



## Cabinet

23 February 2015

### Report from Strategic Director of Adult Social Care

For Action

Wards Affected:  
ALL

## Tudor Gardens – Supporting Independent Living

### 1.0 Summary

1.1 Tudor Gardens is a registered residential care home that Brent Council, adult social care, directly provides for adults with learning disabilities. This paper provides an overview of the service and the proposal to de-register the residential care home and re-provide it as supported living accommodation in line with the department's objectives to support people to have increased choice and control to live as independently as possible.

1.2 The report also sets out the consultation process that will need to take place and highlights the potential issues that will need to be resolved as we go through that consultation process.

### 2.0 Recommendation

2.1 The Cabinet is requested to note the contents of this report and:

- a) Approve the consultation on de-registering Tudor Garden residential home, and
- b) Note the process for consulting with Tudor Garden residents and their families and/or advocates and the potential implications for the directly provided care which would result from agreeing the move to Supported Living.

### 3.0 Background

- 3.1 The Care Act 2014 will be implemented in April 2015 and reinforces Brent Council's focus on what people can do, rather than what eligible needs they have, and on this basis the importance of promoting independence, choice and control in order to make a difference to people's wellbeing.
- 3.2 A key part of Brent's implementation of the Care Act is set out in the Council's Market Position Statement 'Care and Support Closer to Home' agreed by the Cabinet in January 2014. The aim of the Market Position Statement, and the New Accommodation for Independent Living (NAIL) project is to create a more diverse accommodation based care and support market and ensure that the council is able to meet people's individual needs in the least restrictive environment, reducing the reliance on institutional care (residential and nursing care) and increasing access to other forms of accommodation such as supported living.
- 3.3 Residential and Nursing care is an expensive care option and often discourages independence. Supported Living, on the other hand, provides service users with a tenancy, their own front door (self contained living environment) and encourages a different model of care and support which is focused on maximising the independence, choice and control individual service users have and, therefore, improving their quality of life.

#### **4.0 Tudor Gardens: the service**

##### ***Current***

- 4.1 Tudor Gardens is a relatively new residential care home, which replaced Melrose House four years ago. Most of the staff and residents moved from Melrose House to Tudor Gardens. It is the one remaining in-house, directly provided, residential care home. It currently provides support to 14 people who have a learning disability, but it has capacity for 15 residents. There are 24 staff who provide this support.
- 4.2 The home was built in partnership with the housing department under a PFI scheme and comprises three separate buildings, each containing 5 units. Each of the buildings is made up of self contained studio flats. Each studio flat has an en suite bathroom, a kitchenette and a living and sleeping area. Each building also has a shared bathroom, laundry room, communal area and kitchen. In other words, the building and accommodation is ideal for supported living.
- 4.3 The levels of need and support vary across the 3 buildings, but only one of the buildings supports residents who have relatively high care

needs and require 24 hour care support. The service is well regarded by service users and commissioners and has been inspected by the Care Quality Commission on a number of occasions and has always met all standards.

***Proposed***

- 4.4 Since 2010 the Council has been developing alternatives to placing people in registered residential care services. This has focused on external services. We have worked with external providers to develop new supported living accommodation and we have worked with other providers to de-register existing registered residential care homes and turn them into supported living accommodation.
- 4.5 The proposal set out in this paper builds on the work we have done in the past with independent sector homes. It is, therefore, clear that success is not just about the registration status of the care provision with the Care Quality Commission, it requires a number of other changes (contractual and cultural) to ensure this change delivers improvements for the people living there. Each of these will be addressed during the consultation process.
- 4.6 Firstly, de-registering Tudor Gardens and creating supported living accommodation with rights of tenure to the residents who are living in the studio flats currently. This gives the residents greater security, and it also means they can access a wider range of benefits, including housing benefit. The ability to access housing benefit to pay for their accommodation also significantly reduces the cost of support for adult social care, which is set out in more detail in the financial implications section. It also creates the need for a new service to manage the building and landlord responsibilities. The options for delivering this service will be explored with a final recommendation coming back to the Cabinet at the end of the consultation.
- 4.7 Secondly, it also creates additional opportunities to work with the residents to identify new support and services tailored to their individual needs to enable them to be as autonomous and independent as possible. In order to do this we will work with the current residents and their families, carrying out individual reviews of needs and support plans, and working with the residents and their families as groups, to co-produce the revised service and support needs. This in depth understanding of individual and collective needs will ensure we are able to commission the right range of care and support to help people to live more independently.
- 4.8 Finally, de-registering also raises a more pragmatic issue about who provides the care and support. The Care Quality Commission are clear that in supported living there must be a genuine separation between the care and the accommodation. The clearest response to this would be for the Council to contract with the independent sector for the regulated care rather than directly providing the care itself. Whether

this is the only or best solution will be explored with the Care Quality Commission, based on the reviews of service users need through the consultation.

## **5.0 Consultation and co-production**

- 5.1 It is proposed that there is a 90 day consultation with residents, families and all stakeholders on the proposal to de-register Tudor Gardens Care Home. Consultation will start in March 2015 and conclude in May 2015.
- 5.2 Advocacy, translators and signer services will be commissioned to support service users and families to contribute fully to the consultation process.
- 5.3 Consultation will be based on principles of co-production, specifically:
1. Open and clear information/ communication to individuals, service users, their families, advocates and staff
  2. There will be an individual response to service users and carers needs and situations at all times, ensuring we not only meet our statutory obligations but get the best outcomes for service users
  3. Senior Staff representatives will regularly meet and inform service users, carers, and staff of the key project activity and progress.
  4. Service users, carers, advocates and staff will have access to key staff members who have decision making responsibilities to ensure clear and well considered decisions are made.
- 5.4 The process is set out in detail in the table in appendix 1 and will be overseen by a project group including staff from direct services, Learning Disability Support Planning Team and Commissioning to oversee the process and ensure all actions are agreed and completed on time. We will carry out full reviews of individual service users' needs and review their support plans, and we will engage with service users on an individual and group basis to identify their needs, wishes and what are there overriding priorities in this process.
- 5.5 Finally, we will work closely with staff recognising the uncertainty this period of consultation will cause them and their importance not only in continuing the service, but also supporting service users during the consultation.
- 5.6 The results of the consultation will be presented to the Cabinet with recommendations for implementation in June 2015.

## **6.0 Financial Implications**

- 6.1 The 2014/15 budget for Tudor Gardens is £928,000. Under the existing arrangements the Council's adult social care department pays for all costs, including hotel costs, which includes food, council tax and utility bills. However, if Tudor Gardens is de-registered and becomes Supported Living accommodation, the 'hotel costs' e.g. food, council tax and utility bills are payable by the residents, from benefits or other income. The tenants would also pay rent, again through housing benefit and other income. If Tudor Gardens is de-registered then all residents would be given support with accessing the appropriate benefits, and the Council's fairer contributions policy would apply which ensures that people only pay for what they can afford.
- 6.2 Also, as set out in section 4, de-registering Tudor Gardens would bring in a number of other changes, including reviewing support arrangements and introducing housing related management support.
- 6.3 The indicative estimates for the savings these changes could deliver is £300k. However, the consultation period and the specific package of changes that come from that process will provide further detail, including any costs (one off or ongoing) of implementing the changes.
- 6.4 Any savings will be monitored as part of the council's budget monitoring process.

## **10.0 Legal**

- 10.1 There is no specific legislation governing the de-registration of care homes.
- 10.2 However, the Care Homes Act 2000 ("the Act") provides the definition of a care home and a domiciliary care agency for registration purposes. Section 3, in so far as it is relevant, provides as follows:
- "(1) For the purposes of this Act, an establishment is a care home if it provides accommodation together with nursing or personal care..."
- 10.3 In August 2002 the Department of Health issued guidance on registration of care homes which sets out how to distinguish between care homes and supported living arrangements. Essentially the distinction is between whether personal care is provided to an individual in an establishment or within their own home. This is a question of fact for the Care Quality Commission ['CQC'] to determine. The guidance does state that it is not determined by whether the care element is provided by a different company from the accommodation provider. Rather what is required is that the service user has autonomy akin to those living in ordinary accommodation and that this will include a choice in the care provider.

## **11.0 Diversity Implications**

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- 11.1 The age of the current residents in Tudor Gardens ranges from 30 – 70 and as such a number of them are experiencing age related health issues. They all have a learning disability and some have a physical disability. The majority of residents are White and White Irish. Many have been living together within a residential care establishment for more than 30 years and see themselves as one family.
- 11.2 The proposals in this paper will support the current residents to continue to live in Tudor Gardens with greater security of tenure and greater choice and control in how they live their lives. However, if change is agreed, then it will also create some uncertainty.
- 11.3 A draft Equalities Impact Assessment has been completed, but a full equalities impact analysis will be completed in accordance with our duties under the Equality Act 2010 through the consultation process.

## **12.0 Staffing Implications**

- 12.1 Tudor Gardens currently employs 24 staff across a day and night rota. The proposed de-registration will have an impact on staff. If the Council continues to provide the care, then a significant cultural change will be required to respond to the new service model. If, as identified in Section 4, an external provider takes over the care provision then the current staff at Tudor Gardens may qualify for a TUPE transfer, and the Council would seek to ensure that London Living Wage was applicable.
- 12.2 The detail of any required changes will not be clear until this period of consultation on de-registration is complete and the Cabinet has agreed the way forward in June 2015. At that point, a full consultation on any proposed changes would be undertaken with staff and trade unions in accordance with HR policy.

## **Background Papers**

- Putting People First: a shared vision,
- Valuing People Now: a new three year strategy for people with learning disabilities (2009)
- Care Act 2014
- Nail Project 2014

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## Appendix 1 - Consultation Timetable

Date	Stakeholder Group/ Meetings	Purpose
9 <sup>th</sup> March 2015	Consultation letter to service users	The aims of the initial letter to service users is to provide a brief explanation of aims, point of contact for questions( easy read format)
9 <sup>th</sup> March 2015	Consultation (letter to staff)	To explain aims of the proposed change and points of contact for questions.
9 <sup>th</sup> March 2015	Letters to families	Brief explanation of aims, point of contact for questions)
12 March 20105	Advocacy & Signer Appointed	To support Residents to effectively contribute towards the consultation discussions
16 <sup>th</sup> March 2015	Consultation (First meeting with service users)	Purpose of the meeting is to explain what supported living is, discuss advocacy, etc.)
17 <sup>th</sup> March 2015	Consultation with families (First meeting meeting)	Purpose of the meeting is to explain what supported living is, discuss advocacy, etc.)
18 <sup>th</sup> March 2015	Consultation (First meeting with staff)	To explain what SL(Supported Living) is and how this will impact on T&Gs)
13 <sup>th</sup> April 2015	Consultation (Second meeting with service users)	To establish wishes re: care provider; discuss transport arrangements, environmental modifications. Provider shares in house policies in relation to medication management, staff expenses, lone working. Shared expenses discussed.)
20 <sup>th</sup> April 2015	Consultation with commissioner	(Shared expenses agreed and shared with AS Commissioner)
24 <sup>th</sup> April	Communicate with families	To inform families about

	via letter	staffing arrangements to family / advocates
27 <sup>th</sup> April 2015	Consultation (Decision making meeting)	To agree service provision.
18 <sup>th</sup> May 2015	Consultation meeting with staff	To discuss last concerns and queries, skill gaps.
9 <sup>th</sup> June 2015	Report back to Cabinet	To feedback consultation outcomes with service users, families and staff on motions of the