

Executive

24 November 2016

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

The Next Phase of the Older Persons' Accommodation Programme: deciding the future of Willow House Older Persons' Home

The purpose of this report is to provide Members with the results of the consultation undertaken with the residents, relatives and staff of Willow House residential care home to explore the option to close the home with current residents moving to alternative accommodation, and for Members to make a decision about whether to close Willow House. The context for this decision is that the Older Persons' Accommodation Programme aims to meet people's changing needs for accommodation with care, and in-particular the needs of those with dementia and the demographic challenges faced by the city, through delivering additional Extra Care accommodation and new, good quality, residential and nursing care accommodation.

Recommendations

1. The Executive are asked to:
 - a. Note that the Older Persons' Accommodation Programme aims to address the needs and aspirations of older people who need accommodation and care, both now and in the future, equipping York to meet their needs by delivering new Extra Care accommodation and good quality residential and nursing provision which meets modern day standards.
 - b. Receive the outcome of the consultation undertaken with residents, family, carers and staff of Willow House to explore the option to close the home with current residents moving to alternative accommodation.
 - c. Make a decision about whether to close Willow House residential care home and, if a decision is made to close it, require that residents' moves to their new homes are carefully planned and managed in line with the Moving Homes Safely protocol.

- d. Make a decision about whether the Willow House site and adjacent land, in total 3,092 m², should be sold forthwith in order to generate a capital receipt to support the wider Older Persons' Accommodation Programme.

Reason: In order to increase the supply of good quality accommodation with care for independent living together with new residential and nursing home provision to address the changing needs and aspirations amongst York's older population and ensuring that more can choose to live independently at home.

Summary

2. The Older Persons' Accommodation Programme aims to meet people's changing needs for accommodation with care, and in-particular the needs of those with dementia and the demographic challenges faced by the city, through delivering additional Extra Care accommodation and new, good quality, residential and nursing care accommodation.
3. On the 30th July 2015 the Executive agreed its vision for a new Older Persons' Accommodation programme. This involves delivering, by the end of 2018, 525 new units of accommodation including 343 that will serve those with high care needs including dementia, facilitating the replacement of out of date care beds. All new facilities would incorporate modern day features including bigger bedrooms, self-contained bathrooms and better communal and social spaces, all absent from current facilities. The current CYC run facilities fall short of current CQC expectations and would therefore provide no certainty of provision into the future.
4. This increase in the supply of accommodation with care will set York on the right path to deal with a 50% increase in the number of citizens over 75 by 2030.
5. At the meeting of the Executive on 14th July 2016 Members agreed 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".
6. This report provides Members with the results of the consultation undertaken with the residents, relatives and staff of Willow House residential care home (and with other interested parties) to explore the

option to close the home with current residents moving to alternative accommodation

7. The consultation has engaged all residents, many of their relatives as well as staff. Users of a learning disability (LD) “drop in” resource and their carers were also consulted. Any issues, concerns and queries that were raised have been addressed at the time or in follow-up conversations and/or correspondence. The six week consultation concluded on 4th November 2016. The outcome of the consultation is dealt with further on in this report.
8. The issues raised in the consultation process had been anticipated in the development of the Programme and in the conduct of consultation upon home closure and the management of any potential moves. In particular, the Moving Homes Safely protocol has been developed (and used) to ensure that the management of any move is focused on the needs of each individual and handled in such a way as to minimise distress. We therefore conclude that no new issues have been raised which bring into question the need for consideration of the closure of Willow House nor the plan and purpose behind the Older Persons’ Accommodation Programme.
9. In addition, the views and wishes of current residents, their relatives and staff at Willow House should be considered in the light of the needs of the wider older persons’ population of York, both now and in the future. For these people the overwhelming wish is to remain living independently in their own home if they can and when this is not possible, to live independently in Extra Care accommodation or, for the smallest proportion, to move to good quality residential or nursing care.
10. The public consultation which underpins the Older Persons’ Accommodation Programme identifies that 97% of questionnaire respondents agreed that bigger bedrooms, en-suite facilities, wider corridors and more social space should be key features of residential care homes. Bigger bedrooms give more social space for residents to entertain visitors, they can accommodate the resident’s own furniture and bigger rooms give staff more space in which to work and support residents, particularly where bed hoists need to be used.
11. The needs of users of a learning disability “drop in” resource currently housed at Willow House could be met by alternative provision.
12. The progress forward of the Older Persons’ Accommodation Programme is dependant upon the closure of existing council-run OPHs as this releases revenue savings, capital receipts and land to allow us to invest in modernising York’s provision. Any delay in closures will incur an

additional monthly cost to the Programme of £12,500, or £150,000 for a full year, and will delay the conclusion of the Programme, currently scheduled for Q4 2018.

Background

13. For older people it is recognised that having adequate accommodation is fundamental for dignity and security. Having access to appropriate accommodation with care underpins health and well-being and is the cornerstone to the delivery of sustainable NHS and social care services. York's older residents want to remain living independently in their own home for as long as they can and, if they must move, want choice over where to live to receive care.
14. York's older population is growing rapidly with the number of 75+ residents expected to increase by 50% by 2030; the number with complex needs including dementia is growing even faster. York does not currently have sufficient accommodation with care to cater for this rising population. Further, current supply is no longer fit for purpose, particularly Council run OPHs which are outdated and lack modern facilities: for example, just 16 of the 171 bedrooms have en-suite facilities.
15. In 2011 many residents, relatives and many others were engaged in consultation on the Council's review of residential care homes and the options available to replace them. Following that consultation the Council started on a programme to replace council-run older persons' homes with new and alternative provision and, later in 2011 and in 2012, consulted on and then closed Fordlands older persons' home and Oliver House older persons' home. Over the following three years there has been further progress and change with residents being kept informed via meetings, press coverage, etc.
16. On 30 July 2015, the council's Executive agreed detailed plans for Older People's Accommodation in the city. These plans seek to address the needs of York's ageing population, replacing the council's seven outdated Older People's Homes with more modern accommodation.
17. One of the key aims of the plan is to maximise use of York's existing Sheltered Housing stock, converting some to Extra Care Housing and therefore making it more accessible for people with higher care needs by increasing the care and support available. This will include increasing overnight care services and developing individual packages of care so people can remain independent in their own home. This work has begun: Auden House Extra Care scheme now has 24/7 care available and early in 2016 Glen Lodge will also have 24/7 care available. These

changes allow a person with high care needs to live in these schemes as a viable alternative to residential care.

18. The Older Persons' Accommodation Programme will provide replacement accommodation to facilitate the replacement of the Council's remaining OPHs. Further, it creates additional capacity in order to allow for population change. The provision of accommodation for those with high care needs is particularly important as it means that the needs of the increasing number of people with complex care needs including dementia can be met. The expected outcomes are listed below:

Table: Expected outcomes achieved by the Programme

Where	When	Total	High Care Needs	Medium Care Needs	Low Care Needs
Auden House Extra Care	Apr - 15	41	16	15	10
Glen Lodge Extra Care (existing)	Feb -16	42	17	15	10
Marjorie Waite Court Extra Care	Q3 -16	42	17	15	10
Chocolate Works Care Home	Q1 -17	90	90	0	0
Red Lodge – Care Home	Q2 -17	46	46	0	0
Glen Lodge Extra Care (extension)	Q3 -17	27	20	4	3
New Extra Care Scheme in Acomb	Q2 -18	50	20	15	15
Red Lodge - Extra Care	Q2-18	105	35	35	35
Burnholme Care Home	Q4-18	82	82	0	0
TOTAL		525	343	99	83

19. The Older Persons' Accommodation Programme should also be seen in the context of our wider efforts to re-model the provision of care services and, in particular, our work with Health colleagues to modernise re-ablement services, align step-down provision and extend support for people with dementia.

The Context for the Consultation

20. Following the decision of Executive on 14th July 2016 to 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”, this consultation began on 26th September 2016 and ended on 4th November 2016. It is agreed “that a... report on the outcome of this

consultation be received at the Executive before a final decision to close is made”.

21. Willow House on Long Close Lane, Walmgate [Guildhall Ward] was the subject of this consultation on closure. The reasons for choosing this home are described in **Annex 1**.
22. The majority of residents at Willow House have lived there for only a short period of time:

	Moved in 2016	Moved in 2015	Moved 2014 or before
Willow House	17%	44%	39%

23. We have examined the links which residents of Willow House have with the local community. While the OPH makes efforts to invite in and engage with the local community, very few of the existing residents previously lived in the area. As shown by the map attached at **Annex 2**, residents moved from across York to live at Willow House. Furthermore, relatives of residents living in Willow House are also dispersed across the area (and with six living outside of York) therefore any move is unlikely to disrupt strong community links.

The Consultation Process

24. It was agreed that we would follow the same approach to consultation and, subject to Member decision, closure, as was followed for other homes. For these homes we used the Moving Home Safely protocol which proved to be appropriate and successful. It was reviewed and updated following its use earlier this year.
25. Residents, relatives and staff have been engaged in consultation. Each was invited to meetings on 26th September 2016 and was informed that their home would be the subject of consultation on closure. They each then received a letter giving more detail of the reasons why closure is considered necessary and setting out how the consultation would be conducted.
26. A key feature of the consultation is that everyone affected (residents, relatives and staff) had the chance to talk on a one-to-one basis about the proposal to close the home. Most importantly, each resident who had capacity was able to be consulted individually and face-to-face, alongside a care manager. Residents were able to choose to have a family member, or close friend, present and could also call on the support of independent advocacy support. At these meetings we:

- a. talked through and explained the proposals and recorded views and discussed wishes;
 - b. explained and explored the options that could be open to the resident should the closure be agreed; this may include sheltered housing with extra care or moving to an alternative care home, this will be based on individuals' needs;
 - c. talked through the 'Moving Homes Safely' protocol so that the resident fully understood (and hopefully was reassured by) the process that would be followed should the closure be agreed.
27. Residents and their family / friends were also offered the opportunity to respond to the consultation in writing.

The Outcome of the Consultation

Residents and their relatives

28. Willow House had the capacity to accommodate 33 residents. At the start of the consultation there were 23 permanent residents. The current occupancy is 18 permanent residents, 5 short stay residents and 10 vacancies. Of those permanent residents dependency levels are assessed to be 9 low level, 8 medium level and 1 high level. 1 person living at Willow previously moved from Fordlands.
29. The Care Quality Commission carried out an inspection of Willow House between the 30th September and the 3rd October. We await the outcome of that inspection.
30. At the launch of the consultation on 26th September staff held:
- A Residents/Relatives meeting: 2 residents and 10 relatives attended. Minutes were taken and distributed via individual letters posted after the event. The Review Manager was present and all relatives had an individual discussion with the consultation lead and the Review Manager.
 - 2 relative requested a review for their relative immediately following the briefing and once the review was completed the residents moved to other care homes. Another resident has recently moved. These decisions to move were taken in the full knowledge that future of Willow House was still in the consultation phase and with knowledge of the Moving Homes Safely protocol.
31. During the consultation process the Older Citizens Advocacy York service was available for residents to use. An awareness session was

held amongst staff so that they could refer residents to the service during the consultation phase, if needed.

Staff

- 32. There is currently 35 staff employed at Willow House.
- 33. Their Unions were briefed prior to the launch of consultation and a staff briefing meeting held on 26th October 2016. Human Resources (HR) colleagues were present and discussed options available and next steps. Drop in sessions facilitated by HR were held between the 6th and the 10th of October 2016.
- 34. Colleagues in other care homes were briefed on 27th September and extra care staff on 6th October.

Summary of engagement

- 35. The following residents, relatives and staff have been engaged in the consultation process:
 - 23 residents
 - 21 relatives
 - 35 staff.
- 36. The following engagements were made and/or responses received:

Residents	<p>3 residents attended briefing (26th Sept).</p> <p>12 residents face to face meetings with Manager on 30th September, families discussed with 9 other residents rather than Manager at their request. (various dates throughout Oct).</p> <p>3 residents lack capacity.</p> <p>Four residents chose to move soon after the consultation begun. One resident was in hospital and has subsequently died.</p> <p>3 verbal comments received.</p>
Relatives	<p>23 letters sent (26th Sept).</p> <p>23 telephone calls and meeting requests made (19th & 20th Sept).</p> <p>10 relatives had meetings with Management (26th Sept).</p> <p>19 telephone calls made by Home Manager to confirm any additional comments (27th & 28th Oct) No additional meetings</p>

	<p>needed.</p> <p>2 sent MHS protocol, copies available in the home and Residents and Relative made aware of the document at meetings.</p> <p>No calls were made to the Hotline and no emails were sent to the Care Homes Consultation email address.</p>
Staff	<p>Staff briefing 26th Sept; all invited, 21 attended.</p> <p>21 staff attended staff drop-in sessions from 6th -10th October.</p> <p>Union reps invited but did not attend.</p> <p>Offered further individual meetings.</p> <p>No staff used hotline/Email address.</p>

Learning Disability services

37. The potential impact for customers with learning disabilities using the light room, changing spaces and lounge area facilities was the subject of consultation. 17 customers were engaged. 5 out of 17 people commented that they would want the service to remain and/or wish to see it replicated elsewhere.

Other engagement

38. The Older Persons' Accommodation Programme reference group, which includes Age UK and the York Older Persons' Assembly, were also engaged in and invited to comment on the option to close Willow House. The group recognise and support the need to change and improve the provision of older persons' accommodation in the city and are supportive of the Moving Homes Safely protocol which guides any change for individual residents of care homes.

Outcomes of consultation

39. The themes that emerge from the consultation are:
- a) Good understanding of the Programme from Relatives and Residents.
 - b) Relatives concerned about where alternative provision would be located.
 - c) People are keen to move their relatives as soon as possible.
 - d) Loss of light room, changing spaces and lounge area facilities for customers with a learning disability.

Responses to the Issues raised during Consultation

40. Issue: Those consulted have a good understanding of the Programme from Relatives and Residents.
41. Response: Managers and staff have worked to regularly update residents and relatives in the Council-run care homes with the detail and progress of the Older Persons' Accommodation Programme. It is satisfying that these briefings have been recognised by those at Willow House.
42. Issue: Relatives are concerned about where alternative provision will be located.
43. Response: Should the decision be made to close Willow House we will work with residents and their relatives to find the most suitable home for their needs. Homes in York are located in all areas and, at present, there is good availability of accommodation. In some circumstances, residents may choose to move outside of York to be closer to relatives.
44. Issue: People are keen to move their relatives as soon as possible.
45. Response: Should the decision be made to close Willow House we will work with residents and relatives to facilitate moves in a timely way. However, we must ensure that moves take place in an organised way so that we avoid the situation where a small number of residents are left alone in the home for longer than is necessary. We must also plan so that the staff team is adequate to care for residents as they move out.
46. Issue: Loss of light room, changing spaces and lounge area facilities for customers with a learning disability.
47. Response: We will work with users of this service to identify which of these facilities needs to be relocated, examine the patterns of use and relocate appropriately. The matter of relocation is not urgent because the facilities used by customers with a learning disability are self-contained and can be kept in use for a period of time even if the care home closes.

Willow House Transition Plan

48. Should the decision be made to close Willow House, we have assessed what a likely transition plan would look like.
49. There are currently 18 permanent residents at Willow House. Should Members decide to close the home, we would expect moves to take place between January and April 2017, although some residents may choose to move sooner.

50. Home Managers have updated the care assessments for current residents and assessed their dependency levels. This exercise identifies possible demand for new accommodation as follows. However, we will also factor into this assessment the wishes of each individual and therefore the profile of demand for new accommodation may change.

Extra Care	4
Residential Care	11
Residential dementia care	1
Nursing Care	2
	18

51. The Commissioning Team have assessed the likely supply available in the first quarter of 2017, as follows. The Programme budget can support the charges associated with this provision.

Proposal	numbers	Action
Hold on Extra Care Vacancies at Glen Lodge, Auden House and Marjorie Waite Court from 1/11/16	4	Based on normal rates of change.
Hold vacancies at Haxby Hall	8	Hold on referrals to Haxby Hall from 1/11/16
Nursing Home Vacancies	2	Monitor availability.
Independent sector provided residential care or residential with dementia care beds	9	Engage with providers as part of our normal and regular spot-purchasing activities once individual resident's needs are known.
	23	

52. We can also seek to create more Extra Care vacancies, if required, by supporting voluntary moves for those who live at Auden House or Glen Lodge and who have low or no care needs.

The future use of the Willow House site

53. Should Executive decide to close Willow House, the Older Persons' Accommodation Programme, as agreed by Executive on 30th July 2015,

plans that the Willow House site would be sold and the capital receipt used to support the delivery the Programme.

54. With regard to the Willow House site, the property team advise that:
- a. The Willow House site is a valuable asset situated next to the City Walls and Walmgate Bar and should be marketed to achieve the highest sale price. Experience from the sale of Oliver House and Grove House demonstrates that we can achieve significant value from city centre land sales as there is currently healthy competition for such opportunities.
 - b. Willow House is in a good residential location with social rented, privately owned and student accommodation close by. It is likely, therefore, that some form of private residential use or student accommodation would achieve the highest value. However, the area also hosts hotels and other commercial ventures and so a changed use for the land may emerge.
 - c. We propose that the 422 m² Housing Revenue Account (HRA) garage site and the 373 m² plot of land to the front of Willow House be included in this sale giving a total area of 3,097 m², as shown on the plan at the end of this report.
 - d. We propose that the property is put up for sale on the open market.
 - e. It is anticipated that the sale process, to offer and exchange of contract, could be concluded in 2017. It is likely that any sale would be subject to obtaining satisfactory planning permission which would mean that sale completion will take place in 2018. These timescales are very approximate because of unforeseen circumstances that could arise.
 - f. And sale of HRA land will generate a receipt to support the provision of affordable housing in the city.

Consultation

55. The portfolio holder for Adult Social Care and Health is responsible for this Programme and will receive regular briefings and updates on its progress to ensure that it is delivered in a timely and effective manner.
56. Ward Members have been briefed and kept informed.
57. Briefings have also been offered to the Central York and Outer York MPs.

58. The Health and Adult Social Care Policy and Scrutiny Committee will scrutinise delivery of this Programme and assess and monitor its impact upon the health and social care services in the city.
59. The Health and Wellbeing Board will also be kept fully informed.
60. We have followed the approach that has served us well when previously consulting on the potential to close OPHs: 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.

Council Plan 2015-2019

61. 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
62. 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

Balancing Competing Priorities

63. In order to make a decision on the future of the residential homes, members must take into account a number of factors. The following is a summary of matters which Members are asked to consider:
- The views expressed in the consultation process by participants including residents of Willow House and their relatives, staff working at Willow House and their union representatives and members of the Older Persons' Accommodation Programme reference group including Age Uk and York Older Persons' Assembly.
 - Legal responsibilities such as those pertaining to the Human Rights Act and Equality Act. A copy of the Equality Impact Assessment dated 31st October 2016 is attached at **Annex 3**.
 - Potential impact on residents and families.
 - Financial impact on the authority and its Council Tax payers.
 - Responsibilities to staff.
 - Future demand and needs as expressed through commissioning strategies.
 - Research and knowledge about demand for older people's accommodation.
 - Central Government policies, directives and financial targets.
 - Value for money in service delivery.
 - Current standards of care.
 - Supply and demand for residential care in City of York
 - Occupancy levels of each home.

- The estimated cost of maintaining or improving the buildings.
 - The availability of alternative provision.
 - The service development opportunities in that location.
64. All these issues have been considered extensively in the work to date on this Programme and covered in the reports to Executive on the matter and listed at the end of this report.

Equalities

65. 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.
66. 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
67. An Equality Impact Assessment for the Older Persons' Accommodation Programme was produced for the 15 May 2012 Executive Report and was reviewed and updated 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.
68. The Equality Impact Assessment for the Older Persons' Accommodation Programme has been further reviewed and updated in October 2016 to take account of the specific circumstances at Willow House and the following additional considerations addressed:

- a. The needs of and services delivered to customers with learning disabilities who use facilities at Willow House.
- b. The specific needs of staff who are pregnant.

The Equality Impact Assessment for the Older Persons' Accommodation Programme dated 31st October 2016 is attached as **Annex 3**.

69. 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 is still in place, has been updated in light of recent consultation and engagement and continues to guide actions relating to closure.
70. 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 unfolds. 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.

Financial

71. The annual net cost of running Willow House is £502,000. The likely cost of reproviding for the care of customers currently resident is £352,000 per annum. The ongoing annual saving from closing Willow House is therefore £150,000.
72. The £352k includes provision for purchasing external residential, nursing and extra care. Customers moving to existing CYC run residential and extra care services are assumed to have no extra ongoing cost as the cost of staffing Haxby Hall, for example, is already built in to Haxby's budget.
73. Provision has been made within the Programme budget to fund the cost of staff change and the loss of income during the transitional period.
74. The financial impact of the closure of Willow House is in line with the original Older Persons' Accommodation Programme forecast of delivering annual savings of £553,000 and £13.8m over 25 years.
75. Capital receipts are anticipated from the possible sale of the following sites if a decision is made to close the current OPH on the site:
 - Haxby Hall OPH;

- Morrell House OPH;
- Willow House OPH;
- Windsor House OPH; and
- Woolnough House OPH.

76. It is estimated that, should the decision be made not to close or delay the closure of Willow House the authority will incur an additional monthly cost to the Programme of £12,500, or £150,000 for a full year.

Legal

77. 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 updated by specialist legal colleagues. This advice includes an examination of the application of the Human Rights Act and the Equality Act.
78. Legal advice has been sought and has guided the approach to consultation and the wording of letters.

Human Resources

79. Formal individual consultation has taken place with all staff at Willow House. The closures of the home can be achieved via a combination of re-deployment, vacancy management and voluntary redundancy. However, we do anticipate compulsory redundancy and will consult formally following this Executive meeting and should the decision to close be made.
80. 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

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

Risk Management

82. The process of closure of care homes, should that be the decision made, has risks associated with it; these have been identified, will be kept under review and will be carefully managed. However, because the authority has done this before, and followed a similar process, it is believed that these risks are manageable.

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 carers/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 elsewhere as a viable alternative to residential care.
c)	The Willow House site does not realise the anticipated level of capital receipt included in the financial model.	Work closely with partners & the Council property team to maximise the capital receipt including open marketing and a competitive bidding process.
d)	Insufficient funding to deliver all elements of the project.	The early receipt of capital from the sale of Willow House, should it be agreed to close, will make a positive contribution to cash flow in the Programme financial model.
e)	Title / related property issues, incorrect procurement of capital works and/or development.	Applying due diligence to ensure Council's normal approach to the disposal of land, procurement of capital works and/or a development partner is applied.
f)	Increase in interest rates would impact negatively on borrowing.	An interest rate sensitivity test has been run against the Programme and it remains affordable.
g)	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.

ref	Risk	Mitigating Action
h)	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 & development.
i)	The cost of any associated redundancy is greater than estimated.	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. Staff change will be managed carefully in order to minimise cost and legal risks.
j)	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 14 th Nov 2016
Specialist Implications Officer(s) Legal – Cathryn Moore (Ext 6006) and Melanie Perara (Ext 1087) Finance – Debbie Mitchell (Ext 4161) and Steve Tait (Ext 4065) Property – Tim Bradley (Ext 3355) and Ian Asher (Ext 3379)			
Wards Affected: Guildhall and Holgate			
For further information please contact the author of the report			

Background Papers

19 July 2011	Report to Executive giving formal approval for the commencement of the Programme.
1 Nov 2011	Report to Executive giving the results of consultation and proposed a programme of closures, supported by a further consultation period on proposed closures of Oliver House and Fordlands.
10 Jan 2012	Report to Executive authorising consultation with staff, residents and their families and carers on proposal to close Fordlands and Oliver House, including changes to day care services as a result. Recommendation to close Fordlands and Oliver House.
15 May 2012	Report to Executive noting the successful homes closure and transition for residents
4 June 2013	Report to Executive seeking agreement on modernisation programme. The Council to fund the building of the two new care homes and so retain ultimate ownership of the buildings and the land with care homes designed, built, operated and maintained by an external provider.
3 Mar 2015	Report to Executive seeking approval of revised proposals based on creating new Extra Care Housing (ECH) and reforming the Council's existing ECH stock; building a new care home on the Burnholme site as part of wider health and community facilities;

	and working more closely with current care providers to deliver more specialist dementia accommodation across the city.
30 July 2015	Report to Executive seeking approval of the Business Care for the Older Persons' Accommodation Programme and agreement to proceed.
29 Oct 2015	Report to Executive providing the results of the consultation undertaken with the residents, relatives and staff of Grove House and Oakhaven residential care homes to explore the option to close each home with current residents moving to alternative accommodation. Executive agreed to close Grove House and Oakhaven.
29 Oct 2015	Report to Executive regarding securing a viable future for the Burnholme school site in Heworth ward. Following extensive public consultation Members agreed to sanction further work to identify partners to progress the continued community and sports use of the site, complemented with wider health and enterprise services, the building and operation of a residential care home for older people and the provision of housing.
19 May 2016	Report to Executive that obtained consent to begin to deliver the Burnholme Health & Wellbeing Campus and secure a viable future for the former Burnholme Community College site (the Site) in Heworth ward.
14 July 2016	Report to Executive by the Director of Adult Social Care. Agreement to move forward with examination of the development potential for Lowfield, alternatives to closure of Haxby Hall and sanction to consult on the closure of a further two older persons' homes.

Annexes:

Annex 1 – How have we decided which homes should be the first to be consulted on closure?

Annex 2 – Maps showing previous addresses of residents and current addresses of relatives

Annex 3 – Equality Impact Assessment

Plan of Willow House Site and associated land

Abbreviations:

NHS – National Health Service

LD – Learning Difficulties

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