
Executive

14 July 2016

Report of the Director of Adult Social Care from the portfolio of the Executive Member for Adult Social Care and Health

Demonstrating Progress on the Older Persons' Accommodation Programme

This report provides an update on the Older Persons' Accommodation Programme (the **Programme**), demonstrates the changing supply and demand for older persons' accommodation with care up to 2020 and seeks consent to:

- Move forward with plans for the re-development of the Lowfield school site, beginning with public engagement regarding use and design.
- Open negotiations to purchase land adjacent to Haxby Hall in order to facilitate the examination of options for its future.
- Consult on the closure of a further Older Persons' Home in the autumn of 2016 and another one in the first half of 2017, in accordance with the Moving Homes Safely Protocol.

Recommendations

1. Members will be asked to:
 - a. Note the progress made towards delivering the Older Persons' Accommodation Programme agreed by Executive in July 2015 and the changing supply and demand for older persons' accommodation with care up to 2020.

Lowfield

- b. Agree to move forward with the redevelopment of the Lowfield School site in order to deliver:
 - i. approximately 3 acres for the potential development of health and wellbeing facilities, including a care home;
 - ii. approximately 9 acres for housing, including "starter homes" and homes for the over 60s;

- iii. approximately 1 acre as play and open space; and
 - iv. a capital receipt of at least £3.8 million from sale of land on the site.
- c. To authorise the examination of the opportunity to create football facilities on land off Tadcaster Road.
 - d. Receive a further report in the autumn providing feedback on the public engagement and proposals for the future of the Lowfield site.

Reason: So that the consideration of the redevelopment of Lowfield can progress.

Haxby Hall

- e. Authorise the Director of Customer and Business Support Services to commence negotiations for and agree the purchase of land adjacent to Haxby Hall, in order to facilitate the examination of options for the future of Haxby Hall Older Persons' Home as part of the Older Persons' Accommodation Programme.
- f. Recommend to Council that provision of up to £600,000 is made within the Capital Programme to meet the acquisition and legal costs as well as to fund demolition, enabling and related works, drawing upon capital held for the use of the Older Persons' Accommodation Programme.

Reason: To allow the development of options for the future of Haxby Hall as part of the Older Persons' Accommodation Programme.

- g. Receive a further report in the autumn on the examination of options for the long term future of Haxby Hall, including seeking a partner to operate and redevelop as an alternative to consultation on closure.

Reason: So that the Executive can decide the best future for Haxby Hall.

Consultation on closure

- h. Agree that, this autumn, a six week period of consultation is undertaken with the residents, family, carers and staff of one of the Council's Older Persons' Homes to explore the option to close the home with current residents moving to alternative accommodation and that a further report on the outcome of this consultation be received at the Executive before a final decision to close is made and

that this process is repeated in the first half of 2017 in respect of a further Council run Older Persons' Home.

Reason: So that the Executive may decide which homes may close having been fully informed of the views of and options available to existing residents.

Further reports

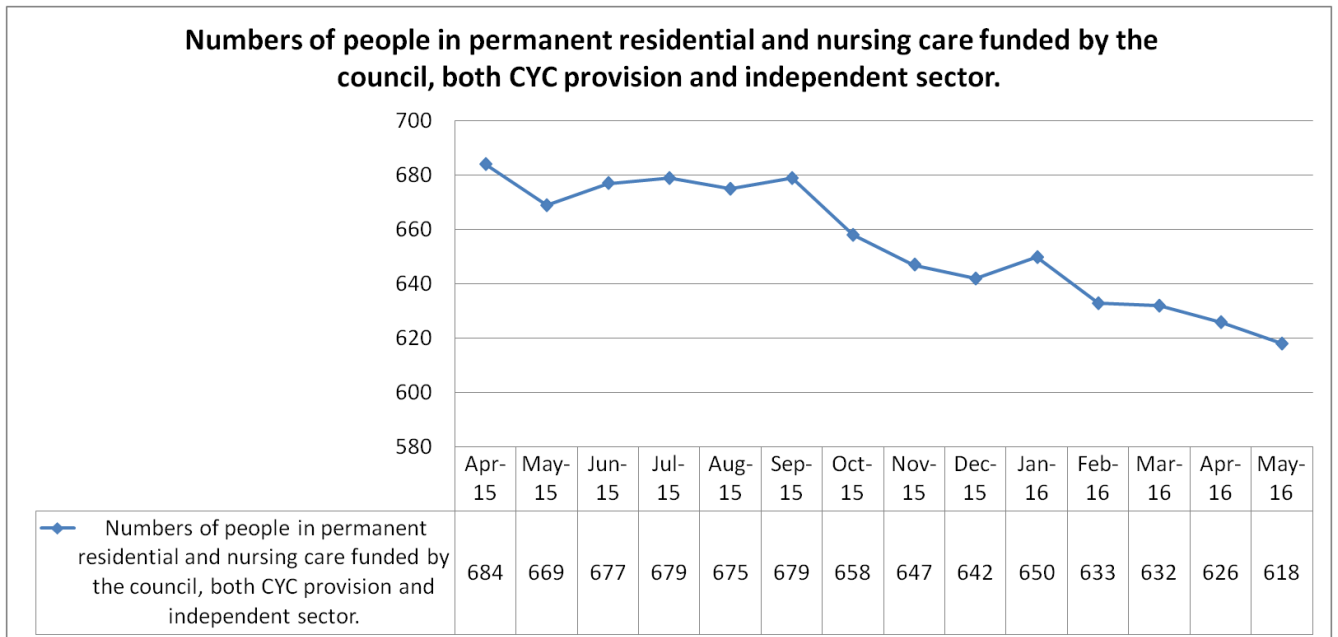
- i. Receive regular written updates of the progress of the Older Persons' Accommodation Programme.

Reason: So that the Executive can be assured that the Programme is progressing according to plan and will be delivered.

Background

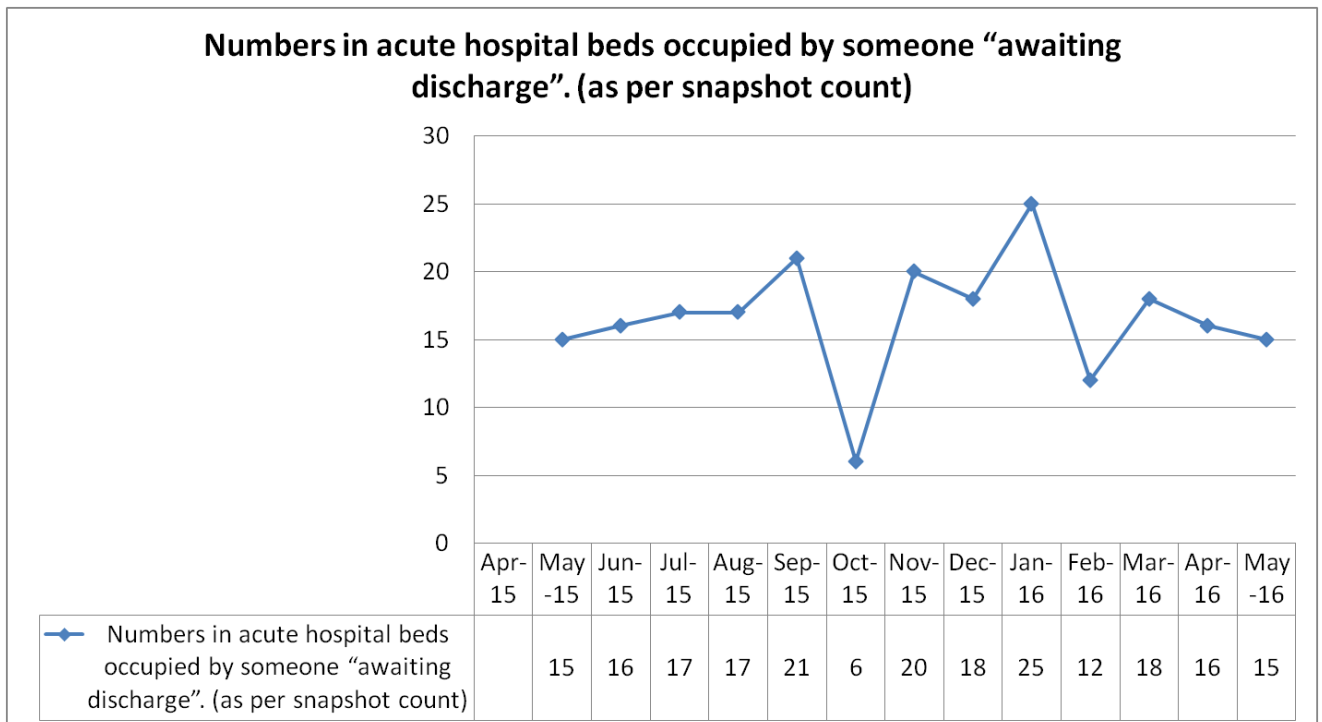
2. Executive in July 2015 agreed a programme of activity which will transform the provision of older persons' accommodation with care. Progress in delivering the Programme has been the subject of regular reports to Executive, Health & Adult Social Care Scrutiny Committee and Audit & Governance Committee. Good progress has been made, including:
 - a. provision of 24/7 care at Auden House and Glen Lodge Extra Care Schemes;
 - b. planning consent and Homes & Communities Agency funding secured for the 27 home extension to the Glen Lodge Extra Care facility with construction beginning imminently;
 - c. planning consent secured for a new 90 bed care home at the Terry's chocolate works with construction work now underway;
 - d. the safe closure of Grove House and Oakhaven Older Persons' Homes; and
 - e. Executive approval for the redevelopment of the Burnholme school site to deliver a Health & Wellbeing campus on that site.
3. As the Programme has progressed, and as we continue to drive to support people to living independently in their own home as an alternative to nursing and residential care, we have seen a slow but steady reduction in the number of older people who are supported by the Council to live in permanent residential and nursing care, as the graph below shows.

Graph 1: Numbers of people in permanent residential and nursing care funded by the Council, both CYC provision and independent sector



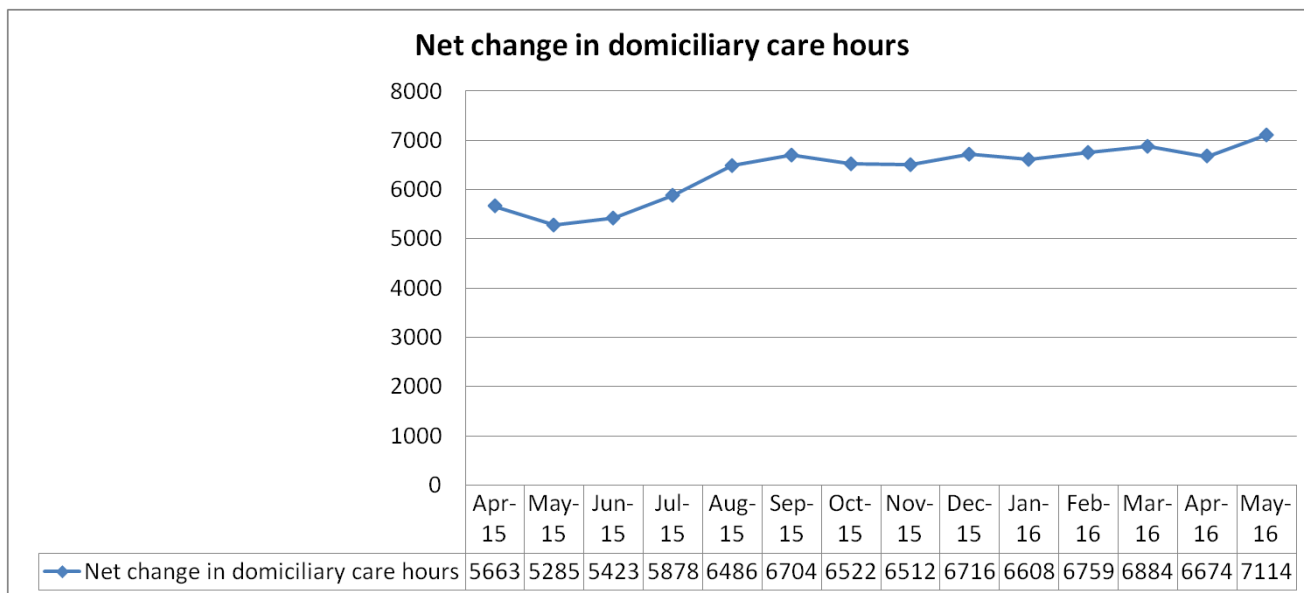
4. The changes in the number of residential care beds over the same period and including the closure of Grove House and Oakhaven, does not appear to have had a detrimental effect upon the number of people awaiting discharge from hospital, as the graph below shows:

Graph 2: Numbers in acute hospital beds occupied by someone "awaiting discharge"



5. Finally, we see from the trend in use of domiciliary care over the same time period that more activity is recorded, suggesting that those with higher care needs are being helped to continue to live independently at home, as graph 3 shows:

Graph 3: Net change in domiciliary care hours



6. However, as the size of the older persons' population continues to grow and with an increasingly wealthy older population (particularly property wealth) who are willing and able to make their own choices, the need for more provision of both residential and Extra Care accommodation is evident.
7. There is a shortage in York of suitable accommodation with care for older people, as the table below illustrates. This is caused by historic under-investment and expected growth in the size of the over-75 population of the city (the 75+ population is expected to increase by 50% over the next fifteen years, from 17,200 to 25,800). 81% of York's 75+ population own their own home.

Table 1: Projection of Demand and Supply of Accommodation with Care

Demand & Supply projections		2014-18	2020	2030
Estimated Demand based on national benchmarks	Residential Care	1,936	2,156	2,828
	Extra Care	440	490	645
Current provision	Residential Care	1,385		
	Extra Care	270		

Demand & Supply projections		2014-18	2020	2030
Shortfall in provision	Residential Care (at 70% run-rate)	-30	-124	-595
	Extra Care	-170	-220	-375
Replace Council-run permanent care beds (plus 28 temporary beds)		-171		
Total Shortfall		-371		

8. The Programme, as currently set, seeks to deliver the following outcomes in the period 2016 to 2018:

Table 2: New provision under the Programme

New Provision	When	Total
<i>Extra Care</i>		
Glen Lodge Extra Care Extension	Q3 -17	27
New Extra Care Scheme in Acomb	Q3 -18	40
Red Lodge Extra Care – net new	Q1-18	75
Total new Extra Care units of accommodation		142
<i>Residential Care</i>		
Chocolate Works Care Home	Q1 -17	90
Red Lodge Care Home – net new	Q3 -17	16
Burnholme Care Home	Q4-18	80
Total new residential care beds		186
Making best use of existing Sheltered Housing with Extra Care accommodation for those with high care needs		50
Total new provision		378

9. These efforts will facilitate the closure of the five remaining Council run Older Persons' Homes, subject to consultation, reducing residential care provision in the city by 143 permanent and 28 temporary beds. It is recognised that the buildings that these homes operate in are no longer fit for purpose.
10. In total 378 new units of accommodation are expected to be achieved in the next three years, closing the gap identified in Table 1 and replacing existing Council-run care beds.

11. However, more is needed to meet the demand generated by population growth through to 2020 and beyond, as the table below shows:

Table 3: Demand & Supply through to 2020

Demand & Supply through to 2020	2014-18	2020
Shortfall in provision as shown in Table 1	-371	
New provision	+378	
And, subject to that new provision, shortfall		-137

12. We therefore estimate that we need to see the provision of more residential care and more extra care accommodation to meet projected need and supply through to 2020 and beyond.
13. Key strands for the Programme are now moving forward and it is therefore timely that we begin to plan for new provision which will come into use in 2019 and 2020 and which will close that 2020 gap. The other imperative is to achieve a supply of residential care beds and “assess to discharge” beds which will help the Adult Social Care team both to keep pace with demand and manage budget pressures.
14. With this in mind it is proposed that we explore the following opportunities:

Table 4: Proposed New Provision

Proposed new provision	Units achieved	Agree to proceed?	Ready when?
Residential care home at Lowfield (replicating provision at Burnholme) with a number of the care beds purchased at our target bed price.	80	Q4 2016	Q1 2019
Re-development of a new residential care home on the Haxby Hall site by an independent sector partner, with a number of the care beds purchased at our target bed price.	60	Q4 2016	Q2 2019

15. We continue to examine opportunities for additional Extra Care Accommodation in the city.
16. There are resources available in the Programme management budget to fund the initial works required to bring forward the Lowfield care home and Haxby Hall proposals, including the development of design

proposals, public engagement and relevant site investigations as well as legal and procurement advice. However, the funding required to deliver either or both options would need to be identified and approved as part of the business case for each option.

Lowfield

17. The site of Lowfield School (closed as a result of amalgamation on 31st August 2007) is due for redevelopment.
18. The total site is 13.7 acres and, assuming that some of this land will be set aside for roads and public open space the total developable area is estimated to be 12 acres. See attached Plan at **Annex 1**.
19. To place the proposal in context, the Council previously engaged in a procurement exercise for a “Care Village” on the footprint of the old school buildings (6.9 acres). This procurement was ultimately abandoned in 2015 (along with initial plans for a care home to be built on the Burnholme School site) for reasons of unaffordability. The key reasons why the original proposals at Lowfield were unaffordable are: residential care and extra care accommodation had large amounts of communal space which could not be supported by the values achieved in either rental or sale income for units of accommodation in this area; access to the site was restricted to the Dijon Avenue access point; the size of the site brought to development and therefore number of properties on the site did not create economies in development nor cross-subsidy.
20. In preparing revised plans for the Lowfield site, the Council have sought the advice of land-use and value experts and they tell us that:
 - a. The site is best suited to residential development for a mix of homes, including “starter homes”, family homes and apartments, with the latter potentially targeted at older people who wish to “downsize”.
 - b. The local demographics preclude the building of larger homes, i.e. four bedrooms or more.
 - c. Perceptions of the Acomb property market place this site in the third quartile of York’s property price bands, meaning that high value homes are unlikely to be viable.
 - d. The Barratt development on Tedder Road (West of Lowfield) is described as a good example of the mix, density and style of development that could be successful on the Lowfield site.

21. Continuous market engagement with the care home sector has seen new interest emerge for the development of a care home on this site. Prompted by the interest shown in the Burnholme care home opportunity, and mindful of the Council's "light touch" approach to the specification and procurement of the care home, positive interest has been expressed by several parties.

Future Plans for Lowfield

22. The "working vision" is to see developed on the site a vibrant community which:
- a. Promotes and services health and wellbeing by providing:
 - i. a residential care home for older people, addressing an identified need for new nursing and residential care in the west of the city;
 - ii. accommodation for community based domiciliary care staff who will provide care and support to residents living in age-related housing on site and in the nearby community;
 - iii. GP and community based health facilities, including the potential for an Urgent Care Centre, replicating in the west some of the health and wellbeing provision planned for Burnholme in the east of the city; and
 - iv. public open space which is pro-actively managed to promote use.
 - b. Delivers housing for all ages including both "starter homes" through to "homes for the over 60s"; we will seek to develop some "land saving" bungalows modelled on those built at Regent Street. The opportunity could be taken to allocate some land to allow "self-build" or community build homes in line with our Housing Strategy and Planning ambitions.
 - c. Integrates care services, the police service, other service delivery and community uses into the same buildings and spaces so that services can "join-up" and best use can be made of space, in line with the principles of One Public Estate.
 - d. Provides jobs, particularly roles in the health and care sector.
23. This "vision" also gives life to the wider reform of public provision in the core areas of Acomb, including:

- a. Facilitating the potential move of the police services teams currently based on the Oakhaven site, allowing them to integrate with other services and facilitating the development of a larger Extra Care facility on that site.
 - b. Increasing the provision of good quality residential care for people in Acomb, including care for those with dementia.
 - c. The potential to re-develop the site on Cornlands Road which currently hosts community health facilities.
24. The draft local plan has identified the importance of developing the whole of the Lowfield site so that the city can achieve its overall housing targets and currently estimates that approximately 137 homes can be accommodated.
25. In light of the previous procurement and the advice sought and received since then, it is proposed that:
 - a. approximately 3 acres are reserved for the potential development of health and wellbeing facilities including a care home;
 - b. approximately 9 acres are allocated to housing including both “starter homes” and homes for the over 60s;
 - c. at least 1 acre is allocated to play and open space; and
 - d. the Council target a capital receipt of at least £3.8m from sale of land on the site.
26. These land uses have been acknowledged and included in the current draft of the Local Plan.
27. The potential for us to further demonstrate joint working with health colleagues on the Lowfield site is an ideal opportunity for York to show how joint-working on capital project can achieve positive outcomes for both health and social care services, giving life to the Sustainability and Transformation Plan for the Vale of York Clinical Commissioning Group. It can also set a model for joint-working on revenue funded activity. However, should one or more of the health or other public service uses not materialise then the land will be disposed of for development of additional residential accommodation.

Moving Forward

28. To move this forward we have discussed the “vision” with Ward Members and others. Ward Members, engaging with the Portfolio

Holder for Health and Adult Social Care, recognise the need to consult on the development of the Lowfield site, including the provision of age related housing (including bungalows) starter homes, a care home, facilities for health and other partners plus play and open space.

29. To deliver this plan we will work with care, health, housing and other partners to develop an integrated development plan for the site. This plan will then be used as the “blue-print” for planning and building, as we have done at Burnholme. Housing and other facilities may be developed by a potential Council Development Company.
30. The approach to redevelopment of the Lowfield site will be incremental, bringing forward parcels of land when the need and demand is highest and in this way maximise the financial benefits. Some enabling works will facilitate this approach, which may include the construction of new access road to service parts of the site. The exact detail will be finalised in due course. This approach will also allow us to prioritise the building of care and health facilities.
31. A new access route to the south of the site could be achieved on Council owned land on Tudor Road. A sewer passes under this land. Yorkshire Water’s consent may be required before the Council can therefore carry out construction works on this land.
32. Traffic consultants have assessed the capacity of local roads to cope with the impact of redevelopment of the Lowfield site and they advise that the existing road network can accommodate the additional traffic generated, even at peak times. They comment that some highways work will be required to road junctions in the area but these are not of major significance. They also comment that achieving vehicle access to the north of the site (via the existing Dijon Avenue entrance) and from the south of the site would help to distribute traffic more evenly through the area. Pedestrian/cycle access could be achieved via a third access point to the south-east of the site.
33. Sports & Active Leisure colleagues are currently examining options for the best location for community football provision in the west area. Land at Tadcaster Road is included in this review as it could be suitable for the exclusive provision of community football facilities, thereby preventing a conflict of use with others such as those exercising dogs. We will seek the views of the local football clubs as we further examine options.

Learning from Burnholme

34. The proposals for Lowfield share similar themes and issues as for the re-development of Burnholme. We therefore plan to time the work at

Lowfield so that it “dove-tails” with that at Burnholme and, most importantly, that we have time to learn lessons from Burnholme and apply them at Lowfield. This approach will also help with resource and workload planning for key legal, procurement and finance staff.

35. With this in mind, and subject to the outcome of public engagement, the procurement of a care home at Lowfield will follow on from the similar procurement at Burnholme, as follows:

Table 5: Illustrative Care Home Procurement Timetable

What	Burnholme	Lowfield
Executive approval	May 2016	Q3/4 2016
Procure care home partner	Q3 2016	Q1/2 2017
Planning application	Q1/2 2017	Q3/4 2017
Construction begins	Q3 2017	Q1/2 2018
Care Home in use	Q4 2018	Q1/2 2019

Resource Implications

36. It is proposed that we develop a financial model to drive the assessment of opportunities and outcomes from the development.
37. Included in the financial assessment of the site will be the need to generate a capital receipt of at least £2m as this is the sum that was expected from the sale of the school site as its contribution to the cost of moving to the York High site. Recent advice obtained from GVA Bilfinger suggests that the land for housing could generate a receipt of at least £2.9 million and from the health facilities and care home at least £900,000.
38. The early costs associated with progressing the redevelopment, including the cost of spatial planning and public engagement, are budgeted for in the Programme management budget. Preparing for public engagement will take place over summer 2016 with events held in the early autumn of 2016.
39. The Programme management budget also has provision for the funding of legal and procurement advice to assist with the sale of land at Lowfield and the subsequent development to achieve the desired outcomes.
40. It is possible that early investment in detailed design, a planning application and the two access roads will be necessary and this is

estimated to cost approximately £800,000, with this cost funded up-front and received from the sale of serviced land.

41. The care home would provide a number of “block-purchase” beds, at the Council’s Target Cost of Care price for up to 15 years, assisting the Council to contain the cost of nursing and residential care.

Timetable

42. An outline timetable would be:

Table 6: Propose Timetable

When	What
July to Sept 2016	Develop proposals
Autumn 2016	Public consultation
Q3/4 2016	Executive approval for the Plan for Lowfield
Q1/2 2017	Procure partners
Q3/4 2017	Planning application/s
Q1/2 2018	Construction begins
Q1/2 2019	First homes/services in use

Haxby Hall

43. A report to Executive in July 2015 received Member sanction to:
- a. Proceed with the Programme as set out in the report, including:
 - b. encouraging the development of additional residential care capacity in York including block-purchase of beds to meet the Council’s needs.
 - c. Approve the Financial Plan for the Programme including:
 - i. ring-fence the reinvestment of up to £4 million of capital receipts from the sale of the surplus to requirements existing older persons assets listed in the report for use on this Programme, subject to further approval regarding capital expenditure.
44. As part of the Programme to increase the supply of older persons’ accommodation in the city and in order to manage any risk associated with the procurement of a care home at Burnholme, it was agreed by Executive in July 2015 that we examine investment in an upgraded/renewed care home at Haxby Hall. The examination of this

option has begun and we have appointed designers to advise on what can be achieved on this site.

45. Early indications show that the Haxby Hall site can most easily be re-developed if the Council acquires adjacent land as this would afford improved access to an area of land to the south of the site which currently has poor access and would maximise options for the incremental redevelopment of this site.

Options for Haxby Hall

46. Haxby Hall Older Persons' Home currently provides residential care accommodation for 41 permanent and 8 short-stay residents. However, the accommodation provided is no longer fit for purpose as few bedrooms have en-suite toilet and bathroom facilities and the social and communal facilities are inadequate. Further, the Council is prevented from providing nursing care at Haxby Hall and this means that some residents have to move to alternative care accommodation when nursing care is needed. If Haxby Hall was instead to be owned and managed by the independent sector then dual registration would be possible and both nursing and residential care could be provided on the site.
47. As with other Older Persons' Homes owned and run by the Council, we currently plan to consult on the closure of Haxby Hall in either 2017 or 2018 and, should a decision to close be made, residents would have to move to new accommodation.
48. The Haxby Hall building and its site afford the Council the best opportunity to examine alternatives to closure. These alternatives include transfer of ownership and management to a partner organisation and, using their expertise and resources, the incremental redevelopment of the site to create new nursing and residential care accommodation. A decant, close, re-build and re-open option will also be examined.
49. There is market interest in taking on this opportunity.
50. The net effect of this approach will be to further increase the supply of good quality nursing and residential care accommodation in the city, helping to address unmet need and giving the Council, as the purchaser of a large number of care beds, the price and quality benefits which result from a larger market.
51. The results of the examination of alternatives to closure will be presented to the Executive in the autumn. However, should the proposals set out here not be approved, then the investment in this land purchase can be recovered from any future sale of the site.

Property Implications

52. The proposals regarding the negotiations to buy land adjacent to Haxby Hall are contained in the **Confidential Annex**.

Financial Matters

53. The Programme has access to capital funds of approximately £5.1 million of which £2.6 million is expected to be received shortly.
54. Of these funds £924,000 is currently committed to fund Programme Management costs between 2015 and 2019 and a further £981,000 is temporarily allocated to fund enabling works at Burnholme. Therefore, there are funds available to finance this purchase.
55. The majority of the balance of the capital funds available to the Programme are held in order to facilitate the Haxby Hall option (as reviewed by Executive in July 2015, paragraphs 107 to 110).
56. The Programme assumes a £1 million capital receipt from the sale of the Haxby Hall site to contribute to the £4 million receipts described above. With the sale of Oliver House (which is expected to generate a receipt for this programme of £1.5m) and the imminent sale of Grove House which could generate a receipt of between £1.5 million and £2 million, the Council are well on the way to achieving these receipts. However, not all of these funds would be required should alternative ways of investing in Haxby Hall be found via the proposal described in this report. Further, the procurement of a partner to redevelop and operate Haxby Hall could, in itself, generate a capital receipt, although this is unlikely to be at the £1 million level given the TUPE and other risks and obligations which the developer/operator would become liable for.

Risks

57. The key risk associated with this proposal is that the redevelopment options for Haxby Hall as a care home are not viable or not sanctioned. If this is the case the land will be sold for residential development, subject to planning. The independent valuation received demonstrates confidence that this land can be used for residential development.

Legal

58. The examination of the option to seek a partner to take over the management and ownership of Haxby Hall will be undertaken in due course and will include a review of the legal risks and of the most appropriate procurement approach.

Human Resources

59. There are no Human Resource implications associated with the purchase of this site. However, any options that are examined and associated with the re-development of Haxby Hall will need to consider the Human Resource implications as there are potential TUPE issues relating to the staff that manage and provide care from Haxby Hall.

Consulting On The Closure Of Care Homes

60. Executive on 30th July 2015 agree the Programme business case, programme management resources and project plan. As part of this plan it is the intention to consult on closure of each of the Council's out-dated Older People's Homes and, subject to the outcomes of that consultation, close them.
61. It is agreed that the Council will follow the same approach to consultation and, subject to the outcome of that consultation and to Member decision, closure, as has previously been followed: using the Moving Home Safely protocol which proved to be appropriate and safe. Following the use of the protocol to guide the process for Grove House and Oakhaven it has been reviewed and updated under the oversight of the Health & Adult Social Care Scrutiny Committee.
62. All five Council-run Older Persons' Homes will be considered for closure over the next two to three years as part of the Programme. The Programme seeks to better align the needs and expectations of older residents for accommodation with care, with provision in the city, addressing the shortage of Extra Care accommodation, growing the provision of high quality residential care and addressing the fact that the existing Council-run Older Person's Homes are no longer fit for purpose.
63. Executive in October 2015 adopted the criteria for deciding which homes we consult first regarding closure. The criteria are:
 - a. the presence of serious repair or maintenance problems which, if they cannot be addressed in a cost-effective manner, would impact on the quality of care provided to residents;
 - b. the potential alternative uses for the OPH site in order to deliver the wider Programme;
 - c. whether a home accommodates a resident who has already been moved from another Council OPH which was the subject of closure, e.g. Oliver House and Fordlands; and

d. the size of the home, with the smaller homes struggling to provide a cost-efficient service to residents.

64. During the summer the remaining five homes will be assessed against these criteria and a decision made by the Older Persons' Accommodation Board (including the Director of Adult Social Care and the Director of Customer and Business Support Services) on which home will be the subject for consultation on closure in the autumn.

New Provision

65. In order to assist with offering options to residents of the home that will be subject to consultation on closure, new accommodation options will become available in the new year:

Table 7: New Provision of Accommodation with Care

What	When
Extra Care at Auden House	From Q1 2015
Extra Care at Glen Lodge	From Q1 2016
Extra Care at Marjorie Waite Court	Q1 2017
Nursing and Residential Care accommodation at the Chocolate Works	Q1 2017

Timescales

66. Subject to six weeks of consultation starting in September 2016 and a further decision of Members in Q4 2016 regarding the outcome of the consultation and any decision to close, residents would start to move in November 2016 and the home would have closed by the end of March 2017.
67. It is likely that consultation on the closure of a further two homes will take place in 2017.

Consultation

68. Whatever, and whenever, the announcement regarding the closure of individual Council run OPHs is, it will be important to follow the approach that has served us well throughout the programme: delivering sensitive messages in a careful, well managed sequence:
- i. Briefing key external stakeholders who have been actively involved to date (e.g. Age UK York and York Older People's Assembly).

- ii. Briefing OPH Managers/staff & Care Management colleagues.
- iii. Updating OPH residents/relatives.
- iv. Updating all other stakeholders, including NHS commissioner and provider organisations.
- v. Media briefing.

Community Engagement

69. The Council is sensitive to and aware of the concerns of older people/relatives/stakeholders about the closure of their existing OPH and will work with them to ensure that the moves/closures are handled sensitively.
70. As the Programme audience is diverse, it will be difficult to communicate to all of them with one method of communication. The target audience will therefore be broken down into smaller groups that can be targeted separately with tailored, accessible and consistent messages.
71. A Communications Strategy has been drafted which provides a framework for that communication over the period May 2015 – May 2016. The strategy is a working document and will therefore be regularly updated and reviewed throughout the lifespan of the project (2015-2018) to reflect the progress of the project, proactive communication opportunities and any required reactive communications.
72. The OPH Reference Group, comprising representatives from York Older Peoples Assembly, York Council for Voluntary Service, AgeUK York and others, will be revived and will work with the Council to guide this Programme as it moves forward.

Council Plan 2015-2019

73. The Programme is set in the context of the Council Plan for 2015-19 and will contribute to achieving its ambitions. Based on our statutory responsibilities and the aims of the new administration, the plan focuses on three key priorities:
 - a prosperous city for all - where local businesses can thrive and residents have good quality jobs, housing and opportunities
 - a focus on frontline services - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities

- a council that listens to residents - to ensure it delivers the services they want and works in partnership with local communities

74. To support these corporate priorities and under the guidance of the Health & Wellbeing Board, York has developed proposals to achieve a new focus for adult health and social care which delivers:

- a. self care and self management;
- b. better information and signposting;
- c. home is best;
- d. early intervention and prevention;
- e. reablement and intermediate care (targeted resources);
- f. managing long term conditions; and
- g. delivering services at a community level where this is desired and possible.

Implications

Financial

75. The financial implications relating to Lowfield and Haxby Hall have been covered in the relevant section of the report. Further examination of the financial implications will be undertaken as proposals are developed further.
76. The potential to develop community football provision on land at Tadcaster Road will require funding. Partners in the proposals are willing and able to seek grants and other support. The use of section 106 monies and other funds will also be considered including the realisation of capital from the Lowfield development. A detailed financial appraisal will be produced as part of the business case for the Lowfield development.
77. With regard to Haxby Hall, Executive have already examined the option of self-investment and, in July 2015, identified that this option was viable. At the time Executive asked that officers explore the option that the Council to invest up to £5.2m in new and/or revamped care provision at Haxby Hall with any decision-making to be set in the context of plans for Burnholme.

Equalities

78. In considering this matter the Council must have regard to the public sector equality duty. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equalities Act 2010.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
79. The Equalities Act 2010 explains that having due regard for advancing equality involves:
- Removing or minimising disadvantages suffered by people due to their protected characteristics.
 - Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low
80. An Equality Impact Assessment for the Programme was produced for the 15 May 2012 Executive Report and has been reviewed and updated and reported to Executive in October 2015. It particularly highlighted the potential implications of the programme for the health, security and wellbeing of frail residents and also female members of staff who are older and also carers themselves.
81. In response, the Council developed and followed a 'Moving Homes Safely' protocol which it followed when (in the first phase of the Programme) it closed Fordlands and Oliver House in March 2012, to ensure that residents' moves to their new homes were as well planned and carefully managed as possible. Likewise, careful management of staff change helped to mitigate the impact of these closures. The Moving Homes Safely protocol was updated in April 2016 following its use at Grove House and Oakhaven and continues to guide actions relating to closure.
82. An OPH Wider Reference Group has been established to act as a sounding board for the development of plans as the implementation of the Programme progresses. The project team also continues to use

established channels to communicate with, and gather the views of, OPH managers and staff, care management staff and Health colleagues.

Property

83. The property implications relating to Lowfield and Haxby Hall have been covered in the relevant section of the report and in the confidential annex.
84. The 19 acres of land off Tadcaster Road which are being examined as suitable for community football use is currently let on an agricultural tenancy. Planning and other considerations will be examined before a further recommendation is made as to change of use. Land for community football use would be let on a long lease of at least 25 years.
85. With regard to the use of any Council-run Older Persons' Home should it close, it is already agreed that up to £4 million of capital receipts received from the sale of homes will be used to support the Programme. Detailed consideration of how best to realise these receipts from each home will be undertaken once the decision to close is made.

Legal

86. Legal services have been involved in the development of these proposals and their comments have been incorporated within this report. Further examination of the legal implications of the various property and procurement elements of this Project will be undertaken as proposals are developed further and brought forward for due consideration, as we progress with the various elements of the Project.
87. Because Lowfield School closed in 2007, the Council does not need Schedule 1 to the Academies Act 2010 consent for the re-use of the school building site as that only applies to disposals or change in use of land which has been used as school buildings within the preceding 8 years. The Council already has Department for Education (DfE) consent for disposal of a 1.42 acre strip of the land that runs through the centre of the site. In total, this ensures that 6.9 acres of the site can be developed immediately and without the requirement for formal DfE consent. As the rest of the site is likely to be developed incrementally over the next few years, the Council is unlikely to need DfE consent under Section 77 of the School Standards and Framework Act 1998 (SSFA 1998) to change the use of the rest of this site as that only applies to disposals or change in use of land which has been used as school playing fields within the preceding 10 years.

88. The consideration of the closure of existing Council run OPHs should follow a clear and consultative path. There are a number of potential challenges to local authorities during the process of closing OPHs which have been considered. Previous advice is held and has been recently updated by specialist legal colleagues. This advice includes an examination of the application of the Human Rights Act and the Equality Act. Legal advice has been sought and has guided the approach to consultation and the wording of letters.

Human Resources

89. The HR implications of the Housing for Older Persons' Programme have been considered in previous Executive Reports. The key implication is upon the existing staff that deliver the service.
90. The recommended Programme includes a variety of methods of delivery of modernised care for Older Persons within the city, which is appropriate to their needs and enables more independent living. In delivering this programme of change, the Council will need to consult closely with the existing staff to ensure that, where there are opportunities, they are available to appropriately qualified staff who wish to stay in employment.
91. With regard to the examination of the potential options regarding Haxby Hall we will examine the Transfer of Undertakings Protection of Employment (TUPE) Regulations, as amended in 2014, as they apply to these staff.
92. When we know the name of the next home to be the subject of consultation on closure, we will engage in full and formal consultation with affected staff groups.
93. We will also explore requests for early voluntary redundancy and movement between homes in order to minimise any impact on staff during the programme of change.
94. In addition we will identify workforce gaps elsewhere in the social care sector and enable appropriate recruitment initiatives to secure the future workforce.

Other Implications

95. There are no specific Crime and Disorder, Information Technology or other implications arising from this report.

Risk Management

96. The Programme holds many risks, as would be expected with change of this complexity. These have been identified and will be kept under review and will be carefully managed. Key risks include:

ref	Risk	Mitigating Action
a)	Options for accommodation for older people do not match the expectations and aspirations of current residents.	A wide range of options are made available and current residents are supported to assess these against their needs and wishes.
b)	Those with high care needs and their cares/advisers/ assessors do not recognise Extra Care accommodation as suitable because there are limited examples in York of this type of accommodation and the care pathways are unclear.	A dedicated care manager will work with residents to explore with them and their relatives how Extra Care operates, how it can be a flexible model for those with high care needs and how it operates in other towns as a viable alternative to residential care.
c)	The Lowfield site does not realise the anticipated level of capital receipt included in the financial model.	Work closely with partners and the Council property team to maximise the capital receipt including open marketing and a competitive bidding process.
d)	The Health or other public sector uses of land at Lowfield do not happen.	The land allocated for these uses will instead be used for residential housing with the approach to development being flexible in order to facilitate this.
e)	The redevelopment options for Haxby Hall as a care home are not viable or not sanctioned	The land will be sold for residential development, subject to planning.
f)	Insufficient funding to deliver all elements of the project.	The early receipt of capital from the sale of other assets has placed us in a strong position to secure the receipts needed.

ref	Risk	Mitigating Action
g)	Capital funding for health input at Lowfield will be decided nationally and not locally and may not be granted.	Strong joint working between health and social care services and active involvement in the Government sponsored One Public Estate initiative will strengthen any case for health investment at Lowfield. In addition, an incremental re-development means that certain elements can progress and not be dependant upon others; for example, the care home can progress independently of the health hub.
h)	Title / related property issues, incorrect procurement of capital works and/or development.	Applying due diligence to ensure Council's normal approach to land disposal, procurement of capital works and/or a development partner is applied.
i)	Increase in interest rates would impact negatively on borrowing.	An interest rate sensitivity test has been run against the proposed Programme and it remains affordable.
j)	Risk of the new developments/deals driving up the price the Council pays to external residential care providers	Undertaking negotiations with Independent providers. Do not "flood" the market with purchase requirements but instead take a slow and considered approach to purchase of care bed places.
k)	Loss of OPH staff morale leading to negative impact on service provided to existing OPH residents	Maintain staff morale and focus through regular, open and honest briefings/updates; engagement through OPH Managers and staff groups; investment in staff training, support and development.

ref	Risk	Mitigating Action
l)	The cost of any associated redundancy is greater than estimated.	<p>The financial model has been “stress tested” to assess the impact of a 50% increase in the cost of staff change and is still viable.</p> <p>Staff change will be managed carefully in order to minimise cost and legal risks.</p>
m)	Challenge and negative publicity from existing OPH residents and relatives, OPH staff/TUs, other stakeholders, opposition parties, wider public	Development of well planned Communications approach through briefings to Residents and relative, Executive, group leaders, TUs, OPH Management & Staff, OPH Review Wider Ref Group, Media.

End

Contact Details

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	Report Approved	<input checked="" type="checkbox"/>	Date 1 July 2016		
<p>Specialist Implications Officer(s) Legal – Ruth Barton (Ext 1724); Gerard Allen (Ext 2004) Finance – Debbie Mitchell (Ext 4161) and Steve Tait (Ext 4065) Property – Philip Callow (Ext 3360) and Ian Asher (Ext 3379)</p>					
Wards Affected: <i>List wards or tick box to indicate all</i>			<table border="1"> <tr> <td data-bbox="1310 1093 1426 1137">All</td> <td data-bbox="1426 1093 1479 1137"><input checked="" type="checkbox"/></td> </tr> </table>	All	<input checked="" type="checkbox"/>
All	<input checked="" type="checkbox"/>				
<p>For further information please contact the author of the report</p>					

Annexes:

Annex 1 – Plan of the Lowfield Site

Annex 2 – **Confidential Annex** – Property Purchase Negotiations

Abbreviations:

DfE – Department for Education

OPH – Older Persons' Home, previously referred to as – Elderly Persons' Homes

TUPE - Transfer of Undertakings (Protection of Employment) Regulations 2006, as amended by the 2014 amendment regulations