

OVERVIEW AND SCRUTINY BOARD

23rd November 2009 at 6.30 pm

PRESENT: Councillor Neale (Chair): Councillors Akbar, Bullock, Dolling, Malik, Rutstein, Simons (substituting for Garrett), Taylor and Timoney.

IN ATTENDANCE: Councillors Franks, M. Hussain, Q. Hussain and Mead.

16 APOLOGIES FOR ABSENCE (REF: 1)

Apologies for absence from the meeting were received on behalf of Mr. B. O'Byrne and Ms. J. Chipperton (Co-opted Diocesan Representatives).

17 CALLED IN DECISION (EX/188/09) – THE PROPOSED CLOSURE OF SHERD LODGE ELDERLY PERSONS HOME (REF: 6)

The Chair invited all those present to introduce themselves and then requested the Members calling-in Executive decision EX/188/09 regarding the proposed closure of Sherd Lodge Elderley Persons Home (EPH) to explain their reasons for calling in the decision.

Councillor Q. Hussain advised:

- that he had visited Sherd Lodge which was used for respite care and had 5 permanent residents, one of whom was 103 years old.
- that in 2006 when his party had been in administration they had known that the facility would eventually close down but that it had been made clear that the facility would stay open until no longer in use by permanent residents.
- That he had learnt in February through the budget process that a £279k saving was proposed by closing Sherd Lodge
- Questions asked of Executive Members to confirm if this would be the case led to a response from Councillor M. Hussain that unless consultation on Sherd Lodge proved that it would lead to improvements it would not be closed
- that he had not believed that the home would not be closed because savings had already been identified in the budget
- that he believed that it had been a political statement that the home may stay open
- that it was now clear that the outcry and petitions had been ignored
- that the residents were frail and elderly
- that it would be a terrible trauma just to save a few pounds
- That it was a disregard for the residents health
- That the residents and their families had expected that they would stay at the home and their views should be respected
- That no-one wanted the home to close down and he would argue the case for the residents

- That he asked the overview and scrutiny Board to ask the Executive to review their decision and honour the original pledge that Sherd Lodge would not close whilst it had permanent residents.

The following table shows questions raised by Members of the Board and the responses given by Councillor Q. Hussain:

Questions by Members of the Board	Responses from Councillor Q. Hussain
You said that you knew that Sherd Lodge would eventually close, what is the problem with sooner rather than later?	It is the importance of the old people who really want to stay with people that they have known for a long time, it would harm them to make changes at the end of their life, they want to stay in that environment with staff they have known long term, not cause them any more harm.
You said the residents had been there a long time – how long?	No new residents have moved in since 2006, at least 3 years, some much longer.
In 2006 the Liberal Democrat administration took the decision to close Sherd Lodge and that it would only happen when all existing residents had died, that could have been 20 years?	Need sometimes requires people to be moved out for medical reasons, the understanding was that it would be until no permanent resident was there.
What would you do differently, how would you close the home with residents still alive?	It is largely respite anyway, would not lose money, keep open for the sake of those who are so fragile and old and used to this facility to change them now would be a major impact.
There have been 2 huge reviews on care of the elderly what precisely would the Liberal Democrat group do differently?	Completely obvious what we would do, service for respite / day care services and keep open until no permanent residents.
You say that the residents have been ignored, all residents have been consulted on the possible closure as well as staff, unions and relatives.	More than 1,000 signature petition opposing the closure including residents, their families, staff and unions but this was not considered as part of the consultation.
When the decision was originally taken, what were the reasons / motives?	Less residents using the facility, the facility needed updating, huge amount of money invested over last few years

	to keep it going.
Regarding your decision, to close at some stage, for what reasons?	Some rooms did not meet standards needed to comply with rules, but there was adequate room for permanent residents at the facility which did meet the required standard.
You were concerned about the standard of the home, yet if you were concerned why didn't you do anything?	A huge amount of money was invested in the home.
Were standards upgraded?	It was right for those 5 residents.
The mandate that the home shouldn't take any more residents – what would you like to see happen to this place.	For the Executive to review their decision and leave facility open until permanent residents no longer there.
You talk about caring staff – how do you know that it would be the same staff.	The staff would not all leave at the same time.
How would you justify financially, it would cost a lot of money, the district auditor would say to the Council, all that at Sherd Lodge is not a viable economic proposition when you could spend the money on the most vulnerable and needy people of the town.	The difference is we would not be talking about money when it comes to care. Since 2006 no new people admitted, it is not a profit making organisation, if needs money for the elderly it should be given, we have a duty of care.
Your scenario could leave 1 person left in the home, fully staffed for 1 person – you say that money is no problem – how would you tell the general tax payer that you spend on one person not general care for vulnerable people?	Used for respite care.
The 5 residents – is there another home that could accommodate these people?	It is the environment the people are used to, change at that age could be disastrous, never said that there weren't better facilities it is that the old people do not want to move.
Duty of care – how do you define?	It is very important when elderly people are put into a home and it is Council run service, residents expect to remain

	until the end of their life. After many years living at the same facility and in the end you ask them to move to a new environment and new people would have a major impact on their lives – please do not do that.
Do you believe that the Council is not doing its duty?	By moving them, it is not doing its duty.

Councillor Rutstein advised:

- I was a member of the Executive in 2006 when the decision was made it was a clear decision based upon closing Farley Hill and Sherd Lodge to close in due course, with no further admissions and to have respite and rehabilitation care at that facility
- I have had occasion to visit Sherd Lodge a number of times (Cllr M. Hussain proposed the re-introduction of social care visits by Councillors – excellent idea)
- I am an advocate for Sherd Lodge that is why I was appalled at the Executive decision
- The decision made in 2006 was clearly indicated to the responsible Director that it would be a case of natural erosion.
- The first we knew was February 2009 when the Portfolio Holder said – Sherd Lodge was on the list of proposed officer efficiency savings for 2010/11, nothing had been decided or included in the 2010 budget consultation – if it did not lead to an improvement then it would not close, in that case amend figures – approval of this does not approve the closure of Sherd Lodge. Subject to consultation, review and find alternative to improve service
- I have had no opportunity to debate the item – debate at Council not allowed as would be debated at Executive, at the Executive I was allowed to ask one question then discussion was curtailed.
- Executive decision to close Sherd Lodge from March 2010 – no idea where residents go, no recommendations as to where residents go and no discussion regarding alternative budget improvements to service.
- The work done to make the building meet the CSCI standard – not aware that money spent on that facility, as far as permanent residents were concerned did not meet the CSCI standard.
- With regard to the Executive report:
 - legal implications at paragraph 14 "Where a promise has been made to a resident that the EPH will be their home for life, the authority may only resile from that promise where the overriding public interest demands it" – there had been no evidence of that.
 - Options as set out at paragraph 57 – Retention / Closure – not know alternative placements or if repair an improvement?

- I urge the Board to invite the Executive to reconsider to retain Sherd Lodge open whilst it has permanent residents.

The following table shows questions raised by Members of the Board and the responses given by Councillor Rutstein:

Questions by Members of the Board	Responses from Councillor Rutstein
<p>Your reason for calling-in the decision is much, much clearer – thank you.</p> <p>The outcome of the consultation as shown on page 6/10 of the report – the residents views seem to be contrary to those given by you, how can you argue that you have spoken to them?</p>	<p>The consultation pre-supposes Sherd Lodge closing, if it did not close I have suggested that residents would only want to move when their needs required it.</p>
<p>Two residents have to be moved anyway.</p>	<p>I accept that point, if someone needs different kind of care they would be moved.</p>
<p>You made reference to homes for life. Homes for life means we need to move the residents to meet their needs.</p>	<p>I refer to the injunction given to the then Director, it was not fully spelt out in the Executive decision of 2006, a clear understanding was given to the residents at that time – then 13 now 5 residents.</p>
<p>From the relatives position – what was the perception of the families in 2006.</p>	<p>They had a very clear perception that the facility would remain open as long as relatives needed it and it was suitable.</p>
<p>When the decision to close was initially made, what were the reasons?</p>	<p>3 reasons: (i) intention to build 2 new care homes (ii) Standards not being met by a number of homes (iii) Standards increasing all the time</p>
<p>Does Sherd Lodge meet the requirements?</p>	<p>It meets the current requirements, if it would continue to do so I don't know?</p>
<p>When the decision was taken was anything done about speaking to partners with an idea to increasing more innovative work and increasing room to do that rather than closing?</p>	<p>That is a legitimate question to which I do not know the answer.</p>

The Chair then invited Councillor M. Hussain, Portfolio Holder for Adult Social Care to address the Board.

Councillor M. Hussain advised that he had looked forward to addressing the Board and that he welcomed the review which he hoped would be based on fact and not party politics.

He further advised that:

- The issue had been previously submitted to Scrutiny, who made recommendations which were subsequently fully adopted by the Executive.
- Closure had first been suggested in 2004
- The decision had not really been a surprise in 2006
- There had been no mention in the written decision of 2006 about the facility not closing until there were no longer any permanent residents
- The issue is that everybody has agreed that Sherd Lodge should close at sometime
- 2 residents needs have changed which leaves 3 residents
- how can any Member elected by the people justify £40k a month on 5 residents and taking services away from all other vulnerable people
- You have luxury of few members of staff - this is not true, health and safety requires a minimum number of staff at a set cost per month.
- I am passionate about care of the elderly, I cannot justify isolating 3 people then 2 etc. You say you want to keep Sherd Lodge open because you are passionate about care of the elderly, you cannot be if you would keep 2 people isolated.
- A new facility may not be for life – only assured tenants have home for life.
- The facts were that the respite care providers (PCT) were not prepared to renew the contract after December 2009 and the Council could not run the service without the PCT.
- I was very reluctant and it was regrettable that any EPH has to close but it would be sad to leave people in isolation in a declining building.

The following table shows questions/comments raised by Members of the Board and the responses given by the Portfolio Holder for Adult Social Care, Councillor M. Hussain and the Director of Housing, Community Living and Adult Social Services:

Questions/Comments from Members of the Board	Responses from Councillor M. Hussain and Director of Housing, Community Living and Adult Social Services

<p>If you close the home would you be saving money.</p>	<p>I never said that the decision was on the basis of economy. In Adult Social care there is no such thing as a saving.</p> <p>From the budget position it is an accounting responsibility. Significant growth last and this consecutive year. Saving identified – difference of purchasing from independent/voluntary sector as we are not the provider. The difference between providing the service directly against purchasing beds from independent provider.</p>
<p>Is there any firm evidence from best practice guidelines that moving elderly residents would affect the length of time they would live?</p>	<p>There is empirical evidence both ways:</p> <p>If it is rushed without planning = detrimental Done with sensitivity and care = no effect on life span</p> <p>It is how the process is managed.</p> <p>Key workers would spend time with their resident at the new facility to lessen any trauma or impact. If the community nurse cannot meet the needs of the resident they would have to be moved.</p>
<p>What would happen to the Sherd Lodge site?</p>	<p>No decision has been made as yet – BSF would decide.</p>
<p>Other places have known what was proposed to happened before they closed, how would you use resources?</p>	<p>Politics of Marsh Farm – all committed. 2 homes – Executive assured that facilities would be sorted out.</p>
<p>There don't seem to be any clear objectives. Executive recommend a deliberate action to approve closure and not list options of what would specifically be done for the residents.</p>	<p>Sherd Lodge is part of the development of Marsh Farm – housing/community/New Deal/Marsh Farm Community Development Trust sites within Marsh Farm are thought of in a unit rather than individually.</p> <p>Future needs are:</p> <ul style="list-style-type: none"> • extra sheltered accommodation • people want to stay in their own home, until they need to move to extra care

	<ul style="list-style-type: none"> • sheltered accommodation allows for people going in as a couple and staying together as a couple • we are all committed to that. • We have discussed with the family of every individual to try and accommodate their needs and where they want to go. <p>Direction of Travel :</p> <ul style="list-style-type: none"> • Currently across Luton there are over 100 vacant beds in residential, nursing and specialist care homes • Two new extra care units • No vacancies at Jill Jenkins Court • April 2010 new 60 bed dementia care home on the site of the old Heron PH • Old Warden Hill Site – purchase independent / develop nursing care facility • People prefer to live as independently as possible and if they need care at the end of their life their preference is other forms of tenancy arrangement • Nursing / specialist provision needed – joint venture develop alternative forms of social housing – not need more capacity
I would prefer for people to be cared for by Council staff in Council accommodation, not the private sector.	<p>People now have personalised budgets and they decide where they want to go.</p> <p>We do the utmost regarding council facilities but the individual makes their own decision.</p>
<p>Can the Director with her experience in social care advise if there has ever been any policy that guaranteed a resident would never have to leave an EPH?</p> <p>What would be the Director's response?</p>	<p>Before 1992 lauded as a solution, since 1992 I have never worked in a local authority that offered that guarantee.</p> <p>Urge caution, expenditure for a small number over a larger number of people. National Policy is to encourage more people to live in their own home.</p>

<p>Councillor Franks, in attendance advised with reference to the decision taken in 2006, that the words home for life were never used, there were all sorts of reasons as to why residents might need to be moved, care needs etc. His administration said and instructed to give a promise to residents and families not to close so long as home to permanent residents. It was known that the numbers would reduce but would be kept full with respite and short term needs care.</p>	
<p>What income does respite care bring?</p>	<p>£77 per bed per week, does not cover cost of running the service.</p>
<p>There are a small number of staff / residents working in isolation has it been considered how vulnerable they are?</p>	<p>Cannot pre-empt a decision, until the decision has been made, the infrastructure would not kick in, organisation manage protocol work supporting every single member of staff using best practice advice arrived at through previous closures of EPHs.</p>
<p>Housing Stock - If housing not meet decent homes standard do we close it?</p>	<p>Council's stock is compliant with DHS, if a private home does not meet the standard then it could be closed.</p>
<p>How do the social activities at Sherd Lodge compare to those at other EPHs?</p>	<p>Higher social activities disproportionate to other homes. The situation with the residents, families and carers would be to discuss what they want, give assurances, work alongside, period of introduction, see different sites. Good position currently as there are 30 vacancies in Council EPH and 31 in Independent homes. There were 3 vacancies at West Lea EPH and the affected residents of Sherd Lodge could all move together.</p>
<p>Has the saving when selling the site been taken into the equation?</p>	<p>As it is a capital asset the money would not come back through revenue.</p>
<p>Can the Director advise on cost if Sherd Lodge was kept running?</p>	<ul style="list-style-type: none"> • Revenue running cost £41.5k per resident per week. • Urgent work £458k for 2009/10 • £750k in 2010/11 on drains, heating and wiring to enable registration certificate.

The Chair invited Mrs Mead, lead petitioner of the 1040 signature petition submitted in opposition to the closure of Sherd Lodge, to address the Board.

Mrs Mead advised that she took up the petition because her friend was in Sherd Lodge for 17 weeks after an operation and she had seen how good the staff were. Her friend had been released from hospital on Christmas Eve and there had been no where else to go.

A Member of the Board asked Mrs Mead if she was convinced that Sherd Lodge was the only place her friend could have been admitted to? And why?

Mrs Mead replied that she was convinced that Sherd Lodge was the only place that would have taken her friend because it was Christmas Eve and there was no other place for her to go.

The Director of Housing, Community Living and Adult Social Care advised that the placement would have been through the rehabilitation contract run by the NHS, which would now be offered at two different sites within Luton.

The Chair asked Mrs Mead as the only member of public in attendance at the meeting, if she was clear why Sherd Lodge was closing.

The Chair invited the Scrutiny Manager to summarise for the Board two letters regarding the same resident of Sherd Lodge:

- there has been extensive refurbishment at Sherd Lodge
- my relative would not have gone to Sherd Lodge if they had been in a position to stay at home
- feel that the home has been deliberately run down
- feel my relative had a hard life now with good carers and rug being pulled out from beneath them
- feel that the government requirement is being met
- decision renovation indicated that it would stay open

The Chair invited Members to share their opinions on which option the Board should make, Members offered their opinions and comments for submission to the Executive.

Resolved: (i) That the Executive be advised that the Overview and Scrutiny Board have no objection to called-in decision No: EX/188/09 being implemented.

(ii) That the Overview and Scrutiny Board hopes and expects that the Executive will ensure that care teams will act in accordance with the very best practice with compassion and in the interests of the Sherd Lodge residents and their relatives

(Note: The meeting ended at 9.05 pm)