



Cabinet

21 MARCH 2011

**DEPUTY LEADER
(+ENVIRONMENT
AND ASSET
MANAGEMENT)**

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**CABINET MEMBER
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health
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**HAS AN EIA BEEN
COMPLETED?
YES**

**HAS THE REPORT
CONTENT BEEN
RISK ASSESSED?
YES**

**PROPOSED CLOSURE OF TAMWORTH
SUPPORTED HOSTEL (11 FARM LANE)**

This report provides the results of the recent consultation about the proposed closure of Tamworth hostel. In light of the consultation results, the report recommends that the service is closed and that the building on the 11 Farm Road site is surplus to the Council's requirements and should therefore be sold.

Recommendations:

- 1. To close the Tamworth hostel (after all current residents are moved onto alternative accommodation) and cease use of 11 Farm Lane as a supported housing provision.**
- 2. To declare the site surplus to the Council's requirements and to dispose of it in accordance with S123 Local Government Act 1972 on terms considered appropriate by the Director of Environment, Assistant Director (Building and Property Management) and the Assistant Director (Legal and Democratic Services).**

**Ward:
Fulham Broadway**

1. BACKGROUND

- 1.1 Tamworth is a 14 unit supported accommodation project for people with mental health issues and is provided from a building at 11 Farm Lane. It is a medium – high level short-term service and currently has eight service users. There are ten members of staff.
- 1.2 The budget for Tamworth is made up of the following funding:
 - £239,400 Supporting People
 - £34,000 Council (Adult Social Care)
 - £86,300 Housing Benefit**(£359,700)**
- 1.3 The Council is committed to making a £300,000 MTFs saving over three years on out of borough Mental Health residential placements by the end of financial year (April 2014). The closure of Tamworth will allow the Supporting People funding to contribute towards the MH Placements budget savings.
- 1.4 The Tamworth service has been under review for a number of years and was part of the 'Tamworth and Wood Lane Supported Housing' Key Decisions report that was seen by Cabinet on 7th September 2009. As a result of this report another in-house mental health supported housing project, Wood Lane, was closed and the staff and some service users successfully transferred to Tamworth.
- 1.5 Part of the above Key Decisions report outlined proposals to outsource the Tamworth service and move it from the 11 Farm Lane site to a new-build at 282 Goldhawk Road. The intention was that all staff would be TUPE'd to the new provider and the Tamworth building would be put on the disposals list.
- 1.6 However since this report, plans for the site at 282 Goldhawk Road have changed and there will no longer be any supported housing there. No other suitable building has been identified for the Tamworth service and the building at 11 Farm Lane has been in a poor state of repair for many years, making it unfit for a service to continue to operate from it.
- 1.7 The service itself has been underperforming and operating with long term voids for many months. Since the start of this calendar year, Tamworth has been operating at an average of 77% occupancy.
- 1.8 A review of mental health accommodation in the borough, including all mental health supported housing, has established that there is no immediate risk to losing the 14 units at Tamworth because there are sufficient voids elsewhere (see Appendix 1).
- 1.9 This report sets out the evidence supporting closure of the service and concludes on the evaluation of the recent consultation, which was carried out between 15 November 2010 and 7 January 2011.

2. CONSULTATION ON THE PROPOSAL TO CLOSE TAMWORTH SUPPORTED HOSTEL

2.1 Consultation process:

The consultation began on 15 November and concluded on 7 January. The initial four week period of consultation was extended, to allow for the Christmas break. The staff were given the Organisational Change Assessment report and accompanying Equalities Impact Assessment (EIA) on 15 November. During the consultation the following meetings were held:

- 2.1.1 Staff team with Service Manager, Navin Ramgolam and HR relationship manager, Heather Cole – 15 December 2011.
- 2.1.2 Service users and carers with Service Manager, Navin Ramgolam – 16 November and 14th December 2011.
- 2.1.3 Hammersmith and Fulham Mind with Commissioning Manager for mental health, Michael Roach – 6 December 2011.
- 2.1.4 Mental health Strategic Commissioning Group with Commissioning Manager, Michael Roach – 14 December 2011.
- 2.1.5 Staff with union representative, Bruce Mackay – 20 December 2011.

2.2 The officer chairing the meetings introduced the proposal and outlined the business case for closure. Detailed notes were taken at each meeting and concerns were addressed by the chairing officer. The notes from the meeting with Mind can be found in Appendix 2. Notes from the staff and service users' meetings are confidential.

2.3 Consultation feedback:

- 2.3.1 **Staff** – Staff were in opposition to the proposal to close Tamworth because they believed the service was still needed to house and support the high needs client group. There was concern that the reason Tamworth has been operating under capacity was that referrals had deliberately stopped. Staff were reassured that this was not the case and that evidence of capacity across all mental health supported housing demonstrates that the borough can provide for those that need this type of accommodation with 14 fewer units (see Appendix 1).
- 2.3.2 **Staff** – Staff were also in opposition to the proposal to close because they were concerned about where the current Tamworth residents would be housed. There was a concern about a particular resident that may need residential care as an alternative to Tamworth and the cost to the Council this would entail. It was explained to staff that move-on plans for each individual would be progressed and all eight residents would be housed in suitable accommodation before the project closed. The resident that may need residential care would have had to move on from Tamworth owing to a change in his needs, so this would have happened despite the closure.
- 2.3.4 **Service users** – Seven out of eight residents were in agreement with the plan to close Tamworth. One resident was upset because she was worried about where she would go. They all requested that they could

be referred for a 'B and B' assessment, to give them higher priority on the housing register. All residents were reassured that their care coordinators would meet with them and their key workers soon to progress move on plans. These plans would be based on an assessment of need and may or may not include the option for move on to B and B accommodation.

2.3.5 **Carers** – Only one carer chose to attend this meeting. Her only concern was that residents should be accommodated locally. She was reassured that all residents would be accommodated in the borough.

2.3.6 **Interest groups** – Of the interest groups that were contacted, only Mind responded requesting a meeting. After hearing clarification of why there was a need to close Tamworth, they were in agreement with the proposal.

2.4 **Consultation recommendations:**

Although there was some opposition to the proposal from the staff, the consultation did not present any strong arguments for keeping Tamworth open. Therefore taking into account the feedback received, the recommendation is to close the service.

3. **IMPLEMENTATION AND TIMESCALES**

Current Tamworth service users:

3.1 If Tamworth were to close, alternative accommodation would have to be sought for the eight current service users. Of the eight, only two would need the same type of housing as Tamworth. Five would be ready to move in any case to lower supported or independent housing and one would need residential care. The borough has alternative provision for the needs of all eight residents.

The following table outlines the move-on plans for each service user:

	Date of move in:	Move on plan:
1.	18/03/2010	Ready for move-on to medium/low supported housing.
2.	05/10/2007	Continuing medium/high housing support needs – alternative medium/high supported housing identified – awaiting assessment.
3.	20/08/2009	Ready for move-on to general needs with floating support.
4.	24/07/2006	Ready for move-on to medium supported housing.
5.	22/09/2008	Continuing high housing support needs and some care needs – awaiting assessment for residential care.
6.	20/02/2009	Due to move to alternative medium supported housing on 7 th February.
7.	07/07/2009	Continuing high housing support needs and some care needs – alternative high supported housing identified – awaiting assessment.

8.	06/04/2010	Ready for move on to general needs housing with floating support.
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- 3.2 The above table is based on information provided by the Tamworth manager and has been agreed by each service user's care coordinator.
- 3.3 A move on group, which consists of the Tamworth Manager, Social Care Lead for Mental Health, Commissioning Manager and PATHS (Placement and Assessment Team for Homeless Singles) Manager, meets weekly to discuss the plans for the above eight service users.
- 3.4 It is important to note that as Tamworth is short-term housing (two year maximum stay), move on plans are part of the programme of support. There are only two residents who need the same type of accommodation as Tamworth to move onto. All residents have been assessed and any risks of them moving have been mitigated against.
- 3.5 It is recommended that Tamworth will close when all the current residents have moved into suitable alternative housing. It is expected that new placements will be found by the end of the financial year.

4. RISK MANAGEMENT

- 4.1 There is a financial risk that one current resident needs residential care for move-on accommodation, which could be expensive. However much of the high support mental health supported accommodation is comparable to the cost of some residential placements. This particular resident would have had to move into residential care whether Tamworth was closing or not, because his needs have become too high for supported housing.
- 4.2 There are eight residents at Tamworth and they will all need to be found alternative move-on housing before the project can close. The move on group is working on this weekly and progress has been made. It is expected that all residents will be able to move on by the end of March 2011.
- 4.3. The project would close when all current residents have moved into suitable housing that meets their needs.
- 4.4 Closing Tamworth will reduce the supported housing provision for people with mental health needs by 14 units. However a review of mental health accommodation in the borough, including all mental health supported housing has established that there is no immediate risk to losing the 14 units at Tamworth because there are sufficient voids elsewhere (see Appendix 1).

5. EQUALITY IMPLICATIONS

- 5.1 A full Equalities Impact Assessment is attached at Appendix 3. The main points addressed for each of the protected groups: race; disability; gender; age; sexual orientation and religion are outlined below. It should be noted that this EIA addresses the implications for the current Tamworth residents and the potential users of mental health supported housing. It does not address the implications to staff because these are addressed in the Organisation Change Assessment EIA.
- 5.2 **Race:** 37.5% of Tamworth residents are of BME origin, which is comparable to the borough's population of 32% BME. The impact of closing Tamworth is unlikely to have any implications for BME groups because mental health supported housing in the borough as a whole accommodates a disproportionately high number of people of BME origin (63% of all mental health supported housing residents).
- 5.3 **Disability:** Of the current residents in mental health supported housing, only two people have a mobility disability. Closing the project is unlikely to have an effect on disabled people because there will be enough provision in the other mental health supported housing for those that need this type of accommodation. The borough has other supported housing provision for people with physical disabilities.
- 5.4 **Gender:** Tamworth is a mixed hostel with an equal number of male and female units. The rest of the mental health supported accommodation in the borough is mixed or male only. There are a higher number of men in hospital for their mental health than women, so the borough provides supported accommodation that reflects this demographic.
- 5.5 **Age:** Tamworth provides accommodation for adults of all ages, as does the other mental health supported housing in the borough. Providers do not discriminate on age, so current residents and future service users of any adult age would have an equal opportunity of accessing the other mental health supported housing in the borough.
- 5.6 **Sexual orientation:** Tamworth and other mental health accommodation in the borough is for people of any sexual orientation and would not discriminate on any grounds, including sexual orientation. The differential impact on service users of different sexual orientations of closing Tamworth is therefore neutral.
- 5.7 **Religion:** Tamworth and other mental health accommodation in the borough is for people of any religion and would not discriminate on any grounds, including religion. The differential impact on service users who have different religious or philosophical beliefs of closing Tamworth is therefore neutral.

6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE SERVICES

- 6.1. The current budget for Tamworth Residential Hostel is £359,700, as detailed in section 1.2.
- 6.2 The closure of Tamworth will allow the Supporting People funding to contribute towards the £300,000 MH Placements budget savings, as detailed in section 1.3
- 6.3 As detailed in the report recommendation, the property is declared surplus to requirements and it is recommended the property would be sold achieving a capital receipt for the Council.

7. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

- 7.1 The proposed closure of Tamworth hostel required full consultation. There is case law guidance as to what constitutes proper consultation. Consultation should include the following:
- * It should be carried out when the proposals are still at a formative stage.
 - * Sufficient reasons should be given for the proposals to allow those consulted to give intelligent consideration and an intelligent response.
 - * Adequate time must be given for responses.
 - * The product of consultation must be conscientiously taken into account when the ultimate decision is taken.
- 7.2 The consultation process followed is outlined in para 2 above and the product of the consultation with Mind is attached at appendix 2. Paragraph 2.3 of the report summarises the consultation feedback. The product of the consultation was also used to inform the Equalities Impact Assessment at appendix 3 which is summarised as to equalities implications at paragraph 5 of the report.
- 7.3 When making a decision as to changes in service provision this Authority must comply with its general equality duties imposed by each of the Sex Discrimination Act 1975 ("SDA"), Race Relations Act 1976 ("1976") and Disability Discrimination Act 1995 ("DDA"). These provisions in similar, but not identical, terms require public authorities in the carrying out of their functions to have due regard to the need among other things to eliminate unlawful discrimination and to promote equality of opportunity.
- 7.4 The specific matters to which the authority needs to have due regard in the exercise of its functions are set out in the relevant sections as follows:
- DDA - s 49A General duty
- (1) Every public authority shall in carrying out its functions have due regard

to:

- (a) the need to eliminate discrimination that is unlawful under this Act;
- (b) the need to eliminate harassment of disabled persons that is related to their disabilities;
- (c) the need to promote equality of opportunity between disabled persons and other persons;
- (d) the need to take steps to take account of disabled persons' disabilities, even where that involves treating disabled persons more favourably than other persons;
- (e) the need to promote positive attitudes towards disabled persons; and
- (f) the need to encourage participation by disabled persons in public life.

SDA - s 76A Public authorities: general statutory duty

- (1) A public authority shall in carrying out its functions have due regard to the need:
 - (a) to eliminate unlawful discrimination and harassment, and
 - (b) to promote equality of opportunity between men and women.

RRA - s 71 Specified authorities: general statutory duty

- (1) Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need-
 - (a) to eliminate unlawful racial discrimination; and
 - (b) to promote equality of opportunity and good relations between persons of different racial groups.

7.5 Case law has established the following principles:

- (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. The weight to be given to the countervailing factors is a matter for the authority.
- (iv) The general equality duties do not impose a duty on public authorities to carry out a formal equalities impact assessment in all cases when carrying out their functions, but where a significant part of the lives of any protected group will be directly affected by a decision, a formal

equalities impact assessment is likely to be required by the Courts as part of the duty to have 'due regard'.

7.6 Parts of the Equality Act 2010 came into force on 1st October 2010 but not those parts of the Act which cover the new public sector equality duty, which has been the subject of recent consultation by the Government. The public sector equality duty provisions of the Act come into force on 6th April 2011 and widen the general equalities duties with which a local authority has to comply. It will (among other things) include age as one of the protected characteristics to which the general equality duties will apply and will amend slightly the factors to which authorities will need to have due regard if they are to comply with those duties. Section 149 of 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.
- (5) Having due regard to the need to foster good relations 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) tackle prejudice, and
 - (b) promote understanding.

LOCAL GOVERNMENT ACT 2000
LIST OF BACKGROUND PAPERS

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Cabinet Members Decision, September 2010	Hannah Carmichael x5384	Community Commissioning
2.	Mental health accommodation review	Michael Roach x1865	Community Commissioning
CONTACT OFFICER:		NAME: Hannah Carmichael EXT. 5384	

APPENDICES:

1. Mental health accommodation provision:



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2. Meeting notes from consultation with Mind:



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3. Equalities Impact Assessment:



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4. Organisational Change Assessment and EIA (staff only):