

	London Borough of Hammersmith & Fulham CABINET 14 JULY 2014
FUTURE OF COVERDALE ROAD RESIDENTIAL CARE HOME	
Report of the Cabinet Member for Health and Adult Social Care – Councillor Vivienne Lukey	
Open report A separate report on the exempt Cabinet Agenda provides exempt information in relation to this issue.	
Classification: For Decision Key Decision: Yes	
Wards Affected: All	
Accountable Executive Director: Stella Baillie – Tri-borough Director of Provider Services, Mental Health Partnerships and Safeguarding for Adult Social Care	
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1. EXECUTIVE SUMMARY

- 1.1 The consultation on the future of Coverdale Road residential care home for people with learning disabilities forms part of the Hammersmith and Fulham *Learning Disability Housing and Support Strategy*. This involves a review of current learning disability housing including in house Adult Social Care Services to ensure they are compatible with current and future needs. The Strategy was agreed by July 2013 Cabinet. Cabinet also agreed that a consultation on the future of Coverdale Road should take place. This report details the outcome of the consultation and seeks approval to implement the recommended option to close Coverdale Road.
- 1.2 The building at Coverdale Road is owned by the Council and provides a residential care home for six people with learning disabilities. A needs analysis has indicated that the building and service at Coverdale Road is unable to meet the Borough's current and emerging needs for this group. In particular the

constrictions of the building means that it cannot accommodate those with challenging behaviour, physical and complex needs.

- 1.3 The consultation has involved individual meetings with current residents, parents and carers. Public meetings have been held for stakeholders and interested parties in the community. The consultation has highlighted a number of concerns from the six current residents of Coverdale Road, their parents, carers, and families. The concerns centre around the number and type of care and support alternatives, what would be offered to meet the needs of service users, and disruption to the care and support of the six service users at Coverdale Road.
- 1.4 As the building cannot be converted to make it accessible for the emerging needs of the service user group the recommendation is that the current service users be found suitable alternative care and support accommodation and that the service should close.

2. RECOMMENDATIONS

- 2.1 That approval be given to Tri borough Adult Social Care to carry out assessments for alternative placements for six service users residing at the Council run care home at Coverdale Road, and move all six service users to suitable alternative care and support accommodation from June 2014 onwards. Once this is done the service should close.
- 2.2 That approval be given to Adult Social Care to consult with staff and carry out a reorganisation of the Coverdale Road Service which will involve the deletion of 8 posts (5 currently filled).

3. INTRODUCTION AND BACKGROUND

- 3.1 There have been significant developments in planning care and support for people with learning disabilities over the last ten years. Emphasis is on a human rights based approach whereby people with learning disabilities are seen as equal citizens with the same rights and responsibilities as non-disabled people. This extends to accommodation and support so that people with learning disabilities, including those with complex needs should have more choice and control over where they live and who they live with.
- 3.2 Best practice models emphasise the importance of:
 - 3.2.1 Appropriate housing stock and flexible support so that people do not need to move if their needs change
 - 3.2.2 Recognising the needs of families caring for people with complex needs
 - 3.2.3 Providing information and support to access shared ownership and private rented accommodation;

3.2.4 Choice to live independently or in groups

- 3.3 Whilst residential care should be an option for those who choose it, it should not be considered the default option for people simply because of their level of support needs. In contrast to residential care, the funding arrangements that apply to supported living schemes enable services users to have access to a larger disposable income which allows greater autonomy.
- 3.4 “Putting People First” is a national initiative which has led to the widespread personalising of adult services in social care. People with learning disabilities, their families and carers benefit from more personalised arrangements for their accommodation and support. Models of delivery have changed over the last decade. People with learning disabilities now have access to personal budgets from Adult Social Care and receive support in planning how to use them.
- 3.5 There are many best practice examples which show that person centred planning leads to better outcomes for people with a learning disability if the money comes with it through a personal budget. Personal budgets are not available for people in residential and nursing care.

4. PROPOSAL AND ISSUES

- 4.1 This report seeks permission to close the service provided in Coverdale Road and move the service users to more suitable alternative care and support accommodation from June 2014 onwards.
- 4.2 This report seeks permission to consult with staff and carry out a reorganisation of the Coverdale Road Service which will involve the deletion of 8 posts (5 currently filled).
- 4.3 The report and proposal forms part of the wider *Learning Disability Housing and Support Strategy* agreed by Cabinet in July 2013 which seeks to improve and increase the choice, quality and availability of housing for people with learning disabilities in Hammersmith and Fulham.

5. LOCAL NEED

- 5.1 The background to this proposed closure is that there is a need to remodel local housing and support services for people with a learning disability. Currently there is an over reliance on residential care models and older supported housing schemes and an insufficient supply and range of suitable housing, support and care options to meet the needs of people with learning disabilities, particularly those with complex and challenging needs.

- 5.2 Recent needs analyses have indicated that people with learning disabilities are living longer and have more complex needs including physical needs. By 2030 there are likely to be substantial increases in the percentage of older people with learning disabilities¹. Older people with learning disabilities are increasingly being supported in Older People's Extra Care Accommodation but there is a lack of well-designed accommodation which specifically meets the needs of Older People with a learning disability.
- 5.3 Nationally there are increased survival rates among young people with severe and complex disabilities and reduced mortality among older adults with learning disabilities. Nationally within the 50+ age range, there will be very marked increases in both the numbers of people with learning disabilities known to learning disability services (28% over the decade 2001-2011, 48% over the two decades 2001-2021).² This factor would add to the requirement for well-designed accommodation to meet the needs of Older People.
- 5.4 The accommodation strategy for people with learning disabilities in the borough is currently under consultation.
- 5.41 In Hammersmith and Fulham there are currently 357 people aged 18+ with a learning disability on the register held by the *Hammersmith and Fulham Adults with Learning Disabilities Service*; approximately 8% (27 people) are 65 years plus. The mobility of older individuals would need to be considered.
- 5.42 Of the 357 there are 35 people aged 18-64 who are formally recognised as having autistic spectrum disorder. There are also 33 people aged 18-64 who have challenging behaviours. People with autistic spectrum disorders and challenging behaviours benefit from a spacious well planned environment where they can have quiet time and personal space.
- 5.43 There are about 50 people under the age of 18 with a learning disability. Of these there are 15 people from the age of 16-18 transitioning into adulthood and services who have complex or profound learning disabilities. These individuals would benefit from a well-planned environment where they could have quiet time and personal space.
- 5.5 The accommodation strategy currently being consulted on is addressing these issues.

¹ Data source: PANSI website (Projecting Adult Needs and Service Information) using LD moderate/severe population projections aged 18 to 64.

² Estimating Future Need for Social Care among Adults with Learning Disabilities in England: An Update - Eric Emerson & Chris Hatton

6. COVERDALE ROAD

- 6.1 Coverdale Road is a residential care home in Shepherds Bush for people with learning disabilities. It is owned by the London Borough of Hammersmith and Fulham with care provided by a staff team employed by the borough.
- 6.2 Although Coverdale Road is currently being used for this purpose the building is not accessible and does not meet the emerging needs of those with a learning disability who would be eligible for Adult Social Care.
- 6.3 Built in the late 1870's, this five storey building in Shepherds Bush provides a registered care home for six people with learning disabilities. Comprising of six bedrooms over four floors with shared toilets, kitchen, living room and bathrooms, the building has some narrow and steep stairways, and is not suitable for conversion. It is in need of modernisation and refurbishment and it is also inaccessible or unsuitable for service users who have challenging behaviour and physical or complex needs.

7. OPTIONS AND ANALYSIS OF OPTIONS

- 7.1 Retaining Coverdale Road as it is now is not a viable option as It is not suitable for three of the current service users.
- 7.2 The Council has considered the possibility of refurbishing the building to provide accessible and suitable accommodation, including en-suite bathrooms. However officers have taken advice and believe that conversion is not a feasible option due to the number of steep steps leading to the building's entrance which make it impossible to install ramp access to make it accessible.
- 7.3 Additionally the layout of the building and the narrowness of the stairways mean it would not be possible to install a lift, stair lifts or ramps that would improve the accessibility within the building.
- 7.4 The layout of the building and size of some of the rooms also means that it is impossible to add en-suite bathrooms in all rooms. It would not be possible to make improvements such as adding an extra kitchen or enlarging some of the bedrooms without losing space and rooms elsewhere in the house.
- 7.5 Given the current problem with the building and the fact that the property cannot be improved, Officers recommend that the only practical solution is to find the current residents alternative accommodation which would better meet their current and future needs and to close Coverdale Road.
- 7.6 If the decision of cabinet is to close Coverdale Road any issues relating to the future of the property and possible disposal would be dealt with in a future report.

8. CONSULTATION

- 8.1 This proposal has been the subject of a three month consultation process from 21 October 2013 to the 20th April 2014. This has included the following;
- 8.1.1 Consultation documents have been sent to families and stakeholders and an easy read version has been made available to service users.
 - 8.1.2 An independent facilitator has been appointed to record the views of service users. The facilitator has held individual consultation meetings with current residents to explain the consultation and record their views.
 - 8.1.3 Individual consultation meetings have taken place between the Service Manager for Provided Services, family members and carers to explain the consultation and record views.
 - 8.1.4 Individual meeting have been held with community groups and trade unions to discuss the consultation and record views.
 - 8.1.5 Local Councillors have been sent the consultation documents and offered an appointment meet and discuss.
 - 8.1.6 Two public meetings have been held for stakeholders, community groups and interested parties to express and record their views. The consensus at the second public meeting was that the Coverdale building is not fit for purpose.
 - 8.1.7 The evidence from the consultation has been reported to a project board comprising of senior officers and other key stakeholders. This board has overseen the process, tracked progress, considered the responses, and made recommendations.
- 8.2 The Consultation has highlighted a number of factors;
- 8.2.1 Some service users wish to move and see this as a positive step.
 - 8.2.2 Some service users, parents, carers, and families have concerns about the number and type of in borough care and support alternatives, and what would be offered to meet the needs of service users.
 - 8.2.3 Some service users parents and carers are concerned about the disruption to the care and support of those living at Coverdale Road.
 - 8.2.4 Some parents and carers are concerned that the decision has already been made and that closure is not in the best interest of the service users.
- 8.3 If the decision of the Cabinet is to close the service this will be mitigated by the *Hammersmith and Fulham Adults with Learning Disabilities Service* (social work team) working closely with the service users parents and carers on suitable

alternative placements. The home would not close until this work was complete and all six service users are suitably placed in care and support accommodation which better meets their needs.

- 8.4 If the decision of the cabinet is to re assess the six service users for alternative placements, and close the service, ASC Provided Services are seeking authority to carry out a consultation with staff on a reorganisation proposal to delete 8 Coverdale Road posts (5 currently filled). Human Resources and trade unions will be involved for the outset.

9. EQUALITY IMPLICATIONS

- 9.1 An Equality Impact Assessment (see Appendix 1) has identified that the closure of Coverdale Road will impact on the lives of the current service users and their parents and carers but this would be mitigated by them being offered suitable alternative accommodation.
- 9.2 At this stage it is not possible to know the detail of the alternatives which could be offered to all service users, but there is a clear preference for in borough alternatives and due consideration will need to be given to this.
- 9.3 Although the assessment options have not been identified as yet it is certain there will be no withdrawal of services to the six individuals. Also Hammersmith and Fulham does commission alternative in borough care home providers; for example a contract with Yarrow for 10 care homes in similar street style houses, and another three care homes provided by Yarrow and Cambus Lodge under spot contract in nearby locations. The borough also commissions four extra care sheltered services for older peoples, which are all fully accessible services in nearby locations.
- 9.4 As the building at Coverdale Road is not suitable for people with mobility-related disabilities; closure does not contribute to the lack of fully accessible buildings in the borough. This deficiency is being addressed by a wider consultation on the *Learning Disability Housing and Support Strategy*.

10. LEGAL IMPLICATIONS

- 10.1 The proposal at paragraph 2.1 above is such as to require full consultation. There is case law guidance as to what constitutes proper consultation.
- 10.2 Consultation should include the following:
- 10.2.1 It should be carried out when the proposals are still at a formative stage.
- 10.2.2 Sufficient reasons should be given for the proposals to allow those consulted to give intelligent consideration and an intelligent response

10.2.3 Adequate time must be given for responses

10.2.4 The product of consultation must be conscientiously taken into account when the ultimate decision is taken.

10.3 The comprehensive consultation process followed is set out in paragraph 8 of this report and the product of the consultation is summarised in paragraph 8. 10.4 When making a decision as to changes in service provision this Authority must comply with the requirements of the Equality Act 2010 and in particular section 149 (the Public Sector Equality Duty).

10.5 The protected characteristics to which the Public Sector Equality Duty ("PSED") applies now include age as well as the characteristics covered by the previous equalities legislation applicable to public authorities (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex).

10.6 The PSED is set out in section 149 of the Equality Act 2010 ("the Act") provides (so far as relevant) as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

10.7 Case law has established the following principles relevant to compliance with the PSED which Council will need to consider:

(i) Compliance with the general equality duties is a matter of substance not form.

(ii) The duty to have "due regard" to the various identified "needs" in the relevant sections does not impose a duty to achieve results. It is a duty to have "due regard" to the "need" to achieve the identified goals.

(iii) Due regard is regard that is appropriate in all the circumstances, including the importance of the area of life of people affected by the decision and such countervailing factors as are relevant to the function that the decision-maker is performing.

(iv) The weight to be given to the countervailing factors is in principle a matter for the authority to determine, provided it acts reasonably. However it has been held in some cases that in the event of a legal challenge it is for the court to determine whether an authority has given "due regard" to the "needs" listed in s149. This will include the court assessing for itself whether in the circumstances appropriate weight has been given by the authority to those "needs" and not simply deciding whether the authority's decision is a rational or reasonable one.

(v) The duty to have "due regard" to disability equality is particularly important where the decision will have a direct impact on disabled people. The same goes for other protected groups where they will be particularly and directly affected by a decision.

(vi) The duty to have 'due regard' involves considering not only whether taking the particular decision would unlawfully discriminate against particular protected groups, but also whether the decision itself will be compatible with the equality duty, i.e. whether it will eliminate discrimination, promote equality of opportunity and foster good relations. Consideration must also be given to whether, if the decision is made to go ahead, it will be possible to mitigate any adverse impact on any particular protected group, or to take steps to promote equality of opportunity by, for e.g., treating a particular affected group more favourably.

10.8 To assist the Council in fulfilling its PSED, the Equality Impact Analysis ('EIA') that has been carried out in respect of the proposal is available electronically at Appendix 1 and will need to be read and taken into account in reaching a decision on the recommendations in this report. In addition, the equality implications are summarised in paragraph 9 of this report.

10.9 Legal implications verified/completed by: Kevin Beale, Head of Social Care and Litigation, London Borough of Hammersmith and Fulham Tel: 020 8753 2740

11. COMMENTS OF THE EXECUTIVE DIRECTOR OF FINANCE AND CORPORATE GOVERNANCE

- 11.1 The Coverdale Road net revenue budget is £344,400 (excluding SLA's).
- 11.2 There is a saving in the MTFS for 2014/15 of £108,000 rising to £145,000 in 2015/16. This is based on the savings generated through the closure of Coverdale Road and the cost re providing the six residential care placements in either private sector homes or in a supported living establishment.
- 11.3 If the decision of cabinet is to close Coverdale Road any issues relating to the future of the property and possible disposal would be dealt with in a future report
- 11.4 If Coverdale Road closes and any staff are made redundant this will be funded by the Council's centrally held redundancy budget.
- 11.5 Finance Implications verified/completed by: David Hore Finance Manager Tel: 020 8753 4498

12. RISK MANAGEMENT

- 12.1 If the Cabinet decision is to close Coverdale Road then individual plans will be developed for service users to ensure any new placements meets their needs. Social workers within *Hammersmith and Fulham Adults with Learning Disabilities Service* will work with individual service users to ensure their needs are met.
- 12.2 The proposals in this report regarding the future of Coverdale Road have been the subject of a three month consultation process from 21st October 2013 to the 20th April 2014. The actions are detailed above in Section 8 .
- 12.3 If the decision of the Cabinet is to close the service, staff and trade unions will be consulted about staffing changes resulting from the closure of the service.

13 HUMAN RESOURCE IMPLICATIONS

- 13.1 Human Resources are in agreement with section 8.4. If the decision is to close a formal consultation with the staff (30 days) will need to be conducted and then a formal notice of redundancy (12 Weeks) will need to be issued.

14. PROCUREMENT AND IT STRATEGY IMPLICATIONS

- 14.1 There are no Procurement or IT strategy implications.

Liz Bruce

Tri-borough Executive Director for Adult Social Care

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS USED IN PREPARING THIS REPORT

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Learning Disability Accommodation and Support Strategy	Christine Baker Tel: 020 8753 1447	Adult Social Care

Appendices – Equality Impact Assessment (published separately)