

Derbyshire County Council

Cabinet

11 March 2021

Report of the Chairman of the Improvement and Scrutiny Committee -
People

Scrutiny of the Next Steps in Relation to Direct Care Homes for Older People – Update on Progress

1. Purpose of the Report

To inform Cabinet of the deliberations of the People Improvement and Scrutiny Committee regarding direct care homes for older people.

2. Background Information

Following the Cabinet meeting on 4th June 2020, the People Improvement and Scrutiny Committee was invited to deliberate on the next steps in relation to seven of Derbyshire County Council's direct care homes. The potential closure of these homes, together with the proposed refurbishment of three, had been the subject of a consultation conducted earlier in the year. After considering the consultation outcomes, Cabinet agreed that "none of the homes proposed for closure will close unless a local care home or alternative provision is available to replace it".

The Cabinet report invited the Scrutiny Committee to adopt an overseeing role to ensure transparency of decision making and it was suggested that the focus should be on the need for, and type of local provision required.

The homes considered for potential closure were:

- Ladycross House (Sandiacre)
- Beechcroft (West Hallam)
- East Clune (Clowne)
- Holmlea (Tibshelf)
- The Spinney (Brimington)
- Goyt Valley House (New Mills)
- Gernon Manor (Bakewell)

The People Improvement and Scrutiny Committee at a meeting on 2 September 2020 agreed their approach and extended the scope of this area of work to include the following key lines of enquiry:

1. How will the robustness and durability of ongoing mitigation measures be assessed?
2. How will demand for current and future provision for older people be assessed?
3. How will the market be assessed?
4. What factors will be considered when determining what is local provision?
5. How will factors that determine what is suitable alternative provision be identified and assessed?
6. How will stakeholders be engaged?

The Committee submitted an interim report to Cabinet on 19 November 2020. The report stated that the Committee was assured that the mitigation measures in place were sufficiently robust and durable to address the increased risk associated with the properties identified as needing rewiring in the near future. The report indicated that work would continue to pursue the remaining key lines of enquiry (described above).

On 10 December 2020 the Executive Director for Adult Social Care and Health submitted a report to Cabinet providing an update on actions relating to direct care homes for older people and the following prospective timetable for future actions:

- December 2020 – January 2021: citizen engagement and with care providers undertaken (including information from the virtual investment event 14 December 2020)
- February 2021: completion of an interim Market Position Statement to respond to the impact of COVID-19, which will be reported to Cabinet in March 2021
- Summer 2021 (estimated post pandemic): commencement of a full review of the care market to develop a refreshed Market Position Statement, review of the Health and Wellbeing Strategy and Joint Strategic Needs Analysis.
- Summer 2021: completion of feasibility work on the seven homes which require rewiring
- Autumn 2021: consideration of a longer-term strategic plan taking account of the revised Market Position Statement, Health and Wellbeing Strategy and Joint Strategic Needs Analysis.

When the Committee agreed the lines of enquiry it was anticipated that a revised strategy and investment plan (informed by a revised Market Position Statement and the strategic needs analysis) would be available at the end of 2020 to inform the Committee's deliberations.

Furthermore, due to the revised timetable (above) the Committee will not be able to deliver against the key lines of enquiry as anticipated. Therefore, it is proposed that an interim report be submitted to Cabinet.

3. Information and Analysis

The Committee was invited to comment on the methodology that might be used to determine what is "local" and "suitable" alternative provision, in the event of each of the above-mentioned care homes closing. To date the Committee has not been presented with any proposals for the future of the seven homes or asked to comment on any decisions. The comments made in this report relate to the proposed methodology and are based on information provided at a snapshot in time. The outcomes of the December 2020 engagement activities and the revised market position statement were not available at the time of the Scrutiny Members' deliberations.

To assist the Scrutiny Working Group, Officers from Adult Care provided descriptions of different types of alternative provision and suggested definitions for the terms "local", "suitable" and "reasonable". The definitions provide were as follows:

- **Residential care** – a place where personal care and accommodation are provided over a 24/7 period. Residents continue to access community health services as required but do not need to have access to support by a qualified nurse 24/7. Services are provided for short or long periods, and this includes respite care and rehabilitation (in "Community Support Beds"). Residential care homes are required to be registered with the Care Quality Commission. Both the care that people receive, and the premises are regulated by CQC.
- **Nursing Care** – care homes with nursing are the same as residential care homes except in addition, qualified nursing care is available 24/7 to ensure that the full needs of the person using the service are met.
- **Extra Care** - a supported living environment for people over 50 years old where each resident live in their own apartment and have the opportunity to use communal facilities for social interaction and to benefit from an onsite 24/7 call system with staff on site who can respond to emergency assistance calls. These settings can be used by people who are able to manage independently and usually there are a range of people from those with no support needs to those with significant personal care needs who would have their support met from a domiciliary care agency visiting them in their apartment.

- **Local** – It is suggested that for the purposes of relocating people as a result of any residential care home closure any alternative accommodation within a 10-mile radius from their existing care home would be considered as local.
- **Suitable** – In the context of any proposed care home closure it is likely that for existing residents the most suitable alternative would be another residential care home. However, the care and support needs for each individual resident would be reassessed at the point of any decision to close a care home and for some individuals that reassessment may identify a need for increased support requirements that could mean they need to move to a nursing care setting. It is also possible, but uncommon, for that reassessment to identify that a person's needs could be met in an extra care setting as an alternative.
- **Reasonable** – It is suggested that a reasonable alternative would be that which is the most appropriate setting for the individual, based on an assessment of need and which could offer a combination of "suitable" and "local" as defined above. We would expect that in the context of an alternative residential care home this would be any establishment within the whole market, not necessarily just a Council operated alternative.

For each of the seven homes Scrutiny Members were provided with a map of the surrounding area with alternative accommodation identified with a 10-mile radius drawn on to indicate what falls within the definition of "local". Members were advised that for current residential care home residents, 'suitable' alternative provision would most likely be another residential care home. Information was provided about how many residential care home vacancies were currently available within that local radius and how many residents were currently within the directly provided service. The concept of "reasonable" was addressed by indicating which alternative options met the good or above CQC registration requirements. The vacancy data provided related to a snapshot in time and was for illustrative purposes, therefore it has not been reproduced in this report. However up to date vacancy data is available on the Council's website.

The information provided to the Scrutiny Members included an explanation of other factors that might influence individual decision making in relation to what is local, suitable and reasonable. It was made clear that during any closure and relocation process the following factors would be considered when determining the options for each resident:

- **The outcome of the individual assessment of current needs**, this assessment would be undertaken by a social worker in partnership with the person, their family carers, friend or advocate and the staff that support them in their current setting. This assessment will determine the most suitable type of alternative accommodation and take into account other factors that may impact on individual decision making about what is local such as the location of suitable resources such as specialist Dementia accommodation if that were

required, the location of family or friends, the person's current connections with their local community and or any connections with previous communities and the availability of public transport.

- **The availability of alternative accommodation.** Different parts of Derbyshire, based on their demographic and geographic location may have greater or lesser 'suitable' capacity within the proposed 10 mile radius defined as 'local' and this will also need to be considered in identifying what is a 'reasonable' alternative for each individual.
- **Individual choice of the resident regarding what is suitable.** Whilst Adult Care would expect that alternative care homes should be rated as 'good' or above by CQC, for some people a care home that is rated as 'requires improvement' by CQC may be chosen as a suitable alternative based on other factors such as locality and accessibility.

4. Scrutiny Working Groups Comments

- Given that there is the potential for both demand for residential care and the supply of appropriate provision to fluctuate considerably during the ongoing uncertainties created by the pandemic, the timing of the decision about the future of the seven care homes and the long-term accommodation strategy, needs to be carefully considered.
- When the Committee conducts pre-decision scrutiny deliberations in relation to the future of the seven care homes, Members will require up-to-date information about demand for, and the supply of, residential care. It is understood that a process is planned to gather this information in due course.
- When considering the proposed methodology, Members placed great importance on the individual assessment of current needs when determining what is "local" for each resident. There was unanimous agreement that whilst distance is an important factor, it is not sufficient to determine "local" in terms of a 10-mile radius from a person's existing residence. Therefore, Members seek assurance that factors outlined in the explanation of individual assessment of current need (such as accessibility to transport routes, location of family and friends and a person's connectedness to the area) will be given sufficient consideration when identifying options for each individual.
- The maps provided were a helpful visual aid to see the number and location of provision in each area. However, it was felt that it was an oversimplification to ask Members to form a view about the approach for future provision by merely counting up the number of vacancies in an area and comparing that to the number of residents in each of the DCC home under consideration. Members had questions about ongoing affordability for existing and future residents, the sustainability of the market given the current economic pressures brought about by the pandemic, and whether the care

provided at the alternative locations will be appropriate if existing residents were to move to them.

- Based on the information provided at the time (and with the exception of Goyt Valley House) it appeared that there were vacancies within a 10-mile radius of each of the care homes referred to in the report. It also appeared that the number of the vacancies exceed the number of residents in each home under consideration. However, Members were mindful that the figures related to a “snapshot” in time at an unprecedented moment in history, when occupancy rates are at an all-time low and the market is under considerable financial pressure.
- Members were informed that the Council does not operate a waiting list for care homes. They were advised that when someone is assessed as requiring long term residential care they are provided with information about all of the care homes in the area they are wishing to live and encouraged to read CQC reports as well as visit establishments (subject to current restrictions around COVID-19) and then they are enabled to request a place in any home that has available vacancies. Whilst some private sector care homes may operate waiting lists for people who are considering entering residential care under normal circumstances those assessed as needing to move into a residential care setting need to do so at that point in time and are not able to safely remain at home whilst they await a vacancy to arise in a specific establishment.
- It was noted that at the time the working group met there were 90 full time equivalent vacancies across all of the Council run care homes. Members asked what impact these vacancies would have on the running of the care homes and what the departmental view was regarding the sustainability of staffing levels in the short, medium and long term. Officers advised that front line care staffing is a long-standing challenge both in Derbyshire and nationally. In order to continue to run these services effectively the Council requires the use of on agency staff to fill gaps in staffing. The aspiration is not to do this, and the department continuously runs recruitment campaigns, encourages apprenticeship uptake and is actively involved with partner agencies in the Joined Up Careers Derbyshire initiative to try to fill vacancies.
- When exploring affordability for service users Members were advised that the Council funded weekly fee rates for all the homes identified, as potentially providing alternative provision, are currently set at a standard £563.64 per bed. It was noted that the standard fee rates are reviewed annually and are generally uplifted in line with inflation and or any other cost increase issues, such as minimum wage increase. The working group learnt that many establishments provide beds at the Council funded rate but some establishments charge individuals ‘top up’ payments on top of this and these can range from under £50 per week to over £100 per week. Members noted that in the majority of areas (notably urban areas) there was a significant number of vacancies in establishments rated as “good” that did not require a

top up fee. However, the data provided at the time showed that, there were two areas where this was not the case. In New Mills there were no vacancies in establishments rated as “good” that did not require a top up fee and only four vacancies in Bakewell.

- The Committee were provided with current DCC unit cost information. It was clarified that the figure provided was based on the standard 90% occupancy rate. Members are mindful that the unit cost information does not take into account the current situation in terms of low occupancy rates and costs associated with COVID-19 mitigation measures.

On 10 February the People Improvement and Scrutiny Committee agreed to a report being submitted to Cabinet setting out the work undertaken by the Scrutiny Members so far and stating that further scrutiny will not be possible until more information is available.

5. Considerations

In preparing this report the relevance of the following factors have been considered: Financial, Human resources, Legal, Social Value, Human Rights, Equality of opportunity, Health, Environmental, Transport, Property, Crime and disorder.

6. Background Papers: - None

7. Key Decision – No

8. 7. Call-in – No

9. Recommendations

It is recommended that Cabinet:

1. Note that due to the revised timetable (referred to above) the Committee will not be able to deliver against all of the key lines of enquiry in the timeframe anticipated.
2. Note that the People Improvement and Scrutiny Committee has considered the proposed methodology to determine what is “local” and “suitable” alternative provision.
3. When determining what is “local” provision, not only consider distance but also place a high priority on a person’s connectedness to an area, the location of family and friends and accessibility to transport routes.
4. When determining what is “suitable” provision, place a high degree of importance on the ongoing affordability for individual service users of CQC rated “good” or above provision.
5. Note that the Committee recognises that in this current pandemic climate occupancy levels have been significantly reduced and the

operating costs are temporarily well above the norm. The situation is unlikely to change in any significant way in the immediate term, but measures are being put in place, both nationally and locally, to improve the situation in the more medium term. The Committee understands the need to delay the development of the Market Position Statement and think it sensible to delay decisions on long term strategies until such a time that future service needs, and the state of the market are more predictable.

6. Note that when the Committee conducts pre-decision scrutiny deliberations in relation to the future of the seven care homes, Members will require demand and the supply data for residential care that can be viewed with a high degree of certainty.

Cllr Gary Musson
Chairman of the Improvement and Scrutiny Committee - People