

**London Borough of Sutton**

**The Executive - 1st March 2011**

**Report of the Strategic Director of Adult Social Services and Housing**

**UPDATE REGARDING THE FORMAL CONSULTATION ON THE FUTURE OF  
OAKLEIGH CARE CENTRE**

**Ward Location:** Not Applicable

**Author(s) and Contact Phone Number(s):**

Julia Penfound, Executive Head of  
Promoting Independence and Provider  
Services Tel: 020 8770 4625

Alan Grierson, Service Manager

Tel: 0208 770 5771

**Area Served:** Borough Wide

**Executive Councillor:**

Councillor Colin Stears

**Summary**

On October 4<sup>th</sup> 2010 The Executive agreed to implement a formal public consultation about the future of Oakleigh Care Centre. This report summarises the progress made through the formal consultation process that has taken place to date and the issues that were raised. As a result of further enquiries into the interpretation of Care Quality Commission regulations, the report proposes a second phase of consultation on the specific option of another provider running the Oakleigh Care Centre. A feasibility study and business case analysis of this option will also be undertaken. The results of the full consultation will then be presented to The Executive to inform their decision making about the future of the Oakleigh Care Centre.

**Recommendations**

I recommend The Executive to:

- (a) Note the progress of the formal consultation about the future of Oakleigh Care Centre to date, and responses received to date;
- (b) Note the re-interpretation of the Care Quality Commission guidance;
- (c) Extend a formal consultation process specifically to:
  - (i) consult with stakeholders about the option of transferring Oakleigh to another care provider; and
  - (ii) conduct a feasibility study and business case analysis of the option of transferring Oakleigh to another care provider;
- (d) Report back to The Executive on the outcome of the next stage of the process in July 2011

**1. Background**

- 1.1 Adult Social Services continue to implement the approach to personalisation to deliver choice and control for citizens as outlined in 'Putting People First' and delivered by 'Transforming Lives'. The approach is also consistent with principles underpinning Smarter Services Sutton, the Council's Service Transformation

programme, which aims to deliver services in a different, less costly and more effective way, continuing to meet customer needs and preferences and supporting personalisation, choice and control within a reducing resource base.

- 1.2 The services currently located at Oakleigh Care Centre include:
  - a. a residential home for up to 30 people with dementia
  - b. a respite care service for up to 5 people with dementia at any one time
  - c. a 7 day per week Day Service provided by Housing 21/Dementia Voice
- 1.3 In Sutton services for older people living with dementia have been modernised and the range of services has expanded over a number of years. This has been a considered and gradual programme, with due consideration to the availability and quality of new services.
- 1.4 The Executive decided to consult about the potential closure of the Oakleigh Care Centre at its meeting on 4<sup>th</sup> October 2010. The proposals about the future of Oakleigh included:
  - a. the closure of Oakleigh Care Centre and the reprovision of placements for current residents;
  - b. the recommissioning of respite care services currently located at Oakleigh;
  - c. the relocation of Day Services currently located at Oakleigh;
  - d. £200K per year investment into community based services for people with dementia; and
  - e. The disposal of the Oakleigh site.
- 1.5 Research prior to consultation indicated that it would take up to 6 months to find appropriate alternative placements for the current cohort of residents at Oakleigh, and that the Council would need to offer up to £700 a week to secure residential placements. This is approximately £200 per week more than the published rate, just over £100 more than the true average rate (including third party top up). Nursing placements would need to be secured at around £750 per week if required.

## **2. Issues**

### Consultation process

- 2.1 An extensive formal consultation exercise about the future of Oakleigh Care Centre ran from October to 17<sup>th</sup> January 2011. During the consultation a significant number of issues were raised by a wide range of stakeholders including the friends and families of people that are resident at Oakleigh, LINK, The Alzheimer's Society and other local organisations, the Carers Partnership Board, Sutton Carers Forum, and other key committees and other partnership groups. Details about the consultation and how to contribute to this were also sent to a broad range of other interested parties including local MPs, GP Practices, Health Services and other local organisations. The Executive are asked to note the outcomes of the consultation to date.
- 2.2 A total of 17 written responses were received including a reports from Health and Wellbeing Scrutiny Committee and LINK. An interim summary of the consultation process, including a summary of the key issues raised at consultation meetings and reports is available in the Members' Room. Throughout the consultation process

the common questions raised were collected and a “Questions and Answers” sheet was produced and distributed at regular intervals and shared with families, friends and other stakeholders. The aim was to ensure key stakeholders were kept informed about the key questions raised and the Council’s considered response to these questions.

- 2.3 During the consultation key issues were raised, including:
- a. the quality and availability of alternative provision for Oakleigh residents
  - b. the affordability of suitable alternative residential services for Oakleigh residents
  - c. the transfer of day services
  - d. the re-commissioning of alternative respite care services
  - e. the potential adverse affect on vulnerable people caused by moving home
  - f. the feasibility of keeping Oakleigh open.
- 2.4 Despite reassurance that a decision had not yet been made about the future of Oakleigh, a number of relatives chose to review the arrangements for their family members with personalised support from the Social Work team, chose new homes. Feedback indicates that all of the moves went smoothly, and that everyone has settled well into their new homes. When the consultation was launched there were 28 people living at Oakleigh. Since then 2 people living at Oakleigh have died, and 5 people moved to new residential care homes.
- 2.5 The Health and Wellbeing Scrutiny Committee have undertaken a short investigation on issues of accessibility and quality care in Sutton residential homes for older people with dementia, which will be presented to The Executive. Also, in response to concerns about the quality and availability of local residential and nursing care placements for people with dementia, Councillor Colin Stears, the Executive Member for Adult Social Services & Health, and Dr Adi Cooper, Strategic Director of Adult Social Services & Housing, visited a number of homes in and around the Borough.
- Care Quality Commission
- 2.6 At the beginning of the formal consultation about the future of Oakleigh Care Centre new national Care Quality Commission regulations were reviewed, which still contain guidance that individual room sizes should be at least 12 sq metres. In response to the views expressed by The Health and Wellbeing Scrutiny Committee, relatives, and other key stakeholders, further clarification was sought from the Care Quality Commission about this issue. Following a number of enquiries the Care Quality Commission has indicated that their decision to register another provider for Oakleigh Care Centre would depend on a number of factors, and that they would now not reject an application for registration solely on the size of rooms.
- 2.7 Whilst the Care Quality Commission could still reject an application for registration if they felt room sizes under 12 sq metres were inadequate, the other factors they would take into account include; the needs of the people living at Oakleigh in particular their mobility needs, as well as the size of communal spaces and the amount of time people spend outside of their individual rooms.
- 2.8 As a result of further clarification of the Care Quality Commission’s position on the interpretation and application of the new regulations, and the potential this creates

for re-registering Oakleigh with a new care provider, it is recommended that a second phase of consultation about the future of Oakleigh Care Centre for another 12 weeks is undertaken for this specific option to be explored and consulted upon before a decision is made about the future of Oakleigh Care Centre.

#### Feasibility study and market testing

- 2.9 To ensure The Executive is able to make an informed decision about the future of Oakleigh Care Centre at its meeting in July 2011 the Commissioning Unit will, alongside the second phase of the consultation process:
- a. complete a feasibility study on the options of keeping Oakleigh Care Centre open;
  - b. conduct a market testing exercise to establish the potential for independent organisations to take over the management of Oakleigh Care Centre.
- 2.10 The implications of options arising from this work on the timing of changes to Oakleigh Care centre provision will be provided in the following report.

#### Respite and Day Services

- 2.11 The Commissioning Unit is continuing to assess options for an alternative location for the Day Services and respite services currently located at Oakleigh. The important attributes of respite care services for people with dementia are well understood and alternative services could be purchased that are more personalised, and address the key needs and wishes of people that use respite care services and their carers.
- 2.12 It is proposed that a further report on the outcome of both the first and second phases of the consultation process, together with the outcomes of feasibility study, are presented to the Executive in July 2011. This will enable The Executive to take a fully informed decision.

#### Human Resource Implications

- 2.13 If the recommendations of this report are accepted we would need to continue to keep staff fully informed about the consultation process. No formal Human Resource processes would be appropriate until a decision about the future of Oakleigh Care Centre is made.

#### Legal Implications

- 2.14 Up until 30 September 2010 the Care Standards Act 2000, National Minimum Standards, all new build, extensions and homes registered for the first time were required to provide a minimum of 12 sq meters floor-space in single bedrooms. Pre-existing care homes, with rooms which provided at least 10 sq metres of useable space for each service user as at 16 August 2002, could continue to provide that amount of space in those rooms. Pre-existing care homes with rooms which did not provide that amount of space as at that date, provide at least the same useable floor space in those rooms as they provided as at 31 March 2002.
- 2.15 As of 1 October 2010 all care homes were required to be re-registered under the Health & Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009. These introduced a new set of "essential standards" of quality and safety that all providers must meet. Under the new Act, room sizes come under a broader regulation (Regulation 15)

about the “Safety and Suitability of Premises”. Under this guidance for this regulation: outcome 10L states that:

- a. For new build care homes and other care homes seeking to register for the first time, [room sizes] are no smaller than 12 square metres
- b. For existing care homes, [room sizes] are no smaller than they were as at 31 March 2010.”

2.16 As a new registration, the transfer of the running of Oakleigh to another provider would be considered a care home seeking to register for the first time. Following further clarification from the Care Quality Commission on the interpretation of this regulation, they have indicated that room size requirements do not play as great a role as was previously thought. Under the new system of registration, there may be consideration given to room sizes dependent on how the service is provided. If residents spend most of their time out of their rooms and have good communal spaces then there may be more flexibility with room sizes than if they were, for example, bed bound. Whilst the Care quality Commission could still reject an application for registration if they felt room sizes under 12 sq metres were inadequate, it is not definite that they would. Therefore, it is the case that outcome 10L is very ambiguous. In order to ensure that Oakleigh, whilst still not being financially viable, is not closed without due consideration of the possibility of management buyout or transfer to another provider, consultation should be reconvened on this issue alone for a further 12 weeks.

### **3. Financial Implications**

- 3.1 The extension of the formal consultation process increases the risk of double running costs in 2011/12. In addition to this, there will be a delay in delivering Services Smarter Services Sutton savings targets for 2011/12 and 2012/13.
- 3.2 To mitigate against these risks, the operating costs at Oakleigh will be reviewed to keep double running costs to a minimum without compromising the care provided to the people still living at the home. This will involve sharing day time care arrangements for people living on the same floor at Oakleigh, which can be delivered due to the reduced number of people living there.
- 3.3 Any redundancy costs will impact on the level of savings. However, if an alternative provider comes forward the redundancy costs would be obviated in the light of TUPE transfer.
- 3.4 Any decision taken not to dispose of the Oakleigh site would mean that the capital receipt for this site could not be used as a contribution towards the funding of the Council’s capital programme.

### **4. Influence of the Council’s Core Values**

- 4.1 The personalisation of care services described will deliver outcomes that are consistent with Sutton’s Core values giving individuals greater freedom, choice and control over their care as active citizens. It will also deliver services that are fit for the future, financially sustainable, cost effective and efficient.

### **5. Equality Impact Assessment**

- 5.1 The Equality Impact Assessment produced in relation to decision to consult on the future of Oakleigh Care Centre made at The Executive Committee on 4<sup>th</sup> October 2010 continues to apply to the recommendations made in this report. This will be reviewed for the following report in July 2011.

**6. Background Papers**

Proposal to consult on the closure of Oakleigh Care Centre, The Executive, 4<sup>th</sup>  
October 2010

Committee Rep 2008 V1.3