **Relatives**

Relatives were invited to meet service management individually. They were also invited to express their views in writing. One service user did not have family members to advocate for them; IMCA representation was therefore arranged.

4.7 **Staff**

Management met with Unions and Human Resources on the 19th January 2009 to inform them of the proposed consultation.

Management attended a staff meeting at 12 Shenfield Way on 22nd January 2009 to inform staff of the consultation process. Staff were also invited to meet with management on an individual basis and/or to express their views in writing. Union representatives and Human Resources were present at meetings.

4.8 **Stakeholders**

Stakeholders were defined as individuals or groups involved in the service users lives. A letter providing a general overview was sent to such stakeholders who were invited to express their views in writing.

4.9 **The outcome of the consultation**

4.9.1 In addition to the summaries provided below, further details of the consultation exercise, including meeting minutes, correspondence and copies of all responses are available from 28th August 2009.

4.10 **Summary**

4.10.1 In total there was one formal individual response from the family of one of the services users, one from an IMCA and 2 from staff who had supported the service users in services prior to them living at 12 Shenfield Way. In addition the staff team at 12 Shenfield Way gave their individual responses.

4.10.2 Only 2 of the service users at 12 Shenfield Way have family to advocate for them therefore the 3rd service user was allocated an IMCA.

- 4.10.3 The formal response from the family of one of the service users was that they were concerned regarding compatibility issues of the individual service users proposed to live together; they also felt that the house was not big enough to accommodate 5 service users who have challenging behaviours. The family raised concerns regarding the risk to their son in relation to 15 Preston Drive being located on a busy main road.
- 4.10.4 The family reported that they feel that their son appears to be settled and happy at 12 Shenfield Way and would prefer that he does not move.
- 4.10.5 A family member of one of the other service users reported informally through the manager at 12 Shenfield Way that they would be happy for the move to go ahead as long as the staff team at 12 Shenfield Way were to continue to support their family member.
- 4.10.6 The view of the IMCA is that the service user who they were representing needs to move with staff that know him well and that he trusts. The IMCA believes that he would benefit from living in a house where there is more communal space and where he can be alone or do individual activities with staff. She feels that he will adapt to a new environment providing he has the reassuring presence of people he trusts and that his routines continue. The IMCA feels that the size of the new service needs to be taken into consideration when considering whether the service should support 4 or 5 adults who have a learning disability.
- 4.10.7 The 2 staff who had worked with the service users in services prior to them living at 12 Shenfield Way raised concerns regarding compatibility issues with regard to another service user who had been identified to move to the service. This has now been ruled out as an option.
- 4.10.8 In total there are currently 9 staff at 12 Shenfield Way. They have expressed differing views regarding the move which are as follows:
- a) 6 staff are of the view that the location at 15 Preston Park will be a positive move for the service users as long as:
 - the transition is managed well to reduce the anxiety that the service users may experience.
 - that a risk assessment is completed pertaining to one service user owing to the risk of living on a busy road and that control measures are put in place.
 - that compatibility issues are considered regarding additional service users moving to the service in the future

The 6 staff also do not object to moving their work location.

- b) 2 staff are of the view that the service users should not move out of 12 Shenfield Way and would prefer to remain working with them at 12 Shenfield Way.
- c) 1 staff member has not given their views

4.10.9 The outcome of the Care Manager's assessment is as follows:

- that the move will be a positive life change for two of the three service users living at 12 Shenfield Way, provided that the move is carried out to the social care assessment and compatibility studies recommendations.
- that the location of 15 Preston Drove is more accessible to the community and the space available in this home will allow for more person centred support packages
- that 2 out of the 3 service user's reaction to change is dependant on the familiarity of staff supporting them and in their communication needs being met. The Care Manager is of the opinion that this is currently being achieved at 12 Shenfield Way and with the consistency of staff remaining this will continue to be met.
- the Care Managers opinion regarding one of the service users moving to 15 Preston Drove is that a transition plan will be needed and support will be required from the Behaviour Support Team.
- there would need to be adaptation plans on how to adapt the front garden/driveway to ensure the safety of one of the service users in relation to managing the risk of the main road.
- the Care Manager feels that the loss of the extended garden at 12 Shenfield Way where one of the service users can walk without his safety waist harness being held would need to be considered.
- the Care Manager has reported that in her opinion the advantages of being closer to a local park and all the local amenities close to 15 Preston Drove would be in the long term beneficial to this service user and his family.

4.10.10 The outcome of the Behaviour Support Team assessment is as follows:

- their view is that the proposed move to 15 Preston Drove could be very positive for the 3 men. They report that there is more space than at 12 Shenfield Way even when a 4th service user moves in. They report that it would be far easier for the service users to spend time alone/ apart from other service users compared to the current house at 12 Shenfield Way.
- their view is that the location at 15 Preston Drove is good in terms of being part of the community and closer to amenities. Although the house is on a busy road, there is a front garden that can be made safe to manage the risks.
- That it is important that work is carried out regarding compatibility issues between the 3 service users at 12 Shenfield Way and future service users who may be placed to live with them. However their opinion is that the large size of the house means that there is likely to be less friction between service users as the communal spaces won't need to be so busy.

4.11 Time scales

4.11.1 If the Cabinet Member for Housing approves the option to re-provide the 12 Shenfield Way service, the re-provision exercise to 15 Preston Drove would commence immediately thereafter.

4.11.2 It is anticipated that 12 Shenfield Way will close by the 30th November 2009

4.11.3 If the Cabinet Member for Housing approves that the service can close, A2 Dominion would require 6 months notice.

4.11.4 CQC require 12 weeks notice to de-register the service.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

'The total net budget for 12 Shenfield Way and 15 Preston Drove for 2009/10 is £0.674m (gross: £0.796m and income: £0.122m) excluding government grants and Southdowns Health funding. The cost of the transfer of clients from 12 Shenfield Way to Preston Drove has not yet been quantified but is expected to be within budget.

Finance Officer Consulted: *Name* Neil Smith *Date:* 16/06/09

5.2 Legal Implications:

"The report provides cogent reasons why 12 Shenfield Way does not provide an appropriate and safe environment for current service users, and why undertaking the necessary building works is not the preferred option. It also sets out the outcome of a comprehensive consultation process with all those service users and staff affected by the proposal to close 12 Shenfield Way, and to move them to 15 Preston Drove. The council has thereby followed due process before putting forward the recommendations in Section 2. A full consultation process has been undertaken in accordance with the service users Right to a Fair Hearing enshrined in Article 6 of the European Convention on Human Rights. Due regard has been given to the service users Article 8 ECHR Right to Family Life through consideration of their individual needs and wishes. The proposed move represents a proportionate response to the difficulties arising from the current accommodation at 12 Shenfield Way. There are no other specific legal/human rights implications which arise from the report."

Lawyer Consulted: *Name* Liz Woodley *Date:* 02/07/09

5.3 Equalities Implications:

5.3.1 The recommendations ensure that vulnerable adults with learning disabilities receive services in compliance with person centred principles and with full involvement of service users IMCA's, families, advocates and representatives. The re-provision of 12 Shenfield Way will ensure that the 3 service users gain access to more suitable accommodation that can meet their physical and social needs.

5.3.2 An Equalities Impact Assessment has been completed. This will be available to the Cabinet Member for Housing in the Members room from the 21st August 2009.

5.4 Sustainability Implications

There are no sustainability implications.

5.5 Crime & Disorder Implications:

There are no implications for crime and disorder.

5.6 Risk and Opportunity Management Implications:

5.6.1 The risks are identified in the main body of the report. The Risk and Opportunity Assessment Tool was used to outline issues and prioritise potential risks. The Risk and Opportunity Matrix was used to score the potential risks; none of the risks were scored as being 8 or above therefore they do not require to be put on the risk register.

5.6.2 If the Cabinet Member for Housing approve the termination of the agreement with A2 Dominion Housing Association in respect to 12 Shenfield Way there may be a risk that a family of one of the service users may give their views to the local press which could bring negative publicity to the council.

5.7 Corporate / Citywide Implications:

There are no corporate/citywide implications

6. **EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 That further investigation is undertaken to explore options to make the communal space at 12 Shenfield Way more appropriate to meet the needs of the three service users and that the service for the 3 service users is continued at 12 Shenfield Way. A2 Dominion have indicated that they are not in a position to carry out the building works required. Also that It is not recommended that B&HCC capital investment be used to render the building fit for purpose. The property is not owned by the council and such an investment would therefore not be value for money

6.2 If members do not approve to terminate the agreement with A2 Dominion in respect to 12 Shenfield Way CQC may further instruct management to move the service users who reside at the service to more suitable accommodation. The risk of this decision could result in:

- 15 Preston Drove and 12 Shenfield Way not having any service users which would not be value for money
- Staff would be at risk of redundancy
- Service Users may be required to move out of the city
- Significant adverse publicity for the council

7. **REASONS FOR REPORT RECOMMENDATIONS**

7.1 The recommendations contained in this report support the Corporate and Directorate Objectives as follows:

- Providing homes to meet the needs of the city
- Deliver high quality and personalised services
- Deliver value for money service
- Work in partnership to improve the commissioning and provision of services
- Deliver excellent customer services
- Develop our workforce in line with the corporate objectives

SUPPORTING DOCUMENTATION

Appendices:

1. 12 Shenfield Way Consultation Document

Documents In Members' Rooms

1. Letters to families
2. Letters to staff
3. Letters to Unions
4. Letters to CQC
5. Response from families
6. Response from staff
7. Response from advocate and stakeholders
8. Risk and Opportunity log

Background Documents

1. Relevant pages of Care Quality Commission reports dated 27th October 2005 and 18th January 2007.

