


<b>Cabinet</b>	
<b>Wednesday 24 July 2019 at 10.00 am</b>	
<b>Cabinet Suite - Shire Hall, Gloucester</b>	
<b>AGENDA</b>	

<b>Item</b>	<b>Due Regard Statement</b>	<b>Portfolio</b>
<b>6</b>	<p><b>To Consider the Future Provision of Care Homes in Gloucestershire and the Relevant Consultation (Pages 1 - 16)</b></p> <p>To seek Cabinet approval to close Southfield Care Home, Stroud and Wyatt House Care Home, Stroud and to consult with residents and their families on the impact of the closures.</p>	Adult Social Care

This page is intentionally left blank

## Due Regard Statement

Please use this statement to evidence how 'due regard to' the three aims of the public sector equality duty has been made (section 149 of the Equality Act 2010) during the development of the 'policy'.<sup>1</sup>

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by the ACT:
- Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- Foster good relations between people who share a protected characteristic

Name of the 'policy':	To consider the future provision of care homes in Gloucestershire
Person(s) responsible for completing this statement	James Cawley
Briefly describe the activity being considered including aims and expected outcomes	<p>To seek Cabinet approval to close Southfield House and Wyatt House, Stroud and to consult with residents and their families on the impact of the care home closures.</p> <p>All residents and/or their families were invited to the meeting facilitated by ASV on 26<sup>th</sup> June 2019. The reports from ASV and Evolving Communities reflect the views of all residents and/or their families. In addition to this, the Due Regard Statement includes data about the protected characteristics of those residents whose care is funded by the Council. The Council will review this Due Regard Statement as part of the overall consultation process for the residents and their families on the impact of the closures, including collecting further equality data regarding people who fund their own care at the two care homes</p>

<sup>1</sup> For 'policy': any new and existing policy, strategy, services, functions, work programme, project, practice and activity. This includes decisions about budgets, procurement, commissioning or de-commissioning services, service design and implementation.

## Documenting use of sufficient information

Please document below the data and information sources that you have used to understand the needs, participation and experiences of each protected group. Evidence must be gathered as the policy is developed and used to inform decisions.

### Service user data

Service user data is an important source of evidence and should be collated as part of routine monitoring of in- house or external services. If service user data is not available record 'not known' and use the action plan to identify what improvement actions will be used to gather data going forward.

[Service user diversity reports](#) are available on our website and give an indication of service user participation across commissioning areas, for example adult residential services and youth services. It does not include participation data at individual service level.

### Needs analysis

[Gloucestershire population demographics](#) data is available to understand the representation of different protected groups across the county and help with needs analysis. Data like this may also be also useful for benchmarking to identify under or over representation of a service by any of the protected groups. For example, a service is open to all residents and from monitoring you know that 2% of service users are disabled: However, demographic data indicate that 16.7% of Gloucestershire residents report having a disability or long term limiting illness. This finding can be used to explore if there are barriers to participation by residents with disabilities and how this can be addressed as part of the development of your 'policy'.

### Data gaps

You may find that you have more information about some of the protected groups for example, gender, age, disability and less about others, for example, sexual orientation and religion and/or belief. If data is not available and you intend to start collating data about a protected characteristic please use the action plan to outline how this data will be collated. You can find equality monitoring guidance on our [website](#) including an equality monitoring template.

If you have no plans to start collating data about a protected characteristic please state the rational why.

**Service information (if applicable) or Needs analysis (if applicable)**

<p><b>Who is responsible for delivering the service?</b></p>	<p>Gloucestershire Care Partnership (GCP) and Orders of St John provide residential and nursing care at Wyatt House and Southfield House.</p>
<p><b>Service user data/Needs analysis information</b></p>	
<p>Age</p>	<p>All residents at the two homes, whose care is funded by the Council, are aged over 60.</p> <p>Wyatt House</p> <ul style="list-style-type: none"> <li>• 43% are over 90 years of age</li> <li>• 38% are 80 – 90 years of age</li> <li>• 19% are 70 – 80 years of age</li> </ul> <p>Southfield House</p> <ul style="list-style-type: none"> <li>• 57% are over 90 years of age</li> <li>• 43% are 80 – 90 years of age</li> </ul>
<p>Disability</p>	<p><b>Wyatt House Care Home</b>  0 % of people living at the care home and whose funding is provided by the Council have a registered disability recorded on their care plan held in the Care Home. Whilst none of the residents have declared a disability, Wyatt House is registered for nursing care and, therefore, it is likely that some of the residents at the home have a disability within the definition of the Equalities Act 2010.</p> <p><b>Southfields Care Home</b>  0% of people living at the care home and whose funding is provided by the Council have a registered disability recorded on their care plan held in the care home. However it is likely that some of the residents at the home have a disability within the definition of the Equalities Act 2010.</p>

Sex	<p><b>Wyatt House Care Home</b></p> <p>Of residents whose care is funded by the Council: 92% are women and 8% are men.</p> <p><b>Southfields Care Home</b></p> <p>Of residents whose care is funded by the Council: 72% are women and 28% are men.</p>
Race (including Gypsy & Traveller)	<p><b>Wyatt House Care Home</b></p> <p>Of residents whose care is funded by the Council: 100% are White British</p> <p>Not declared %</p> <p><b>Southfields Care Home</b></p> <p>Of residents whose care is funded by the Council: 100% are White British</p>
Gender reassignment	Not declared
Marriage & civil partnership	<p><b>Wyatt House Care Home</b></p> <p>Of residents whose care is funded by the Council: 86% are married Of residents whose care is funded by the Council: 14% are spinsters</p> <p><b>Southfields Care Home</b></p> <p>Of residents whose care is funded by the Council: 78% are widowed Of residents whose care is funded by the Council: 11% are bachelors Of residents whose care is funded by the Council: 11% are divorced</p>
Pregnancy & maternity	Considered not applicable as service users are aged over 60.
Religion or Belief	<p><b>Wyatt House Care Home</b></p> <p>Of the residents living at the care home, whose care is funded by the Council, the highest percentage (33 %) state their religion is non practicing Christian.</p>

	<p><b>Southfields Care Home</b> Of the residents living at the care home, whose care is funded by the Council, the highest percentage (90%) do not state their religion.</p>
Sexual Orientation	<p>Not declared at Wyatt House</p> <p>Of residents whose care is funded by the Council, at Southfield House only 10% have declared their sexual orientation</p>

### Other information

### Workforce data

Please document details of GCC staff only if they will be affected by the proposed activity. This could include GCC staff transferring under TUPE to a new service provider, relocating, employment at risk. **GCC [Workforce diversity reports](#)** are available on our website.

If the proposed activity does not affect GCC staff, please state 'Not affected below'.

<b>Total number of GCC staff affected</b>	No GCC staff are affected.
---	----------------------------

### Consultation and engagement

List all types of consultation that has taken place during the development of this activity. Include on-line consultations, events, meetings with stakeholders, community events, employee consultation exercises etc

Service users	<p>The Council commissioned two organisations, ASV Research Ltd. and Evolving Communities to engage with residents and their families/representatives to understand and report on their views regarding the impact of the potential closures of Southfield House and Wyatt House. Each organisation provided their findings in the following two reports:</p> <ul style="list-style-type: none"> <li>• ASV Research Ltd: “Gloucestershire County Council Care Homes in Stroud: Engagement Report</li> <li>• Evolving Communities: “Independent Engagement on the Potential Closure of Southfield House and Wyatt House, Stroud: A Residents and Relatives/Representatives’ Viewpoint of Likely Impact,</li> </ul> <p>The report from ASV raised some key issues about the potential impact of the two care homes closing:</p> <ul style="list-style-type: none"> <li>• Serious concerns were expressed over the impact on residents through breaking up friendship networks and resident to resident support built up over many months and years.</li> <li>• Concern over disrupting the environments of frail and elderly people, many of whom have dementia and in the case of Wyatt House have very complex needs and comorbidities.</li> <li>• Concern that moving people could lead to an early death.</li> <li>• Any change to a new care home could remove the remaining connections to their “old life” and social networks..</li> </ul> <p>The report from Evolving Communities raised some key issues about the potential impact of the two care homes closing:</p> <ul style="list-style-type: none"> <li>• There was an overwhelming sense that moving residents would have severe effects on both their physical and mental wellbeing. For many this affect was considered as serious as death, “I think it would kill my mother.”</li> <li>• One resident was described by a family member as already experiencing distress in response to reading the letter sent from GCC about the closure and others described current feelings of physical and mental stress.</li> <li>• One resident felt strongly that they did not want to go anywhere else and that the closure would make them feel without a future.</li> <li>• It was agreed that the Council need to consider the impact of not only the residents wellbeing, but that of relatives and representatives.</li> <li>• Many relatives/representatives had chosen Southfield House due to the proximity to their own home, as it was a short drive or walk away and this meant they were able to visit frequently</li> <li>• It was agreed that the Council should consider that some residents may wish to be rehomed together as to preserve friendships and relationships.</li> <li>• Relationships with outside staff and visitors was also talked about as being of great importance.</li> <li>• For the residents, having a named GP that knew them was vital, as well as relationships with the wider staff such as hairdressers, opticians, chiropodists and a clothes seller.</li> <li>• A monthly church service was also mentioned as being of great importance to the residents.</li> </ul> <p>The Evolving Communities report requested that:</p>
---------------	---



	<p>I. Cabinet Members should consider the emotional and physical impact on both residents and their relatives/representatives both now and in the future, of any potential closure.</p> <p>II. In the event that closures are agreed, GCC should consider and take into account current friendships and relationships between residents and staff in any relocation decision.</p> <p>The Council through the proposed 1 to 1 meetings will discuss these issues with relatives and families.</p> <p>The next stage in the consultation process will require the Council to consult with residents and their families on the impact of and arrangements for the closure of the Care Homes. This will involve a consultation exercise which will follow the principles of the Council's, "Procedure for Managing the Closure of a Care Home Providing Services for Adults" which will involve:</p> <ul style="list-style-type: none"> <li>• Face to Face meetings on an individual basis or with a group of residents and families for each care home – these meetings will provide an opportunity to explain the reasons for the closure of the care homes, the options available for people to move to an alternative care home, the likely timescale for the potential closures and to understand the needs of each individual resident.</li> <li>• Meetings with The Orders of St John Care Trust employees - these meetings will explain the reasons for the closure of the care homes and the likely timescale for the closures. The relocation of employees and any other employment matters will be a matter for The Orders of St John Care Trust and their employees.</li> <li>• Briefings for local Councillors - these meetings will explain the reasons for the closure of the care homes, the options available for residents to move to an alternative care home, the timescales and the wider care home issues for their constituents.</li> <li>• Care Providers – these meetings will discuss the wider Care Home Strategy implications and opportunities for local care providers as a consequence of the care home closures.</li> </ul>
Workforce	Not Applicable
Partners	<p>There will be consultation with care providers adjacent to Southfield House and Wyatt House and with Gloucestershire Care Providers Association.</p> <p>There will be consultation with other local authorities who may fund placements at the two care homes.</p>
External providers of services	<p>There will be consultation with Gloucestershire Clinical Commissioning Group who fund the Funded Nursing Care element of nursing care home placements and Continuing Health Care placements.</p> <p>There will be consultation with the local GP practice that supports Southfield House and Wyatt House</p>

## Equality analysis: Summary of what the evidence shows and how has it been used

This section will allow you to outline how the evidence has been used to show 'due regard' to the three aims of the general equality duty. It is important that this consideration is thorough and based on sufficient information. Consideration should be relevant and proportionate.

- Eliminate discrimination
- Advance equality of opportunity
- Promote good relations..

Protected group	Challenge or opportunity considered and what we did
Age(A)	<p>The ASV Research Ltd. report and the Evolving Communities report specifically identified some key themes which residents and their families raised about the impact of the proposed closures, as set out above.</p> <p>Southfield House – summary of key issues raised by residents and their families</p> <ul style="list-style-type: none"> <li>• Concerns about adverse effects of moving to a different care home on health, both emotional and physical, for residents and families.</li> <li>• Concerns about being separated from friends and family, both within the home and externally.</li> <li>• Relationships within the wider community, including hairdressers, opticians, chiropodists and a clothes seller.</li> <li>• Accessibility to the monthly church service.</li> <li>• The emotional impact of changes in personal care home costs.</li> </ul> <p>Wyatt House – summary of key issues raised by residents and their families</p> <ul style="list-style-type: none"> <li>• Concerns about adverse effects of moving to a different care home on health, both emotional and physical, of residents (especially those who are frail and those with dementia) and their families</li> </ul>

- The potential for anxiety levels of residents to rise in a new environment, leading to a possible care issue.
- Concerns about being separated from friends and family, both within the home and externally.
- Concerns about being able to identify suitable alternative care for residents with complex needs.
- Future provision of dementia care in Stroud given the predicted rise in dementia cases nationally.
- The potential for the loss of focus on person-centred care.

The Council will be mindful of the impact that the relocation of older people from one care setting to another may have on the health and wellbeing for those residents and families with the protected characteristics. This will include consideration of the comments which have already been made by the residents of the two homes and their families, as set out in this Due Regard Statement.

The Council will, as part of the proposed consultation programme, continue to assess the impacts on residents and their families with the protected characteristics. The Consultation Institute suggested that the Council will need to balance best practice consultation with its duty of care and make the process as quick as possible to ensure that the Council reduces the impact on residents and their families, where this is possible. Everybody will be offered regular one to one meetings to discuss the impact on them and the options for a new home. Independent advocacy support will be provided to residents.

The Council's, "Procedure for Managing the Closure of a Care Home Providing Services for Adults" highlights best practice that will be followed, if the decision is taken to close the two care homes, to mitigate the key issues raised by family and residents regarding the impact on them as a consequence of the care homes closing.

These best practice issues are:

- Importance of placing customers needs and wishes at the heart of care plans and consulting properly with service users and their families/carers.
- Maintaining continuity of care and relationships with staff wherever possible.
- Involving existing staff as far as possible under the presenting circumstances will do much to allay anxiety in residents.
- Moving staff and residents together (to minimise disruption). Wherever possible residents should not be separated from long term friends and/or staff.
- Paying particular attention to the needs of people with cognitive impairments.
- Providing adequate support for care managers (who may experience complex and stressful demands)
- Consultation and discussion to improve people's sense of autonomy.
- Visits to new accommodation before transfer
- Allowing the maximum possible time to select a new care home
- Emphasising potentially positive outcomes

	<ul style="list-style-type: none"> <li>• Trying to reduce the amount of environmental change (moving people to physically similar places or services with a similar atmosphere)</li> <li>• Where providers require additional staff to cover an increase in placements they should give consideration to employing staff from the closing home as this would offer residents some continuity.</li> <li>• Allocating a key worker to be responsible for each person's care (with scope to visit the person in their old care home, get to know them, talk to staff and greet the resident as they arrive in their new care home).</li> <li>• Moving as much as possible of residents' familiar furniture with them</li> <li>• Providing particular support on the transfer day itself (for example, with familiar staff, family and close friends accompanying the person, a key worker to greet the person as they arrive, new staff knowledgeable in advance of the person's routines, encouraging residents to unpack themselves or seeing where everything is put and encouraging residents to talk about how they are feeling)</li> <li>• Robust care planning and communication to support people's preferred lifestyles in the new home</li> <li>• Care planning and goal setting for care staff to help residents adjust (including spending as much time as possible with a new resident).</li> <li>• Care managers should contact relatives and identify what support they need</li> <li>• Standards of care and staffing levels should be maintained in the care home that is closing, familiar routines should continue and existing staff should be employed throughout the closure period where possible.</li> <li>• Attention to information governance and protection/secure transfer of personal information between providers including ensuring disposal of computerised and paper records as necessary.</li> </ul>
<b>Disability (D)</b>	<p>Wyatt House is registered for nursing care and therefore it is likely that some of the residents at the home have a disability within the definition of the Equalities Act 2010. The considerations set out above will also apply in relation to those residents and their families with this protected characteristic.</p> <p>Consultation carried out through one to one meetings on the impact of the care home closures will consider and seek to address any issues in relation to disabled residents at the two care homes and their families.</p> <p>Given the age profile of many of the residents in Southfield House, it is likely that some of the residents at the home have a disability within the definition of the Equalities Act 2010. Again, the considerations set out above will also apply.</p> <p>Consultation carried out through one to one meetings on the impact of the care home closures will consider and seek to address any issues in relation to disabled residents at the two care homes and their families.</p>
<b>Sex (S)</b>	<p>There is a higher percentage of female residents at both Wyatt House and Southfield House, meaning the closure could potentially impact on female residents more than male residents. Any specific impact identified for women, or</p>

	men, in relation to the care home closures will be discussed through the one to one meetings.
<b>Race (including Gypsy &amp; Traveller)(R)</b>	<p>Any aspect of the care home closures that have an impact in respect of this protected characteristic will be considered through the one to one meetings.</p> <p>For those people for whom race data is not currently known, this will be discussed during the one to one meetings to ensure robust data is captured in relation to this protected characteristic.</p>
<b>Gender reassignment(GR)</b>	Data about this protected characteristic in relation to residents of the two care homes service is not recorded. During the one to one meetings any potential impact of the care home closures on this protected characteristic will be discussed.
<b>Marriage &amp; civil partnership (MCP)</b>	Any impact of the care home closure that may affect a person’s marital or civil partnership position will be considered through the one to one meetings.
<b>Pregnancy &amp; maternity (PM)</b>	Not applicable
<b>Religion and/or Belief (RAOB)</b>	<p>During the engagement exercise with [Southfield House] residents and their families/representatives, accessibility to the monthly church service was highlighted.</p> <p>Any impact of the care home closure that may affect a person’s religion or belief will be considered through the one to one meetings.</p>
<b>Sexual Orientation(SO)</b>	Data about this protected characteristic for residents of the two care homes is currently not recorded for most people. Discussion about this protected characteristic will form part of the one to one meetings and any impact identified will be discussed.

**Strengthening actions: Planning for further improvements**

Please outline here what actions are required for further improvements to address challenges or opportunities, for example:

- Arrangements for continued/new engagement with stakeholders, staff, service users
- Plans to close data gaps across any of the protected characteristics through reviewed contract management arrangements
- Identify other plans already underway to address the challenges or opportunities identified in this statement
- Share findings with partner organisations.

If none, state 'none' below.

### Action Plan

Action	Who is accountable	Time frame
For those residents of the two care homes whose religion and beliefs and race and sexual orientation are not known, this will be discussed with them during the meetings to ensure robust data is available in relation to these protected characteristics.	James Cawley	1 <sup>st</sup> August to 1 <sup>st</sup> November 2019
Data pertaining to gender reassignment and marriage and civil partnership will also be discussed as part of the meetings to ensure robust data is available.	James Cawley	1 <sup>st</sup> August to 1 <sup>st</sup> November 2019
The consultation should include the gathering of data in relation to the protected characteristics of those residents at both of the homes whose care is not funded by the Council.	James Cawley	1 <sup>st</sup> August to 1 <sup>st</sup> November 2019
Gloucestershire County Council's Adult Social Care service will also look at ways to mitigate potential gaps in data relating to some of the protected characteristics for all future service users	Kim Forey	6 month period – onwards

<p>Advocacy for individuals during consultation phase – additional general advocacy capacity will be commissioned to support all residents and their families to fully contribute to the consultation process.</p> <p>This will involve additional advocacy spend to ensure advocacy to support those who cannot independently contribute to the consultation.</p>	James Cawley	1 <sup>st</sup> August to 1 <sup>st</sup> NovemJuber
--	--------------	--

## Monitoring and Review

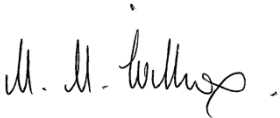
Please indicate what processes/actions will be put in place to keep this 'activity' under review. For example will progress be monitored/ reported to a board, scrutiny committee, project board etc

A report will be presented to the Cabinet Member for Adult Social Care Commissioning on the feedback from residents, families and employees of The Orders of St John Care Trust regarding the potential impact on them as a consequence of the two care homes closing.


To monitor and review the Due Regard Statement during the consultation exercise to consider any further impacts on those with the protected characteristics.

## Sign off and Scrutiny

By signing this statement off as complete you are confirming that 'you' have examined sufficient information across all the protected groups and used that information to show due regard to the three aims of the general duty. This has informed the development of the activity

<p><b>Senior level sign off:</b></p> 	<p>Date: 19 July 2019</p>
--	---------------------------

I am in agreement that sufficient information and analysis has been used to inform the development of this 'activity' and that any proposed improvement actions are appropriate and I confirm that I as the decision maker have been able to show due regard to the needs set out in section 149 of the Equality Act 2010.

<p><b>Name of relevant Portfolio Holder/Cabinet Member: Cllr Roger Wilson</b></p>	
 <p><b>Signed by Portfolio Holder/Cabinet Member</b></p>	<p>Date: 19 July 2019</p>

**Publication**

If this statement accompanies cabinet paper it will be published as part of the cabinet report publication process. Statements accompanying cabinet reports are also published on our website. If this statement is not to be submitted with a cabinet paper please maintain a copy for your own records that can be retrieved for internal review and also in case of future challenge.



The Council will ensure that:

- Social workers and officers from the Council work with residents, families, friends and advocates to engage and hear their views and to understand the needs of each individual.
- Residents' communication needs and an assessment of mental capacity will be taken into account.
- Easy read consultation documents will be available
- The consultation process is accessible to all those who want to participate.
- Staff member(s) are identified to take the lead role in supporting and providing relevant information to the residents and those who attend to ensure consistency in the change process.
- Social workers work with residents, families, friends and advocates to identify suitable alternate care homes and that meet the care needs of each resident.
- Each resident will receive a revised needs assessment if requested.

This page is intentionally left blank