

APPENDIX 1



**DEVELOPING SUPPORTED
ACCOMMODATION FOR
OLDER PEOPLE IN
LEICESTERSHIRE**

**SUMMARY OF THE
CONSULTATION UNDERTAKEN
8 AUGUST- 29 OCTOBER 2007**

Introduction

A report of the Director of Adult Social Care and Health was presented to the Cabinet on 5 March 2007 on Developing Supported Accommodation for Older People in Leicestershire. Following this meeting it was agreed to undertake a period of 3 months consultation on the proposals within that report until 8 June 2007.

Consultation was undertaken between 5 March and 8 June 2007 and a number of key themes emerged from the consultation. The proposal to develop wider choice through the development of extra care housing received significant support. However, there was strong opposition to the possible closure of two in-house care homes.

Cabinet listened to what had been said and considered an alternative approach to closure. The original proposal was withdrawn and Cabinet agreed on the 7 August to consult on the sale of 6 in-house care homes as going concerns with the remaining 4 in-house care homes to be retained to develop specialist services. This consultation period ran from 8 August to 29 October 2007.

Attempts were made to reach out to interested parties through letters, public meetings and a web-based consultation form. The details of the consultation process are summarised below. A total of 160 written responses were received from a wide range of stakeholders. In addition, responses were sought from the wider public through the Citizens' Panel representing the views of 554 people. The report attempts below to summarise the comments received from letters, emails and meetings. Copies of all these documents have been made and are contained in the consultation packs which are available to in the three group rooms and the Members' library.

PROCESS OF CONSULTATION (8 AUGUST TO 29 OCTOBER 2007)

Letters to Residents and Relatives

As part of the consultation process letters were distributed (as deemed appropriate) to the long term residents in all 10 County Council care homes. Approximately 280 letters were sent to families of residents in all 10 County Council care homes. Each letter invited attendance at a consultation meeting and also detailed how to make views known (or request more information) on the County Council website, in writing or by E-mail.

Letters to Staff and Trade Unions

Letters were sent to all the staff employed in the 10 County Council care homes and to their trade unions. A copy of the report was made available within each of the 10 care homes and each letter advised staff that a copy of the full report was available on the Leicestershire County Council website.

Letters to Partner Agencies

A letter inviting responses including a summary of the report and consultation questionnaire was sent to Older Person's Groups, Parish Councils, District and Borough Councils, Leicestershire County and Rutland Primary Care Trust and Leicestershire Partnership Trust, Independent Sector Care Homes, Voluntary Organisations, Housing Associations and Independent Sector Domiciliary Care Agencies. A copy of the full Cabinet report 7 August 2007 was available on the Leicestershire County Council website and a link to the consultation document which could be completed on line.

Citizens' Panel

554 responses were received from The Citizens' Panel in response to the consultation. 58% of the respondents are aged 55 and over, with almost half of this group being over 65. The sample also covers a wide geographical spread across the County, and given its size, the statistical accuracy of the results is considered high, with a very low possible margin of error. The main findings are presented below:

Overall strategy and provision of care to older people

There is an overwhelming consensus (95%) that maintaining independence is very important to older people, and the perception is that going into a care home gives more peace of mind to relatives than older people (70%).

A great majority of the respondents (72%) consider that extra care can represent a real alternative to residential care, although 24-hour residential care would still be needed for people with high dependency needs (89%).

The majority of respondents (67%) also supported the location of any new extra-care facilities based on demand and not according to an even spread by district.

Specific additional comments were made by a number of respondents (24) supporting the idea of extra care / community based services.

Residential care – private vs. public

More than half of the respondents considered that the ownership of a home was not important when making a decision to choose a residential care facility. The top three factors identified as important in the choice process were the quality of care, staff and accommodation.

Regarding the respondents' perception of the difference between public and private homes against a number of aspects, although against most standards the differences are just marginal (4-6% difference in ranking), standing out are a perception of better quality of accommodation in the private sector (18%) and lower level of charges in the public sector (10%).

Views are generally balanced in relation to whether the standards of care are better in the private sector, with 27% of respondents agreeing and 28% disagreeing, with the rest being neutral.

In reference to quality, having been given the opportunity to provide additional comments, the respondents raised concerns around the quality of care for residents in general (18 respondents), stressing that it was always more important than money (31 respondents), proposing that quality standards were imposed and homes monitored against these (25 respondents).

Homes transfer

A slight majority of respondents (42%) agreed rather than disagreed (35%) in principle that the Council should transfer residential care home services to independent providers when it is unable to provide these services as cost effectively. On the Council's specific proposal to sell 6 homes as going concerns in order to fund extra care housing development, views were evenly split with 36% each agreeing and disagreeing while 20% remaining neutral.

The majority of respondents however agreed that the retained homes should develop services in partnership with the PCT (57%, only 11% disagreed) and that they should focus on specialist services such as short term care for people with high dependency needs (57% agreed, 16% disagreed).

Alternative funding

Residents were asked if they had any views as to what alternative funding sources could be identified if the proposal was not to go ahead and the top 3 responses were: Council to become more efficient (19 responses); Funding to come from increases in taxes (15 responses) or from cuts in other services (14 responses).

Meetings Held

Two Public Consultation meetings, which were advertised in the press, have been held:

- 27 September 2007 at County Hall;
- 10 October 2007 at Leicester Racecourse.

Attendance at these meetings was as follows:

County Hall – 26 people attended.

Leicester Racecourse – 27 people attended.

Summary of responses

Public meetings

The meetings were opened with a presentation on the proposals. The Cabinet report on Developing Supported Accommodation for Older People

and consultation questionnaires were circulated to attendees. Notes of the comments made at these meetings were taken.

A number of key themes, relating mainly to the proposed transfer of 6 homes, emerged during these meetings:

- Opposition to the transfer of 6 County Council care homes to independent providers as a means to fund the development of extra care housing;
- There were questions raised about the criteria used to decide upon the homes proposed for transfer and the homes proposed to be retained, and whilst there was support for the proposal to develop the 4 homes proposed to be retained in partnership with the PCT there was a view that all 10 in-house care homes should be retained and should continue to develop a range of specialist services at the interface with the NHS, particularly for people with dementia.
- There were views expressed that retaining the 4 homes as proposed was an insufficient number or geographical spread to maintain a real option for people who would prefer their care to be provided by the County Council.
- Issues arose about residents in independent homes not being covered by the Human Rights Act – in comparison to residents in County Council run homes which are.
- Views that the County Council provide a much higher standard of care than the independent sector and members of staff and relatives of residents, shared personal experiences about the protection of staff if the homes do transfer, as previous experience had shown that the protection offered by TUPE could be overcome, and where standards in the independent sector had for them been poor.
- That this is a cost cutting exercise rather than consultation on service development.
- Concern over differential costs/charges between the Council and privately owned care homes and concerns that an independent provider would have to reduce aspects of the quality or quantity of care to be able to operate the home at a lower unit cost than the County Council and that this would have a significant impact on the quality of staff that independent providers would be able to employ and to the service that they were able to provide. There were concerns expressed about the ability of the County Council to monitor quality in homes after transfer.

Consultation meetings with Residents and Relatives in all 10 Care homes

Attendance at these meetings was significantly lower in the 4 homes not proposed for transfer.

A summary of the proposals was given by a senior manager of the County Council at the start of each meeting and copies of the full Cabinet report and the consultation questionnaire were circulated at the meetings. Following the meetings detailed minutes of all these meetings were distributed to attendees and also to the relatives who were unable to attend. Copies have been kept and are part of a consultation file for each home.

Attendance at these meetings was as follows:

- Catherine Dalley House – 23 relatives/residents;
- Curtis Weston House – 3 relatives/residents;
- Harvey House – 9 relatives/residents;
- Hadrian House – 36 relatives/residents;
- Huntingdon Court – 21 relatives/residents;
- Kirby House – 30 relatives/residents;
- Tillson House – 2 relatives/residents;
- The Limes - 10 relatives/residents;
- Lenthall House – 1 relatives/residents;
- Woodmarket House – 27 relatives/residents.

A number of key themes, relating mainly to the proposed transfer of 6 homes, emerged during these meetings;

- Opposition to the transfer of 6 County Council care homes to independent providers as a means to fund the development of extra care housing.
- A number of questions were raised, especially in relation to extra care housing, the service model envisaged, the potential costs to residents and as to whether it is a genuine alternative to residential care.
- Concern that an independent provider would have to reduce aspects of the quality or quantity of care to be able to operate the home at a lower unit cost than the County Council, whilst maintaining conditions of service;
- Strong view that the quality of care in County Council run care homes is much higher than those run by the independent sector. A number of people who are responsible for their own fees said that they make a positive choice to pay that higher price for the quality of service that they receive. A high number of relatives referred to their own experience of looking at several care homes in the independent sector before finding what they considered to be a suitable home for their elderly relative;
- There were expressions of a sense of 'local ownership' of the homes proposed for transfer and a view that they would not belong to the local community if they were transferred into independent ownership. Many residents and relatives stated that they had specifically chosen a County Council home.
- There were questions raised about the criteria used to decide upon the homes proposed for transfer and the homes proposed to be retained, and whilst there was support for the proposal to develop the 4 homes proposed to be retained in partnership with the PCT there was a strong view that all 10 in-house care homes (or at least 7 in-house care homes to ensure a service in each of the 7 districts) should be retained and should continue to develop a range of specialist services at the interface with the NHS, particularly for people with dementia and particularly given that there is an expectation that the number of people with dementia will rise in the future.
- There were views expressed that retaining the 4 homes as proposed was an insufficient number or geographical spread to maintain a real option for people who would prefer their care to be provided by the County Council.

- Relatives in the 4 homes proposed to be retained were reassured for their own relatives but not for others.
- Concerns about the ability of the County Council to monitor quality in the homes after transfer;
- Relatives expressed concern for staff with the view that following any transfer, pay and terms and conditions of staff should be fully protected. There was also concern that transfer may cause high staff turnover and that expertise, skills and the acquired knowledge about the care needs of individual residents (and the relationships developed between staff and residents) would be lost;
- Concern about the loss of respite/flexible services to support carers and the eventual loss of all County Council long term beds when the older population is rising in numbers.
- Loss of a County Council care home in one area to develop extra care housing to the benefit of people living in another area;
- Concern that the home would not continue to be used as a care home in the future.
- Concern about the third party charges made by the independent sector which would be beyond the means of a lot of families.
- Queries were raised in relation to the application of the Human Rights Act in private sector care homes;

Consultation Meetings with Staff and Trade Unions in all 10 Care homes

Meetings were held with staff and their trade union representatives in the 10 County Council care homes. A representative from Human Resources was in attendance at the meetings in the 6 homes proposed for transfer. Copies of the full Cabinet report and the consultation document were circulated prior to the meeting. Detailed minutes of all these meetings were distributed to attendees and also to the staff who were unable to attend. Copies have been kept and are part of a consultation file for each home. One consultation meeting has been held with the managers of the 10 County Council care homes (Managers or a representative from each of the 10 care homes attended). Unison was provided with a copy of the Cabinet report dated 7 August 2007 and invited to participate in the consultation process.

Attendance at the staff meetings were as follows:

- Catherine Dalley House – 16 staff members;
- Curtis Weston House – 12 staff members;
- Harvey House – 18 staff members;
- Hadrian House – 10 staff members;
- Huntingdon Court – 13 staff members;
- Kirby House – 17 staff members;
- Tillson House – 5 staff members
- The Limes – 14 staff members;
- Lenthall House – 13 staff members;
- Woodmarket House – 20 staff members.

A number of key themes, relating mainly to the proposed transfer of 6 homes, emerged during these meetings;

- Opposition to the transfer of 6 County Council care homes to independent providers;
- Widespread concerns that the TUPE regulations that would apply at transfer would provide little protection other than in the very short-term and that staff could be given notice of changes to conditions by a new operator which they would be forced to accept or leave. There were many requests made that should transfer proceed, stronger safeguards (including additional support) be put in place to protect pay and conditions of staff, including pensions.
- Concern about the loss of respite/flexible services to support carers and the eventual loss of all County Council long term beds when the older population is rising in numbers.
- A number of questions were raised, especially in relation to extra care housing, the service model envisaged, the potential costs to residents and as to whether it is a genuine alternative to residential care.
- Concerns about the ability of the County Council to monitor quality in the homes after transfer;
- View that without the mixed economy of care providers the options for families who are unable to provide for top up fees will be reduced.
- There were expressions of a sense of 'local ownership' of the homes proposed for transfer and a view that they would not belong to the local community if they were transferred into independent ownership. Views were expressed by staff who said that they wanted to work for the County Council and not independent providers.
- Support for the proposal to develop the 4 homes proposed to be retained in partnership with the PCT but with a view that all 10 in-house care homes should be retained and should continue to develop a range of specialist services at the interface with NHS, particularly for short term rehabilitation services and respite/long term placements for people with dementia.
- Concern about the perceived loss of high quality services – with a general view that County Council run care homes are of better quality than those run by the independent sector. High turnover of staff/less well trained staff was put forward as a major contributing factor.

Written Comments (Post and E-mail)

160 responses and 4 petitions have been received by this method. A record has been kept of the comments received and of the questions from these contacts with the answers that were provided and are made up as follows:

- 27 Relatives/residents in 10 County Council care homes;
- 14 Staff in County Council care homes;
- 7 Other County Council Staff;
- 24 Organisations, voluntary and private sector providers (including Housing providers);
- 39 Members of the public;

- 2 District/Borough Councillors;
- 20 Parish/Town Councils;
- 5 MP's;
- 3 Political Groups;
- 1 Primary Care Trust/Health;
- 17 Others (untitled);
- 1 Trade Union.
- 4 Petitions.

Key issues arising from each of the written responses from specific groups are detailed below:

Relatives/Residents in 10 County Council Care Homes

- Opposition to the transfer of 6 County Council care homes to independent providers as a means to fund the development of extra care housing (25) and whilst some responses opposed the transfer of all 6 County Council care homes (5), others were more specific and the opposition was against the transfer of a specific home; Huntingdon Court (2), Hadrian House (1), Woodmarket House (7), Kirby House (8) and Catherine Dalley (2).
- Some relief was expressed that at least under this option no existing resident would need to move (2) although there was a general concern about the uncertainty that the proposal to transfer 6 homes would continue to provoke for residents, relatives and staff until all of the issues have been clarified and the details agreed and a lack of confidence that the quality of service would be maintained after transfer to independent providers. Concerns about the ability of the County Council to monitor quality in the homes after transfer.
- Widespread concerns that the TUPE regulations that would apply for staff at transfer would provide little protection other than in the very short-term and that staff could be given notice of changes to conditions by a new operator which they would be forced to accept or leave.
- Concern about the perceived loss of high quality services – with a general view that County Council run care homes are of better quality than those run by the independent sector. High turnover of staff/less well trained staff was put forward as a major contributing factor.
- There were questions raised about the criteria used to decide upon the homes proposed for transfer and the homes proposed to be retained, and whilst there was support for the proposal to develop the 4 homes proposed to be retained in partnership with the PCT there was a view that all 10 in-house care homes should be retained and should continue to develop a range of specialist services at the interface with the NHS, particularly for people with dementia and particularly given that the number of people suffering from dementia is likely to rise in the future.
- View that the proposal is driven by the need to meet cost savings, i.e. £650,000 for the MTFs and not by the need to provide the best care for older people.
- Concern about the third party charges made by the independent sector which would be beyond the means of a lot of families.

- Queries were raised in relation to the application of the Human Rights Act in private sector care homes.
- A view that other options to fund the new developments should be explored.

Staff in County Council Care Homes

- Opposition to the transfer of 6 County Council care homes to independent providers as a means to fund the development of extra care housing (13) and of these, 2 respondents were opposed to the transfer of all 6 County Council care homes generally, others were more specific and the opposition was against the transfer of a specific home; Woodmarket House (9), Kirby House (2). 1 response supported the transfer of 6 County Council care homes, with a concern about the potential impact on residents, staff and connected families and a view that any transfer should ideally be to a non profit making organisation where it was felt that they would be better placed.
- Concerns about the ability of the County Council to monitor quality in the homes after transfer.
- Concerns that the 6 homes proposed for transfer are an important aspect of the County Council's existing services, with all 6 homes providing planned and emergency respite care places and day care places to maintain people's independence and support their informal carers and that these services would be lost on transfer.
- A number of questions were raised, especially in relation to extra care housing, the service model envisaged, the potential costs to residents and as to whether it is a genuine alternative to residential care.
- One suggestion was made that existing land and buildings should be utilised to develop and accommodate extra care schemes to run alongside the existing residential homes.

Other County Council Staff

A number of written comments were received from staff members and teams with responsibility for commissioning and arranging residential placements throughout the county.

- Opposition to the transfer of 6 County Council care homes to independent providers as a means to fund the development of extra care housing (7) with concern expressed for resident's welfare during the period of uncertainty prior to any transfer and with transition to new owners.
- Suggestion that the proposal's are short-sighted and would cost the County Council more in the long-term if they removed the in-house competition and would have a significant impact on the availability to families of placements at County Council banded rates.
- There were views expressed that retaining the 4 homes as proposed was an insufficient number or geographical spread to maintain a real option for people who would prefer their care to be provided by the County Council.

- Concern about the loss of respite/flexible services to support carers and the potential/eventual loss of all County Council long term beds when the older population is rising in numbers.
- Commissioners would welcome more detail about the proposed future of the 4 care homes proposed to be retained and in particular how this will be done in conjunction with PCT's.
- View that County Council is not a housing authority and that the lead for extra care housing should be left with District Councils or Housing Associations.

Trade Unions

UNISON

The feedback received is based on a number of meetings with staff at the homes proposed for sale, public meetings and information published. Views were also sought from staff with experience in working in the independent sector (transferred from public sector previously or with prior experience in independent sector).

There is general opposition to the proposal, despite recognition of the difficult position that the Council faces in developing services for older people.

Extra care

The principle is welcome, however it is considered that insufficient information has to date been provided on how exactly the sale of the 6 homes will ultimately achieve the development of extra care (including lack of a business case to set out the additional requirements to expand Extra Care provision).

The following comments and concerns were raised:

Removal of choice

- proposals would ultimately lead to the Council not providing any directly managed long term residential care for the Elderly in the county; There is record of incidence of residents in Council homes who had been rejected as unsuitable in other homes, and it is not clear how they will be catered for in the future
- residential care is the preferred current option of residents and that cannot be removed and replaced by extra care services that are only suitable for some
- geographical options available to residents in the future will be more limited and the placements would need to be more widespread, as more independent / self funding persons will move into homes after transfer; This is identified as a more significant risk where there are currently no independent sector providers in a certain area, coupled with the concern that the new owners will be interested in maximising their returns by accepting more fee paying residents
- proposals do not outline how local day care provision will be maintained if the homes were sold

Quality of service

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- quality of care is one of the main reasons for opposing the proposals;
- there is recognition that Council staff have better terms and conditions, staffing ratios and improved levels of training and support, which is believed to account for the higher costs of providing care that the Council incurs in comparison with independent providers, but also accounts for lower turnover and improved commitment
- high percentage of staff who are no longer employed with the new owner of the homes transferred by the Council in 2004
- it is considered that high turnover levels impact on the quality of care
- staff employed subsequently brought in on national minimum wages or from overseas, and issues may arise due to language barriers with the latter

Financial considerations

- proposal are driven by cost reduction
- there is no information provided on level of savings (beyond the £650,000 assumption) or the potential capital receipt
- there is no assessment of refurbishment costs for the 4 retained properties if they were to be adapted for specialist services
- no commitment was expressed to solely reinvest savings and revenues in services for the Elderly
- no costing analysis supporting the proposals have been submitted
- no information was provided on the impact of proposals to Council's overheads or staff
- the impact of the Code of Practice on the viability of a tender needs to be considered
- concern that residents will be imposed top-up fees, and that for new residents the fees will be at the discretion of the new owner

Accountability

- Council's and Councillors accountability for the quality of care will only be indirect (arms length)
- Protection through European Convention on Human Rights would be removed when residents are placed in the independent sector
- Concerns that Commission for Social Care Inspection (CSCI) inspections are likely to decrease, resulting in a lower ability to monitor standards

Staffing

- TUPE protection is difficult to support in practice, as shown by previous experience (and Union recognition has not been achieved)
- Introduction of the Code of Practice may help if the Council enforces it
- Requirement for clear and explicit commitments to future pay, training and development, consultation, staffing levels and access to complaints procedures before endorsement of transfer

Organisations, Voluntary and Private Sector Providers (including Housing Providers)

- Majority support for the proposal that the County Council transfer 6 care homes to independent providers (16) with concern about the potential loss of flexible respite-care services to carers if the homes were transferred to independent ownership (1).
- Some opposition to the transfer of 6 care homes to the independent sector (1) with other responses being more opposed to the transfer of a specific home, Kirby House (1), Catherine Dalley (1), Woodmarket House (1), Harvey House (1), with the main concern about a lack of choice in particular areas for people who would prefer their care to be provided by the County Council and a lack of availability of placements at County Council banded rates and affordable to all families.
- Overall support that it was in the best interest of residents not to have to move, but concern about the long-term future of the homes continuing to run as care homes after transfer.
- The view was expressed that should transfer be agreed, the specification should attend closely to details of the quality of the service to be provided. Early engagement of staff, residents and the new owners was considered important in enabling a smooth transition between providers.
- Concern that the County Council expect independent providers to provide quality residential care for less than in-house costs and to the same standard.
- Wide agreement with the proposal to increase partnership working with the Primary Care Trust and services aimed at helping people stay in their own homes. With the view that consideration should be given to Leicestershire County Council transferring all 10 homes to the independent sector and allowing voluntary and independent organisations to tender for partnership working with the PCT.
- A view that voluntary and independent organisations should be involved in the development of extra care housing schemes.
- Age Concern continue to support the original proposal to develop additional extra care facilities around the County but fully appreciate that some people may have reservations and concerns about the proposal to transfer 6 County Council care homes to the independent sector as a means to fund the new development. As a way forward, Age Concern believe that the County Council needs to ensure that if the decision to go ahead with the transfer is agreed that a covenant is placed on each of the properties transferring, thereby protecting the residential facility and the land for a reasonable number of years. That the terms and conditions of all staff transferring be protected for a reasonable period of time, with some guarantee about staff training and that there should be contractual arrangements made from the outset, between an older person and the care home to ensure that should the older person's funds run out that they will not be passed on from one home to another.
- Age Concern express their own concern about the intention of CSCI to reduce its inspections to registered providers with the view that without regular visits it will be difficult to assess the quality of care being provided.

General summary of views received from East Midlands C.A.R.E.

(EMCARE represents one third of independently owned care homes for older people in the Leicestershire region).

The following clarifications were submitted to be put on record:

- **Efficiency / value for money**

The cost of care for someone in a residential home is up to £100 per week higher in a council-owned home than in an independent sector one. This is ultimately paid by the Council taxpayers.

- **Quality of services**

All homes are registered with the CSCI and regularly inspected to make sure that they meet strict rules as set by the Department of Health. Private homes are also inspected and monitored by the Council. The four homes that the Council sold to the independent sector in 2004 have continued to provide an excellent service.

- **Quality of staff**

All staff are trained to meet the service users' needs according to national occupational standards. Staff in independently owned homes are well trained, dedicated, hard working and professional.

Response to specific points of consultation

There is general support to transfer 6 homes to the independent sector providers as going concerns as a means to pump-prime extra care housing developments. In comparison with the initial proposal, it is considered that the welfare of residents is better protected, which should be a priority for the Council.

To ensure that the high standards of care to residents were maintained after transfer, it is suggested that the Council should assess potential bidders based on their current inspection reports to confirm that they are already delivering high quality services, as well as any plans for improvements.

The level of fees also determines the level of service and quality that can be provided and the Council was asked to consider this when reallocating funds saved from the transfers.

With regards to the retained homes, it was suggested that the Council give consideration to extending its intentions for collaborative working with the PCT to independent sector providers as well.

In terms of the extra-care alternative proposals, it was suggested that the Council may consider inviting private investment from existing independent sector care providers.

District/Borough Councillors – 2 replies

- Opposition to the proposal to transfer care homes to the independent sector and to the proposal to reduce the long term capacity and to develop specialist short-term care at Curtis Weston House (1). View that the

Council should be increasing care home capacity at a time when the ageing population is increasing and that it is the Council's responsibility to care for the elderly who have no other option (1).

Parish/Town Councils

- Support for the proposal to transfer 6 County Council care homes to independent providers as a means to fund the development of extra care housing, with a proviso that the choice of an alternative operator would be subject to a robust selection procedure to ensure that any new provider was reputable and reliable and a covenant to ensure that the provision continues long term and that safeguards be put in place to protect pay and conditions of staff, including pensions (9).
- Strong opposition to the proposal to transfer 6 care homes to independent providers with the view that they should all remain under County Council ownership (2). 1 response was opposed to the proposal but would like assurance that if the transfer was inevitable that this would be at no additional cost to residents. 1 response had no comment at all to make on the proposal, with 1 response expressing grave concern, particularly in relation to the application of the Human Rights Act in private sector care homes. View that these organisations would be profit driven and unless fees increase the provision of services will be affected (1).
- 3 responses were received which are specifically opposed to Woodmarket House and 2 responses were received which are specifically opposed to Catherine Dalley being transferred as part of the 6 named County Council care homes proposed for transfer and asked that they be retained as a local resource for local people.
- View that following any transfer that standards of care to residents should be strongly monitored and maintained. 2 responses received indicated a lack of confidence that the standards of care would be maintained after the transfer to independent providers, this was mixed with a view that the usual inspection procedures currently in place would be sufficient to ensure that a good standard of care was maintained after transfer (2).
- A view that if the transfer goes ahead that all capital funds raised should be allocated to the care of the elderly.
- Wide agreement with the proposal to increase partnership working with the PCT and services aimed at helping people stay in their own homes as long as the proposed access to needs based services are equitable.
- View that additional sources of new income need to be explored as an alternative to fund new developments.
- Concern that the sale or closure of care homes within the County should not be considered until firm proposals are in place as to their replacement with extra care schemes.

Political Groups

- The Liberal Democrat group welcome the aim to establish 2 new extra care schemes and the guarantee that within these proposals that no existing long-term resident will be required to move from their current home. However, the group remains convinced of the need to retain a core

of County Council owned homes across the County, particularly to give some added flexibility to the County Council to be able to react to possible changes in our residents' needs in the future when different circumstances and trends (e.g. medical conditions, treatments and demographics) might alter service needs, priorities and our ways of delivering those services and therefore propose that 3 of the 6 homes outlined for transfer be retained under County Council ownership and that only 3 homes should transfer to independent providers to ensure that a County Council facility be available in each of the 7 districts. They further believe that any sale of these homes should offer protection to staff through TUPE requirements and to be part of a fair tendering exercise with tight specification to ensure a continued high level of quality care after transfer. The Liberal Democrat Group welcome the proposal to develop specialist care for the elderly within the 4 homes proposed in the report to be retained in-house, with a reluctance to see the potential loss of long term beds and propose that each of the 4 homes should retain 10 beds for long-term residents.

- The Lutterworth & District Labour Party and the South Leicestershire Constituency Labour Party both strongly oppose the transfer of Woodmarket House as being part of the 6 named County Council care homes proposed for transfer. In their responses both parties highlight the high standard of care and flexible services that the home provides to a high number of residents with dementia and urge the Council to continue to keep the home under the public care of the Council.

Primary Care Trust/Health

- The Professional Executive Committee (PEC) expresses continued support for the extra care concept and supports the differentiation of the 4 care homes which the County Council propose to retain. In addition, the PEC further support the extension of opportunities for the independent sector to provide care and is keen to work in partnership with both the Adult Social Care Service around development of new roles for its in-house homes and on the commissioning of independent sector care placements for its patients.

Members of the Public

- Opposition to Leicestershire County Council's proposal to transfer 6 care homes to independent providers as a means to fund the development of extra care housing, with a view that other funding options need to be explored (19). 15 responses were received which were opposed to Woodmarket House, 1 response received which is opposed to Huntingdon and 1 response opposed to Catherine Dalley, being transferred as part of the 6 named County Council care homes proposed for transfer and asked that they be retained as a local resource for local people.
- Support for the proposal to develop the 4 homes proposed to be retained in partnership with the PCT but with a view that all 10 in-house care homes should be retained and should continue to develop a range of specialist services at the interface with the NHS. With another view that 7 County Council care homes should be retained to ensure an even distribution of

specialist services are available to the people in the 7 districts of Leicestershire.

- There were views expressed that retaining the 4 homes as proposed was an insufficient number or geographical spread to maintain a real option for people who would prefer their care to be provided by the County Council.
- View that County Council is not a housing authority and that the lead for extra care housing should be left with District Councils or Housing Associations.
- Concern that an independent provider would have to reduce aspects of the quality or quantity of care to be able to operate the home at a lower unit cost than the County Council, whilst maintaining conditions of service.
- Generally welcome that no resident will have to move as part of this proposal but concern that the standard of care will fall after transfer.
- A number of questions were raised, especially in relation to extra care housing, the service model envisaged, the potential costs to residents and as to whether it is a genuine alternative to residential care.
- Personal experiences were shared in 4 responses received from ex-employees of the County Council with a strong belief that the standards of the County Council have not been maintained in 1 of the care homes previously owned by the County Council post transfer to an independent provider.

MPs

Contact has been mainly regarding letters that they had received from constituents and/or to ask for further information which has been provided.

Others (untitled)

- Strong opposition to the transfer of 6 County Council care home to independent providers as a means to fund the development of extra care housing (13). 1 response received was specifically opposed to Hadrian House being transferred to independent providers. This would depend on how much money could be made by selling the homes and how much it would cost to develop the new services (1). 2 responses agreed that this proposal was preferable to closing homes but ideally homes should remain in County Council ownership.
- There were questions raised about the criteria used to decide upon the homes proposed for transfer and the homes proposed to be retained, and whilst there was support for the proposal to develop the 4 homes proposed to be retained in partnership with the PCT there was a view that all 10 in-house care homes should be retained and should continue to develop a range of specialist services at the interface with the NHS, particularly for people with dementia and giving an even distribution and equal access of services across the County.
- Lack of confidence that standards and quality of care would be maintained in any of the named 6 homes if they were to transfer to independent providers.

- Concern about the protection of staff if the homes do transfer as previous experience had shown that the protection offered by TUPE could be overcome.

Petitions

4 petitions have been received against the proposal to transfer Leicestershire County Council care home(s) to independent providers:

- Residents of Hinckley & Bosworth – 1072 signatures.
- Woodmarket Action Group – 5592 signatures.
- Unison – 3360
- In Support of Catherine Dalley - 2211

SUMMARY OF MAIN THEMES

Opposition to the proposals

There has been significant opposition received to the proposal to sell homes. Not unexpectedly, the majority of the opposing views came from residents, relatives and staff from the in-house care homes proposed to transfer and from UNISON. Comments have also been received from other County Council staff who have responsibility for the commissioning of placements, some members of the public and a number of Parish Councils who have made objections to the transfer of a specific home in their particular area or adjoining area. This has been demonstrated by attendance at meetings, the organisation of community action groups and the signing of petitions. Below are the main themes emerging from the views of those opposing the proposals.

Main themes emerging in opposition to proposals

Ownership and choice

There were expressions of a sense of local 'ownership' of the homes proposed for transfer and a view that they would not belong to the local community if they were transferred into independent ownership. Many residents and relatives stated they had specifically chosen a County Council home. Similar views were expressed by staff who wanted to work for the County Council and not independent providers. There were views expressed that retaining the 4 homes as proposed was an insufficient number or geographical spread to maintain a real option for people who would prefer their care to be provided by the local authority.

Quality of care

There was concern over differential costs/charges between the Council and privately owned care homes and concerns that an independent provider would have to reduce aspects of the quality or quantity of care to be able to operate the home at a lower unit cost than the County Council, and that this would have a significant impact on the quality of staff that independent providers would be able to employ and to the service that they were able to provide.

There were concerns about the ability of the County Council to monitor standards in these 6 homes after transfer. The view was expressed that should transfer be agreed, the specification should attend closely to details of the quality of the service to be provided.

Staffing

There was concern that transfer may cause high staff turnover and that expertise, skills and the acquired knowledge about the care needs of individual residents would be lost. There were widespread concerns that the TUPE regulations that would apply at transfer would provide little protection other than in the very short-term and that staff could be given notice of changes to conditions by a new operator which they would be forced to accept or have to leave. The example of previous transfers in 2004 was highlighted by UNISON where 3 years later there is evidence to show that there had been a high turnover of staff, and ongoing issues had been raised, including in relation to salaries and pay increases. There were many requests made that should transfer proceed, strong safeguards (including an extended period of protection) be incorporated to protect pay and conditions of staff, including pensions.

Continuity of service and care homes capacity

There were concerns that the 6 homes proposed for transfer are an important aspect of the County Council's overall strategy to help people stay in their own homes, with all 6 homes providing planned and emergency respite care places, day care services and re-ablement services to maintain people's independence and support their informal carers. Concerns were expressed that the 6 homes would not continue to be used as care homes in the future and concern about the eventual loss of all County Council long term beds in the 4 homes proposed to be retained when the older population is rising in numbers.

Use of resources

Whilst some recognition was received that the County Council must use its resources most effectively, a regular theme emerging was that this was seen as a cost-saving exercise and not the need to provide the best care for older people.

There is a suggestion that the proposals are short-sighted and would cost the County Council more in the long-term if they removed the in-house competition and would have a significant impact on the availability to families of placements at County Council banded rates.

Human Rights Act

Issues arose about residents in independent homes not being covered by the Human Rights Act – in comparison to residents in County Council run homes which are.

Extra care

A number of questions have been raised about extra care schemes, the model envisaged, and the cost to residents and as to whether it is a genuine

alternative to residential care. It is clear that the concept of extra care housing is not well understood by the public. Opposition was raised to the proposal to use resources resulting from the sale of in-house homes as a means to fund extra-care. Suggestions were made that the County Council should be cautious in its development of the new schemes and 'market test' its success before relinquishing current services.

Support for the proposals

Responses from partner agencies have been welcoming of the proposal to further develop more integrated health, housing and specialist social care services aimed at helping people to stay in their own homes, and of the proposal to transfer 6 care homes to independent care home providers as a means to fund the new developments. This includes responses from the independent sector, views from East Midlands CARE which represents one third of independently owned care homes for older people in the Leicestershire area, Citizens' Panel (involving 554 respondents), some voluntary organisations and Parish/Town Councils and the PCT. Below are the main themes emerging from those supporting the proposals:

Main themes emerging in support of the proposals

Extra care

In general terms throughout the consultation there has been continued support for the development of extra care housing as a choice of care that should be available to older people. There has also been wide agreement to the overall strategy of developing services to help people stay in their own home.

Partnerships

There is widespread agreement with the proposal to increase partnership working with the PCT and services aimed at maintaining people's independence. With regards to the retained homes, it was suggested that the Council give consideration to extending its intentions for collaborative working with the PCT to independent sector providers as well.

Welfare of residents

In comparison with the initial proposal, it is considered that the welfare of residents is better protected, which should be a priority for the Council. There was a widespread positive reaction to the fact that the Council had withdrawn the previous proposal to close homes, and therefore the current proposals were considered a better option than closures.

Care home capacity

Comments were received to the effect that any change of provider would not result in a reduction in the overall number of residential care beds within the 6 homes or a destabilisation of the residential care market in these areas. Moreover, it has been stated that the proposed changes should provide the potential to develop services that are relevant to the future needs of the older population.

Quality of care and staff

The independent providers with whom the Council contracts have clarified that all care homes are registered with CSCI and regularly inspected in the same way as County Council homes to meet strict standards as set by the Department of Health and that all staff are well trained, committed and dedicated professionals.

Ownership

More than half of the respondents (Citizens' Panel) considered that the ownership of a home was not important when making a decision to choose a residential care facility. The top three factors identified as important in the choice process were the quality of care, staff and accommodation.

Citizens' Panel views on proposals

There is a consensus that maintaining independence is very important to older people, and the perception is that going into a care home gives more peace of mind to relatives than older people. A great majority of the respondents consider that extra care can represent a real alternative to residential care, although 24-hour residential care would still be needed for people with high dependency needs. Equally, the majority of respondents supported the proposal that the Council shift funding from residential care to more community-based services.

More than half of the respondents considered that the ownership of a home was not important when making a decision to choose a residential care facility. The top three factors identified as important in the choice process were the quality of care, staff and accommodation. Regarding the respondents' perception of the difference between public and private homes, against most standards the differences were marginal. However there was a perception that charges in the public sector were lower and that accommodation in the private sector was of a better quality.

A slight majority of respondents agreed rather than disagreed in principle that the Council should transfer residential care home services to independent providers when it is unable to provide these services as cost effectively. On the Council's specific proposal to sell 6 homes as going concerns in order to fund extra care housing development, views were evenly split between those agreeing and disagreeing.

The majority of respondents however agreed that the retained homes should be developed in partnership with the PCT and that they should focus on specialist services such as short term care for people with high dependency needs.

Suggestions for alternative courses of action

A small number of suggestions were received of potential ways of funding extra care as an alternative to the proposal of selling the homes as going concerns, and achieve value for money for the Council. These include finding

unspecified alternative sources of funding from Council funds or grants for extra care; allowing independent providers or housing associations the opportunity to develop the new services; partnership with a not for profit provider; or selling all 10 care homes to maximise savings.

At the meeting of the Adult Social Care and Health Services Scrutiny Committee the Liberal Democrat Group proposed that 3 of the 6 homes outlined for transfer be retained under County Council ownership and that only 3 homes should transfer to independent providers to ensure that a County Council facility be available in each of the 7 districts. At that same meeting the Labour Spokesperson on the Committee submitted a paper which stated that the County Council should retain all the existing homes in its ownership but that as a minimum should retain at least one home in each of the District Council areas.