

## **Report to the Cabinet**

**Report reference: C-024-2011/12**  
**Date of meeting: 12 September 2011**



**Epping Forest  
District Council**

**Portfolio: Housing**

**Subject: Sheltered Housing Scheme - Jessopp Court, Waltham Abbey**

**Responsible Officer: Roger Wilson (01992 564419).**

**Democratic Services Officer: Gary Woodhall (01992 564470).**

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### **Recommendations/Decisions Required:**

- (1) That, following Essex County Council's decision to cease the provision of on-site 24 hour staffing at Jessopp Court, Waltham Abbey, the scheme be re-modelled to a sheltered housing scheme and an additional post of 1 FTE Scheme Manager be added to the Council's Establishment;**
- (2) That additional income of around £9,000 per annum received from Essex County Council's Supporting People Team for the provision of housing-related support services at Jessopp Court, be used to part-fund the new Scheme Manager post, which (when taking into account the additional income from self-funding tenants of around £2,600 per annum) leaves a remaining amount of around £9,830 to be met from the Housing Revenue Account (HRA);**
- (3) That the Day Centre provision at Jessopp Court continues, with the Council entering into an agreement with Essex County Council for the use of the lounge and the provision of associated cleaning services;**
- (4) That the transfer of the two cleaning staff employed by Essex County Council under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) arrangements be noted and that the net cost of £10,500 for the cleaning service be funded by the HRA; and**
- (5) That, subject to legal advice regarding the contractual rights of staff, a review of the cleaning service at Jessopp Court be undertaken to ensure that the full cost of the cleaning service is met from income received from tenants' cleaning charges and the charge made for this service under the Day Centre Agreement in the future.**

### **Executive Summary:**

Jessopp Court, Waltham Abbey was built to meet the needs of older people who required a higher level of support than that provided in sheltered accommodation. The scheme was described as being "very sheltered housing", or "housing for frail elderly people", and comprises 39 flats.

The Council entered into an agreement with Essex County Council, with the Council being responsible for the landlord functions and the County Council providing twenty-four hour

waking cover, including personal care to tenants. The County Council also operates a Day Centre at the scheme. Essex County Council has advised the Council that the scheme does not meet with the new Extra Care Standards and there is no scope for adapting the premises. Therefore, the County Council is intending to phase out the provision of an on-site twenty-four hour Care service, which will leave little alternative but for the scheme to become sheltered housing in the future.

Social Care will be undertaking assessments of residents' care needs. Following these assessments, officers will be meeting with Social Care to discuss the level of care services that will be provided at the scheme.

The Council will need to appoint a full-time Scheme Manager at Jessopp Court. Supporting People funding will be granted by the County Council for the Scheme Manager Service at Jessopp Court. This will result in £9,000 per annum being received, which (when taking into account some additional income from self-funding tenants of around £2,600 per annum) leaves a remaining amount of £9,830 per annum to be met from the Housing Revenue Account (HRA).

It is also recommended that the Council enters into an agreement with Essex County Council for the continuation of the Day Centre.

#### **Reasons for Proposed Decision:**

Following the County Council's decision, the Council has little alternative but to provide a Scheme Manager Service at Jessopp Court, in order to deliver housing-related support and monitor the well-being of the residents living there. In addition, it is suggested that the well-attended Day Centre provision continues.

#### **Other Options for Action:**

- Not to provide a Scheme Manager service.
- To only agree the appointment of a part-time Scheme Manager with the remaining hours being met from existing resources, with a detrimental and reduced service to existing residents at other schemes as a result - with the associated increased risk to both residents and the Council.
- To provide the Scheme Manager service from existing resources, again with a detrimental and reduced service to existing residents at other schemes as a result – and again with the associated increased risk to both residents and the Council.
- Not to continue to provide a Day Centre at Jessopp Court.

#### **Report:**

1. Jessopp Court, Waltham Abbey was opened in January 1992 as a joint initiative with Essex County Council's Adult Social Care, and was built to meet the needs of older people who required a higher level of support than that provided in sheltered accommodation. The scheme was described as being "very sheltered housing", or "housing for frail elderly people", and comprises 39 flats with all occupants being secure Council tenants.

2. In April 1993, the Council entered into an agreement with Essex County Council which set out the obligations of each party. In simple terms, this agreement can only be terminated on four months' prior written notice by either party. Under the agreement, the

Council is responsible for the landlord function and therefore undertakes repairs and maintenance of the building, and ensures that tenants meet their Conditions of Tenancy. The County Council is responsible for providing twenty-four hour waking cover, including personal care to tenants, responding to emergency alarm calls on a twenty-four hour basis and cleaning communal areas.

3. Under the agreement, Essex County Council also operates a Day Centre in one of the communal lounges at the scheme 5 days each week, which is very well attended by older people in the community and includes some Jessopp Court residents. The County Council is responsible for providing personal care to all those attending the Day Centre.

#### Transition of Jessopp Court to Sheltered Housing

4. Essex County Council has advised the Council that Jessopp Court does not meet with the new Extra Care Standards and that there is no scope for adapting the premises to make it fit for purpose as an Extra Care Scheme. Extra Care Housing has many of the traditional features of sheltered housing but also provides personal and domiciliary care and support and is designed for people with limited mobility. Residents' flats have wheelchair access and level access shower rooms, none of which are available at Jessopp Court.

5. Therefore, Essex County Council has served notice to terminate the contract with the Council on 28 November 2011 and is intending to phase out the provision of an on-site twenty-four hour Care Service. This will result in allocations in the future being made only to residents who have a sheltered housing need, a lower level of need than currently accommodated at Jessopp Court. Social Care will then provide the same standard of care services as are being delivered at other sheltered housing schemes and in the community. As a result, there is no real alternative but for the scheme to become sheltered housing in the future.

6. As part of the transition, Social Care staff are undertaking assessments of all Jessopp Court residents' care needs. Following these assessments, officers will be meeting with Social Care to discuss the level of care services that will be provided at the scheme.

7. Those remaining residents with care needs will continue to have this service provided by Essex County Council, although this will almost certainly be delivered by visiting care workers rather, than on-site staff. The decision on whether there is a need for a County Council-funded night care assistant for a period of time will be based on the level of care required by the remaining residents.

#### Appointment of a Full-time Scheme Manager at Jessopp Court

8. Due to the County Council's decision, the Council will need to appoint a full-time Scheme Manager at Jessopp Court to provide housing-related support to the residents, including the management of the transition. Officers have explored the possibility of providing all or part of the new full-time post from existing resources, but this is not possible without resulting in a detrimental and reduced service to existing residents at other schemes, with the associated increased risk to both residents and the Council.

9. This is because all the existing Scheme Managers are already covering large numbers of properties in both sheltered housing schemes and on housing estates. In addition to the housing-related support they provide, they also have responsibilities for visiting all sheltered scheme residents on each duty day, visiting residents on housing estates according to their need, organising social activities, receiving alarm calls from sheltered housing residents whilst on-site, testing alarm systems and completion of Resident Support Plans for more vulnerable residents.

10. The Government's "Supporting People" programme has been in place since April 2003. Under this regime, the costs of housing-related support services in respect of Council tenants have, until recently, not been met from the Housing Revenue Account (HRA), but from the County Council's Supporting People budget.

11. However, following the Government's cuts to local government grants from April 2011, Essex County Council has reduced its Supporting People budget by around 30% (approximately £10m per annum across the County), which is having a significant effect on supported housing provision.

12. Due to the Council historically providing a cost-effective sheltered housing service, it has been established that this Council's Scheme Managers support more tenants than any other local authority provider in Essex. The Council's reduction in Supporting People funding in this area has only been 6% (£14,000 within the HRA per annum) from 2011/2012, compared to other local authority housing providers in Essex, who are reporting funding reductions of around 40%-50% for sheltered housing. This is mainly due to their high historical costs and the fact that fewer older tenants in other districts are being supported by Scheme Managers, compared to those in the Epping Forest District.

13. This demonstrates that this Council's Scheme Managers' workload is already higher than any other authority in Essex, which validates the view that the new Jessopp Court duties cannot be covered from existing resources, without substantially reducing the level of service to older residents in other schemes.

14. Following the transition to sheltered housing, it is proposed that the new Scheme Manager at Jessopp Court will be given additional responsibilities, including giving some much needed support to the Council's Careline Centre, including the testing of hard-wired and dispersed alarms in the community.

#### Funding of the new Scheme Manager Post

15. Essex County Council has agreed that Supporting People funding will be provided to the Council for the new Scheme Manager service at Jessopp Court at the same levels as for the Council's other sheltered housing schemes. This will result in an income to the Council's Housing Revenue Account (HRA) of around £9,000 per annum. Further income will be received from self-funding tenants (as explained in Paragraph 16) which will result in additional income of around £2,600 per annum. Therefore, the net cost of an additional full-time Scheme Manager for Jessopp Court would be £9,830 per annum including on-costs, funded from the HRA. Due to staff savings on the salaries budget as a result of the external recruitment freeze, this additional cost can be funded from the existing salaries budget, with no supplementary estimate being required.

#### Tenants' Service Charges

16. All tenants living at Jessopp Court currently pay Essex County Council for the provision of on-site support staff. However, when this service is withdrawn, residents will only pay for the care provided under their agreed Care Plan, dependent upon need. Therefore, the amount they pay to Essex County Council in many cases is likely to reduce, although this is dependent upon the level of their care plans. When the scheme becomes sheltered accommodation, residents will pay the same Scheme Manager charge that is paid by residents at other Council schemes, although all of those who receive housing benefit will have this charge met through housing benefit. Income from those who pay themselves (self-funders) will be additional income to the Council and will contribute towards the costs of the new Scheme Manager. At the time of writing, there are 6 self-funders living at the Scheme,

which will result in additional income of around £2,600 per annum.

### Jessopp Court Day Centre

17. It is intended that the provision of the Day Care facility at Jessopp Court continues, although there will need to be an agreement in place between the Council and the County Council, with the County Council paying an annual fee for the use of the communal lounge to cover wear and tear on furnishings etc. and will include the additional cleaning hours provided by the Council's cleaner.

### Cleaning Service

18. The cleaning service at the scheme is currently the responsibility of Essex County Council and is provided by two part-time cleaners working a total of 55 hours per week. As they are employed by Essex County Council's contractor "Essex Cares", which provides the Care Service, they must be transferred under the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) arrangements. Under TUPE, the Council has no alternative but to accept the staff on their current terms and conditions. The total cost of employing the two members of staff is £23,500 per annum including on-costs.

19. As explained in Paragraph 17, the Council will receive income towards the cost the cleaning staff under the Day Centre Agreement for provision of a cleaning service for the Centre. In addition, all tenants will pay their cleaning charge (which forms part of their service charges) to the Council rather than Essex County Council. It is anticipated that this income will reduce the Council's costs for the cleaning service by around £13,000 per annum, to around £10,500 per annum.

20. Following the transition to sheltered accommodation, it is intended to review the cleaning service subject to legal advice regarding the contractual rights of those employees transferred. This is due to the cleaning hours currently being delivered being considered to be higher than will be needed to be provided when Jessopp Court becomes sheltered accommodation. Furthermore, the Council should not continue to subsidise the cleaning service particularly as, at other sheltered schemes, tenants' cleaning charges generally cover the full cost of the service.

### **Resource Implications:**

Funding of an additional full-time Scheme Manager post at a cost of £21,430 including on-costs with £9,000 being met from additional Supporting People funding, £2,600 being met from resident charges and around £9,830 per annum from the HRA.

Funding of the cleaning service at a cost of around £23,500 per annum, which when taking into account charges to tenants will result in around £10,500 per annum being met from the HRA.

### **Legal and Governance Implications:**

Housing Act 1985.

### **Safer, Cleaner and Greener Implications:**

None identified.

### **Consultation Undertaken:**

A residents meeting was held in May 2011, in order to explain the position and was attended by many of the residents and some of their family members. The meeting was led by Social Care, with Council officers present who explained the concept of sheltered housing. In addition, Social Care are holding "drop-in" sessions at the scheme where residents and their families can obtain any further advice they need. An Advocacy Worker has also been made available to assist residents.

Residents and their families raised concerns about the changes and have contacted the national press and forwarded a petition to Essex County Council.

Ward Members and the Tenants and Leaseholders Federation have been advised of the matter.

### **Background Papers:**

Minutes of meeting with Social Care.

### **Impact Assessments:**

#### Risk Management

The main identified risks are as follows:

(i) If an attempt is made to fund the new post from existing resources, this would result in a detrimental and reduced service to existing residents at other schemes. This increases the risk to residents of the Council being unable to respond to them sufficiently quickly in the event of an emergency, and the risk to the Council of any resultant action.

(ii) The Council will be taking on responsibility for staffing at Jessopp Ct, and the associated provision of support, which has the same risks as for all of the Council's other sheltered housing schemes.

#### Equality and Diversity:

*Did the initial assessment of the proposals contained in this report for relevance to the Council's general equality duties; reveal any potentially adverse equality implications?* No

*Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?* No

*What equality implications were identified through the Equality Impact Assessment process?*  
N/A

*How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?*  
N/A