

Healthier Communities Select Committee			
Title	Older People's Housing, and Kenton Court and Somerville Extra Care Schemes		
Contributors	Executive Director for Customer Services and Executive Director for Community Services	Item	Supp
Class	Part 1 (open)	21 October 2014	

Reasons for Lateness and Urgency

This report was not available for the original dispatch because officers delayed the drafting of the final report until as close as possible to the close of the on-going consultation, in order that committee could have the latest information on progress. The report is urgent because the final outcome of the consultation is due to be considered by Mayor & Cabinet on 12 November and as such there is no later alternative time at which Committee can consider the matter at hand.

Where a report is received less than 5 clear days before the date of the meeting at which the matter is being considered, then under the Local Government Act 1972 Section 100(b)(4) the Chair of the Committee can take the matter as a matter of urgency if he is satisfied that there are special circumstances requiring it to be treated as a matter of urgency. These special circumstances have to be specified in the minutes of the meeting.

1. Purpose

- 1.1. To provide the Committee with an update on progress in upgrading and investing in the Council's housing provision for older residents, including an update on the on-going consultation with residents of the extra care schemes at Kenton Court and Somerville.
- 1.2. This report is provided in advance of a more detailed report which will be considered by Mayor and Cabinet in November. This later report will contain the feedback from the consultation exercise, which was still in-going when this report was drafted, and will also set out the options relating to the future of those two schemes.

2. Recommendations

- 2.1. That Committee notes the on-going programme of investment in older peoples' housing.
- 2.2. That Committee notes the manner in which the residents of the Kenton Court and Somerville Extra Care schemes have been consulted about the options for the future of those schemes.

3. Background

- 3.1. In July 2012 Mayor and Cabinet received a report outlining the severe housing challenges in Lewisham and London more generally, and as a result agreed to launch the "Housing Matters" programme. This consisted of three interlinked streams of work designed to address those challenges, which were to review the options for the

ownership and management of housing stock, to initiate a new build housing programme, and finally to review the Council's policy for and approach to the delivery of housing specifically for its older residents.

- 3.2. This report concentrates on the last of these three strands, and outlines for committee the progress that has been made in setting a new standard for housing for older people, and in securing investment in order to deliver against that vision. In particular however it focuses on the Council's current extra in-house care housing schemes at Kenton Court in Sydenham and at Somerville in Telegraph Hill.
- 3.3. The Council has adopted a set of principles as the foundation of its vision for specialist housing for older people, which is that homes should be:
 - Spacious – at least 50m² for a one bedroom home
 - Wheelchair accessible
 - Self contained, with full bathroom facilities
 - "Care ready"
 - Community focused
 - Part of a "mixed dependency" approach, in which there is a balance of need among residents within the same scheme, which will range from people with low or no care needs, to people with high care needs
- 3.4. In December 2013 Mayor & Cabinet received a report which noted that neither the Kenton Court or the Somerville schemes met this standard, and more detail on these buildings is provided below. On that basis it was agreed that officers should commence a consultation process with the tenants of both schemes to establish their care and housing support needs, and the extent to which these could be met elsewhere in the borough.
- 3.5. In June 2014 Mayor & Cabinet received an update on the findings of this review. Following detailed social care assessments and a review of the housing options available to tenants, it was noted that the care and housing needs of the people living at both schemes could be met through other provision in the borough. On that basis it was agreed that officers should formally consult the tenants of both schemes about the proposal to close both the social care service and the extra care scheme itself in both locations, Additionally it was agreed that staff should also be consulted regarding the potential closure of the service.
- 3.6. The consultation process with tenants closes on 17 October, after the date on which this report has been drafted, and as such it is not yet possible to provide a summary of the consultation findings. These detailed findings are scheduled to be considered by Mayor & Cabinet on 12 November. In advance of that this report provides Committee with a summary of the consultation process that has been carried out, and the independent support that has been available to tenants and their families as part of this exercise.

4. Investment in Older Peoples' Housing

- 4.1. Since July 2012, when the Housing Matters programme commenced with the objective of securing additional investment into older people's housing in Lewisham, significant progress has been made in delivering new modern homes for older residents which benefit from modern space and design standards, and offer a more modern and mixed-dependency model of supported living for older residents.

- 4.2. This has included the Council securing £4.5m of grant subsidy from the GLA for two new extra care schemes which will provide more than 100 new homes built to the highest space and design standards. The £4.5m will unlock the construction of these two schemes with a total investment of more than £15m. The first of these is currently being led by the Council, at the Campshill Road site in Lewisham Central. This is currently awaiting planning consent, and is scheduled to start on site in the spring of 2015. The second is being led by Phoenix Community Housing – its first new housing project – at Hazelhurst Court in Bellingham. Again this development is currently awaiting planning consent, and is expected to start on site in summer 2015.
- 4.3. Additionally, the Council has very recently received the handover of the Conrad Court extra care development from Notting Hill Housing Trust, which has been constructed as part of the wider Marine Wharf development in Deptford by Berkeley Homes. This is a 78 unit extra care scheme, into which the Council has nomination rights, and which will operate a mixed-dependency approach to extra care whereby a third of residents are expected to have no to low care or support needs, a third medium needs, and a third high care needs.
- 4.4. The delivery of the Conrad Court provides the Council with a new, modern and high quality extra care scheme. It also potentially provides the tenants of the Kenton Court and Somerville schemes with alternative provision, and so the timing of its handover has been crucial to the timing of the consultation process with those living in the two schemes. This is because, having accepted that Kenton Court and Somerville do not meet the standards to which the Council aspires for its extra care accommodation, it was considered important to enable the tenants of those two schemes to have the first opportunity to choose to move to Conrad Court if they wanted to.
- 4.5. Overall, through this work more than £20m has been or will be invested in delivering nearly 180 new extra care homes in Lewisham by 2018, and it enables the opportunity to review and consider the options for the Council's existing extra care provision.

5. Kenton Court and Somerville Extra Care Housing Schemes

- 5.1. Kenton Court, Sydenham and Somerville, Telegraph Hill, are directly managed by the Council and have a total of 55 units. The buildings are part of the Council's housing stock. Housing management services are provided by Lewisham Homes and care and support services are managed by the Community Services Directorate.
- 5.2. At the Mayor and Cabinet meeting on 4th December 2013, officers reported that detailed stock condition surveys had indicated that both buildings were unsuitable for continued use for Extra Care in their current form due to the physical constraints of the building. Somerville and Kenton Court were remodelled from what were already hard-to-let sheltered housing schemes, in 1995 and 1999 respectively. The schemes mainly consist of small bedsits or studio flats which are approximately 28m² - these are too small and they do not enable wheelchair access. Shared bathroom facilities are not appropriate for tenants with additional care and support needs and are not popular with potential tenants. These factors combine to mean that the levels of care that can be provided to current and potential residents are unacceptably restricted by the physical fabric of the building.
- 5.3. Consideration has been given to remodelling the buildings by conversion to self contained one-bed flats. This would require significant capital investment and would result in the loss of 26 units. This in turn would increase the unit cost of the service delivery to the point at which a genuine extra care service could not be maintained, as

it is widely accepted that a minimum of 40 units are required within an extra care scheme in order to sustain services at a sufficient level whilst maintaining service costs at an affordable level for tenants.

- 5.4. It should also be noted that, even if it had been found that extensive re-modelling was an efficient investment and could deliver an extra care scheme of sufficient scale and quality, it would still be hugely disruptive to existing tenants as it would require all of the residents to vacate their homes for an extended period while the works were completed. For all of these reasons, it has been concluded that there is no viable option for the remodelling of these blocks as modern extra care homes, and as such the consultation in the latest period has focussed on the principle that the schemes would close and the tenants move to alternative provision in line with their preferences and assessed care needs.
- 5.5. Currently eight people living at Kenton Court and 13 at Somerville, and so a total of 21 are affected by the on going consultation. Of these, six have expressed an interest in moving to Conrad Court and four an interest in moving to one of two Housing 21 Extra Care schemes at Cinnamon Court and Cedar Court. One person has been assessed as being suitable for sheltered accommodation (but not for extra care) and a further two people have been assessed as requiring residential care. This leaves eight tenants who have yet to express a preference, need further assessment or who wish to remain. Four Somerville tenants are currently unwilling to engage with officers about re-housing options.

6. Consultation process

- 6.1. The consultation process with affected tenants has been carried out in a careful and planned manner over a period of nearly a year. Initially, from January to April of this year it focused on establishing the care and housing needs of tenants, and the output of this work led to the decision by Mayor and Cabinet in June to formally consult with residents.
- 6.2. In this early stage of the process, as was reported to Mayor & Cabinet in June, housing officers and the extra care service team worked closely together to meet with tenants, explain the purpose and potential implications of the consultations, and to answer questions and concerns of tenants and their families. This included two open meetings, one at each scheme, to which both tenants and their families were invited, and which were attended by 23 of the 30 tenants living in both schemes at the time. It also included a follow up summary of the points that were raised and the responses to those, which was distributed to all tenants, and two subsequent "afternoon teas" at which tenants were able to discuss their concerns on an individual basis.
- 6.3. Following this, service management and social work staff also wrote individually to all tenants and subsequently made arrangements to meet formally with them and their family or advocate to undertake a care review. Tenants were given information about other Extra Care and Sheltered schemes in the borough and were advised of the new Extra Care schemes being developed in the borough, and in particular the first of these at Conrad Court. Opportunities were given for supported visits to existing extra care services and further visits to these and other options, will continue to be offered.
- 6.4. At this point housing officers were also available to meet with tenants to discuss and advise on housing options. Referrals to Housing took place where an interest was expressed in a move to alternative extra care provision or mainstream sheltered housing, and where the individual has been willing to discuss alternative housing

options available in the borough. During these visits, which were carried out by two officers, there was an opportunity for residents to discuss how they feel about a proposed move to alternative accommodation. During this process, some people were already choosing to move voluntarily, and the various schemes available in line with their assessed social care needs are discussed. Tenants were also informed that there is support available to help with removals, should they choose to move, and of the Home Loss payment they are entitled to together with a disturbance payment to meet their moving costs.

- 6.5. At the conclusion of this exercise in May, officers had gathered a significant amount of information on the needs and preferences of residents, and the extent to which those could be met at alternative provision. Mayor & Cabinet noted these results in June 2014, and having noted the extent of alternative provision and the fact that five people had already voluntarily moved, agreed that officers commenced a formal consultation with residents about the proposal both to close the extra care service and also to close the buildings for an extra care use and to consider alternative uses for those.
- 6.6. This formal consultation consists of two parts, governed by the relevant legislation, in relation to both the care service and the housing provision. A three-month consultation with tenants on proposals to close the extra care service at Somerville and Kenton Court was launched on July 17th 2014. A letter was hand-delivered to mark the start of the consultation period. These letters were verbally explained to tenants where required.
- 6.7. A contact telephone number, address and e-mail address were provided to ensure that people who could not attend the consultation drop-in meetings were able to contact the Council about the proposals and to respond to the consultation. Tenants were also encouraged to speak to service staff if they had any comments and/or questions about the proposals.
- 6.8. The housing consultation focused specifically on the proposal to close the buildings and the impact and options available to tenants if this were to be the case. The formal part of this took the form of a letter which was distributed to tenants on 17 September. Following this letter a range of additional events were organised in order to enable tenants to raise any questions or concerns and to express their views. These have included two formal consultation sessions, one at each scheme, to which both residents and their families were invited, It also involved the attendance of the lead housing officer at both schemes in order to be available for any people who might prefer not to engage in a large group setting, or who may have consequently developed other questions or concerns.
- 6.9. Consultation about proposals to close the extra care service and consultation about proposals to close the two buildings are technically separate. However, for tenants the issues are closely intertwined and their responses inevitably often apply to both consultations, and as such every effort has been made to ensure that the housing and extra care service teams work closely together, attend events jointly and consider together the views that have been raised by residents.
- 6.10. Throughout this formal stage of the consultation, an independent advocacy service has been provided to tenants through Lewisham Healthwatch, which was commissioned by the Council to provide impartial support to tenants and their families as appropriate, and to review and advise on the proposed consultation materials. Lewisham Healthwatch representatives have attended all consultation events alongside officers during this formal stage of the consultation.

- 6.11. As noted previously, the consultation exercise was scheduled to end after this report had been drafted, and so it is not possible to report at this stage on the findings of the consultation exercises. At this stage therefore, Committee is asked to note the thorough and careful process that has been followed in consulting tenants, the extent and range of the opportunities that have been made available for tenants and their families to share their views and raise their concerns, and the independent and impartial advocacy service that has been available to residents through Healthwatch Lewisham.

7. Financial implications

- 7.1. The purpose of this report is to update members Committee on progress in upgrading and investing in the Council's housing provision for older residents, including an update on the on-going consultation with residents of the extra care schemes at Kenton Court and Somerville. As such there are no financial implications in agreeing the recommendations set out in section 2.
- 7.2. The financial implications of future options for the service will be set out in the report to be submitted to Mayor and Cabinet in November.

8. Legal implications

- 8.1 Section 105 of the Housing Act 1985 provides that the Council must consult with all secure tenants who are likely to be substantially affected by a matter of housing management to which the section applies. The section specifies that a matter of housing management is one which relates to the management, maintenance, improvement or demolition of dwelling houses let by the authority under secure tenancies and that such consultation must inform secure tenants of the proposals and provide them with an opportunity to make their views known to the Council within a specified period. The section further specifies that before making any decisions on this matter, the Council must consider representations from secure tenants arising from the consultation. Such consultation must therefore be up to date and relate to the proposals in question. This report sets out the formal consultation that it is intended to carry out with residents in the schemes.
- 8.2 The National Assistance Act 1948 places both duties and powers upon local authorities to assess the needs of, and provide services to support such needs including residential accommodation, people aged 18 years and over who because of their disability are in need of care and attention not otherwise available to them. Section 5 of this report summarises the outcomes of the social care consultation and review process for the services delivered at Kenton Court and Somerville.
- 8.3 In changing or altering services provided under Social Care legislation, each individuals' needs for services must be individually reassessed before changing the services or the manner of delivery. In addition, in making proposals for service changes overall, there must be a proper and meaningful consultation with service users, their families and any other stakeholders to enable and facilitate clear understanding of the proposals and enable all stakeholders to express their views effectively.
- 8.4 The Equality Act 2010 (the Act) introduced a new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and

maternity, race, religion or belief, sex and sexual orientation. In summary, the Council must, in the exercise of its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

8.5 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Mayor, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

8.6 The Equality and Human Rights Commission has recently issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it, as failure to do so without compelling reason would be of evidential value. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legaland-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

8.7 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sectorequality-duty/guidance-on-the-equality-duty>

9. Crime and disorder implications

9.1. There are no crime and disorder implications resulting specifically from this report.

10. Equalities implications

10.1. The buildings at Kenton Court and Somerville owned by the Council and used for the delivery of its directly managed Extra Care service have been acknowledged as not meeting the standards required of modern housing for older people. This consultation currently underway relates to transferring the Council’s directly managed extra care service to another provider at a different location while the Council considers

alternative uses for the buildings and sites and could ultimately lead to the closure of the existing buildings.

- 10.2. The proposals to transfer the Council's directly managed extra care service to another provider at a different location is likely to have short term negative impact on the equalities groups which are represented at Somerville and Kenton Court, namely older people, people with disabilities and people from Black and Minority Ethnic backgrounds. Any negative impact which may arise to these groups would most likely be associated with the process of consultation on the proposal and re-housing. However, officers have planned all consultation activity around the specific identified needs of tenants in order to mitigate any potential negative impact.
- 10.3. Informal consultation with tenants has already resulted in some tenants moving to alternative services where they have chosen to do so. This consultation has been with the tenants affected, and where those tenants have not had capacity to fully understand the implications of that consultation, or where the tenant has so requested, there has been involvement of a family member or other independent person. Where moves have taken place, these moves have been to better quality provision which better meets the identified needs of the tenant.
- 10.4. The development of new and modern Extra Care services which support people remaining in their own homes for longer through reduced social isolation, increased use of assistive technology, ready access to care and support services and families staying together for longer means that the transfer of the Council's directly managed service and the potential closure of Kenton Court and Somerville will not be a detriment to older adults in the borough not yet requiring extra care. There is likely to be a longer term positive impact for older people resulting from the proposed changes, if they are implemented.
- 10.5. Furthermore, proposals to develop alternative housing provision at the Somerville and Kenton Court Sites will provide an opportunity for the Council to deliver housing to more people from the Council's waiting list and will have a long-term positive impact on the equalities groups represented within this population.
- 10.6. Seven staff are potentially affected by the transfer of the Council's directly managed extra care service. Staff contracts require that they work in any location in the borough. Any specific equalities implications will be addressed through the formal TUPE consultation process and in discussion with Notting Hill as part of their due diligence process.
- 10.7. An Equalities Analysis Assessment has been carried out to gather information about staff and tenants and to identify potential equalities implications. Throughout the consultation programme this will be refined as further information is obtained relating to the equalities categories.

11. Environmental implications

- 11.1. There are no crime and disorder implications resulting specifically from this report.

12. Conclusion

- 12.1. Committee is asked to note the full and careful consultation exercise that has taken place to date, and that the results of this will inform further decisions regarding the Kenton Court and Somerville extra care schemes due to be taken by Mayor & Cabinet in November 2014.

