



Executive
19 September 2011

**Report from the Director of
Adult Social Services**

Wards affected:
ALL

Outcomes of the consultation into the closure of Knowles House Site.

1.0 Summary

- 1.1 The 'Knowles House Site' has two Council-owned care facilities situated on it - the Knowles House residential home and the Westbrook Community Day Centre. The property also incorporates a separate single storey annexed section on the ground floor, known as Anansi Nursery.

As the facilities did not meet the CQC current quality standards and the cost of mitigating against these factors was unacceptably high, a consultation on the possible closure of Knowles House was instigated.

- 1.2 A consultation period ran from 18th April to the 9th July 2011, details of which were published on the Brent council website. The consultation was undertaken in three waves and 11 consultation meetings were held at Knowles House. These consisted of separate meetings with staff, key stakeholders, permanent residents and their families, temporary residents and their families, individual meetings with residents and their families. All meetings apart from those with staff, were supported by an independent advocate and minuted by a palentypist, and were held both in the afternoon and evening, to allow maximum participation. Staff meetings also included representation from the major unions. Similarly meetings have also been held with Westbrook day centre clients and families.

Contributions to the consultation could also be emailed or sent by letter to the Communications team at the council.

2.0 Recommendations

- 2.1 The closure of the Knowles house site, and the re-provision of care for both Knowles House Residents and Westbrook Day service attendees to be undertaken by agreed and appropriate approved independent and voluntary sector providers, as near to family and friends as is possible.

3.0 Detail

- 3.1 The 'Knowles House Site' has two Council-owned care facilities situated on it - the Knowles House residential home and the Westbrook Community Day Centre. The property also incorporates a separate single storey annexed section on the ground floor, known as Anansi Nursery. The nursery is an integrated children's facility for both disabled and non-disabled children but has been unused since 2007.
- 3.2 The site is a three storey building constructed in the 1970's and the complex includes gardens and car parking spaces. The third floor is unused as it does not comply with registration standards and there is no lift to the third floor. The other two floors have a disabled shower room with WC and the ground floor has a lounge/dining area, activity room, kitchen, a large dining room and staff office.
- 3.3 The residential home has been a Council run service since it was constructed in the late 1970's. The third floor is completely dilapidated and no longer used as part of the main care home. Knowles House does not meet current CQC standards and is unsuitable for many older people in the borough. It is not able to meet the needs of people who have significant mobility difficulties, and the overall design of the building means that it requires a higher staffing ratio than would otherwise be required to ensure the safety and supervision of the residents.
- 3.4 Knowles House residential home stopped taking permanent residents on the 15/12/2009. Since then it has been used for temporary admissions, respite, step down admissions from hospitals and/or Accident and Emergency, and for emergency admissions from the community. It has a total of 39 units available and currently the utilisation of the facility is low (an average of approximately 18 units at the end of August 2011). The low utilisation of the facility is partly because there have been no permanent admissions since 2009, and the temporary admissions are for relatively short periods of time. Currently there are 12 permanent and 6 temporary residents.
- 3.5 The respite facility is an important part of the preventative agenda, enabling carers, many of whom are older people themselves, to continue to provide care at home. The provision of emergency placements is also an important resource that is utilised by social workers from the community.
- 3.6 The Westbrook Community Day Centre is the only council operated day centre for older people with dementia in the borough. Capacity is for up to 15 clients per day, with average usage being 7-10. Although it is the only Council operated service, the voluntary sector actively provide dementia specific day care services across Brent, which are well established and integrated within local communities.

3.7 The day centre is linked to a ring fenced fund for commissioning Older People Services (left to the Council through a bequest from a former user of the Council services). There is no covenant of restriction on being able to close or amend Knowles House as a part of this ring fenced fund.

3.8 In 2004 an options appraisal was commissioned by Corporate Services to determine the future use of Knowles House. The appraisal concluded that the preferred option was to extend the centre to be suitable for extra care housing units, excluding the day centre and reduce communal facilities at a cost of approximately £2.7m.

Implementation of this option was dependent on receiving HCA grant funding. However, HCA funding has subsequently become significantly more difficult to obtain, resulting in delays to the programme initiation. This programme has never begun.

3.9 Knowles House has a 2011/12 operating cost budget of £817k per annum. However, Knowles House has reported a regular overspend (Operating cost outturn of £335K overspend in 2010/11, against an operating cost budget of £1,030K), year on year, due to ever increasing maintenance and heating costs. The current cost per bed utilised is approximately £1312 per week (based on the average utilisation rate of 20 clients as at end of August 2011). This is largely due to the high staffing requirements for the building and the fact that we cannot place people with higher level physical needs in this facility. The usual rate for residential dementia care in the independent sector is £529 per week

3.1.0 Re-provision of the clients using Westbrook Day Centre is already part of the 'Direct Services' project and a core part of the strategy for personalisation. This strategy is seeking to move day care services away from Council run facilities and to other mechanisms (for example, access to community facilities). The voluntary sector are already providing high quality specific dementia day care services within the Borough.

3.1.1 The Council currently has 1003 beds across 28 homes for older people of which 244 are available for suitable usage for residential dementia clients (however, it should be noted that these beds can be used for other residential clients also). Beyond the 244 dementia specific beds, there are further residential beds that can be used for dementia cases through application of variations to existing capacity.

3.1.2 It is possible to re-provide the beds at Knowles House through other providers. Although some commissioning input will be required in order to enable the successful re-provision of existing clients (both permanent and emergency respite), there is adequate capacity across these, Extra Care Homes and other residential facilities to re-provide the required care.

4.0 Consultation Outcomes

- 4.1 Most residents and their families do not want Knowles House to close, but they recognise that it is not just about the fabric of the building, but lack of quality facilities within it, and that it will never come up to the standards currently required by the Care Quality Commission (CQC).
- 4.2 Most residents and their families have expressed a strong preference to have a service which is consistent with the current care provision, and were particularly complimentary about the care provided by the current staff.
- 4.3 Regular respite clients and families wanted to be able to access services in a similar way, and not have to go through a complicated system
- 4.4 There was a clear wish expressed that if residents were to move to alternative homes, they could remain within their friendship groups, and be as near to their families and friends as possible
- 4.5 Access to culturally appropriate services and to be able to visit places of worship were also considered very important to many residents
- 4.6 One temporary resident felt particularly vulnerable and stated that the council wanted to build flats on the land, and that is why he was being moved. His right of expression was ably supported by Age UK.
- 4.7 Staff, whilst concerned about their personal futures, were united in their views that the residents must come first, and have been immensely supportive and generous to residents and their families through out the process.
- 4.8 Many contributors to the consultation felt a Brent Dementia Strategy would also be a helpful support for both residents and their families, to increase a wider understanding of the complexities of dementia
- 4.9 The families of Westbrook day services were similarly concerned regarding accessing alternative provision and travelling time for their loved ones

5. Responding to the Consultation

- 5.1 Each of the group sessions was scheduled to last approx 2 hours with individual sessions lasting approx 30 mins. Feedback from residents and families at the end of the sessions or in conversations after the event, were on the whole very positive, with many families reporting that they felt that we were doing our very best in very difficult circumstances.
- 5.2 The main concerns were, what alternative provision was there, how accessible was it, any additional contribution costs and would the quality of care be comparable to Knowles House.
- 5.3 In order to address these specific concerns and the more general ones above, all permanent residents along with their families or Independent Mental Capacity Advocate (IMCA) as appropriate, are having a review of their support plans by dedicated staff from the assessment and review teams located within

Adult Social Care. Independent advocacy support is also available as deemed necessary.

- 5.4 The specific areas raised for individual residents will be taken into account, as well as their indicated friendship groups.
- 5.5 As part of the current review process, several clients have been identified as not requiring residential care but extra sheltered care, which may allow opportunities for living more independently.
- 5.6 There are some risks associated with re-providing the current service at Knowles House:
- Moving elderly people from their home can potentially be stressful for them. Every care would be taken to ensure that the move was managed in such a way as to minimise the stress and concern. In addition, they would be moving to services that meet current CQC standards.
 - There is a risk of reliance on external provision of emergency care at a time of financial instability related to specific key suppliers. This risk is actively managed by the Commissioning team who are in regular conversations with key suppliers, with the Council receiving regular progress reports.

6. Conclusions

- 6.1 The facilities on the site do not meet current CQC standards. The costs of providing these services are over double the estimated cost of re-providing them through existing capacity within the independent market.
- 6.2 There is capacity within the market to re-provide care services currently delivered at Knowles House through the independent sector. Some commissioning activity and a clear plan would be required to ensure a successful and value-for-money transition.
- 6.3 Whilst we acknowledge for some residents and their families the potential closure may cause some initial distress, we are and continue to be committed to work with them, and other key stakeholders through continuous communication, review of current support plans, timely access to independent advocacy and the high quality support provided by current staff. Thus ensuring that access to services that do meet and will continue to meet current CQC standards, as well as a meet the other needs of individual clients can be met as close to relatives and friends as is appropriate, can be delivered.

7.0 Financial Implications

- 7.1 If Knowles House continues in its current condition, the existing annual overspends (2010/11 Operating cost outturn of £335K overspend) are likely to continue (and potentially increase as the facility degrades further).
- 7.2 Should the council agree to the closure of Knowles, based upon current projections and the current state of the housing market, the site is expected to achieve approximately £2.5m in capital receipts. As the scheme is currently overspending, there would be no adverse impact on the revenue budget arising from this option
- 7.3 Assuming all current users of Knowles House retain the same level of care requirement and are provided at the Council's usual rate for residential dementia care (£529 per week) in the independent sector, the potential annual saving for the Council can be up to £800,000. However, allowing for additional cost of placement for people with higher dependency level, potential annual saving for the Council can be approximately £400,000.

8.0 Legal Implications

- 8.1 The Council has a duty under s21 National Assistance Act 1948 ['NAA'] to provide residential accommodation for persons over 18 who by reason of age, illness, disability or any other circumstance are in need of care and attention not otherwise available. The accommodation can be provided in the Council's own homes, in a home managed by another authority or by the voluntary or private sector (Section 26 NAA). Where a person qualifies for residential accommodation under s21 NAA the local authority owes a duty of care to ensure that placement meets the person's needs. This report suggests that Knowles House does not meet the standards required for registration by the Care Quality Commission or Health and Safety legislation. Whilst provision under s21 NAA does not have to be in a registered care home, the possible breach of Health and Safety legislation and the reported high needs of residents would suggest that the Council might be found to be failing in its duty to meet the assessed needs of the individuals.
- 8.2 It is noted that many residents have indicated a desire to remain within the current placement. Those placed under s21 NAA are entitled to benefit from the Choice of Accommodation Directions 1992 this would not extend to care homes that the local authority was satisfied did not meet the assessed eligible needs and therefore it is permissible to require that residents move in order to ensure that their needs are met.
- 8.3 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtain (unless it is a lease for 7 years or less) the best consideration that is reasonably obtainable. Disposals on the open market, including by way of auction, after proper marketing will satisfy the best consideration requirement.
- 8.4 ASC the estimated value of this property will be in excess of the value of properties which can be sold under the delegated authority of the Head of

Property and Asset Management the Executive will need to agree to this disposal before this can be undertaken.

9.0 Diversity Implications

- 9.1 The Equality Act 2010 section 149 requires the Council, when exercising its functions to have 'due regard' to the need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. Under the legislation there are eight protected characteristics including age, gender, disability and race. This proposal will primarily impact on those with the protected characteristics of age and disability. A full Equalities Impact Assessment has been undertaken and information resulting from the consultation has been used in this analysis. This is attached at Appendix A. Members are respectfully asked to consider this document and its conclusions so that they are in a position to pay due regard to their duty under s149 Equality Act 2010 when reaching a decision.
- 9.2 Careful consideration has been given to ensure the proposal reduces the adverse impact on those with disabilities and the elderly either by ensuring that alternative suitable provision that will be made available to better meet the needs of current residents and the objectives set out in s149 Equality Act.

10.0 Staffing/Accommodation Implications (if appropriate)

- 10.1 Currently there are 12 full time staff and 4 part time permanent staff, the remainder are agency staff. 11 of the staff have already expressed a wish to explore voluntary redundancy/retirement should Knowles House close, with the remainder keen to be redeployed. All staff have been encouraged to arrange individual sessions with HR and pensions advice sessions, to discuss potential options for their individual futures.
- 10.2 The major unions have been fully appraised and involved in the consultation process.

Background Papers

Communication papers

<http://intranet.brent.gov.uk/pressreleases.nsf/News/LBB-1572>

Contact Officers

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