Health and Adults Services Scrutiny Sub-Committee 11th Dec. 2006

Merger of 210 Knights Hill and Greenvale Nursing Homes
South London and Maudsley NHS Foundation Trust
All Ward(s) /All Area(s)

Report authorised by: Dave Burn, Head of Scrutiny

Executive summary

The committee will receive a presentation on SLAM proposals to close 210 Knights Hill, a continuing care nursing home for older people with mental health problems, and merge with Greenvale Nursing Home. The committee has been advised of the proposal as part of the statutory requirement that NHS trusts advise health overview and scrutiny committees of any proposals that may be deemed a substantial change or development to local health service provision.

Summary of financial implications

There are no resource implications arising from this report.

Recommendations

That the Sub Committee

(1) Notes the proposals by the South London and Maudsley NHS Foundation Trust (SLAM) to merge two Nursing Homes in Lambeth which provide continuing care to older people with mental health problems.

(2) Decides whether the proposals are of a substantial nature for local health services and whether to undertake further review of the SLAM proposals.
Consultation

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Report history

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Report author and contact for queries:
Elaine Carter, Lead Scrutiny Officer
020 7926 0027 ecarter@lambeth.gov.uk

Background documents
Proposal to merge mental health nursing homes for older people in Lambeth – SLAM 10/10/06

Appendix:
Letter from SLAM re: Proposal for the merger of 210 Knights Hill, West Norwood and Greenvale Nursing Home, Streatham
Merger of 210 Knights Hill and Greenvale Nursing Homes, SLAM

1. Context

1.1 Information was circulated to committee members on 13 October 2006 regarding a proposal by SLAM to merge two NHS nursing homes in Lambeth which provide continuing care to older people with mental health problems. The committee agreed at its last meeting to invite the SLAM Director Older Adults to attend the Health and Adults Services Scrutiny Sub Committee meeting on 11 December 2006 to give a presentation on the proposals with a view to deciding whether the proposals represent a ‘substantial variation or development’ of service provision and whether the committee wished to undertake further review.

1.2 Regulations do not define what constitutes a ‘substantial development’ or ‘variation’ but guidance recommends that local NHS organisations should aim to reach a local understanding with the health OSC on this issue. Generally the degree of impact of the change upon patients, carers and the public who use, or have the potential to use, a service should be considered. Issues for specific consideration include:

- Changes in accessibility of a service
- Patients affected (if change affects only a small group patients it may still be regarded as substantial)
- Method of service delivery
- Impact of the change on wider community

1.3 In coming to a view as to whether the committee wishes to undertake further scrutiny of the proposals members may wish to ascertain

- how the views of the residents, relatives, carers and other stakeholders have been obtained in the early stages of the change proposals
- what views were expressed and how they have influenced and been factored into the development of the current option proposals
- what are the arrangements for formal public consultation

2. Merger of 210 Knights Hill, West Norwood and Greenvale Nursing Home

2.1 The Trust’s rationale for the proposal is set out at Appendix A. The proposal is to close 210 Knights Hill, West Norwood (a 24 bed care home). A number of residents will transfer to Greenvale Nursing Home in Streatham and the remainder to vacant beds within other SLAM provision. This will result in an overall reduction of 24 nursing care places in Lambeth.

2.2 SLAM has advised that the reason for the proposed change is that Lambeth is over-provided with this type of provision and the funding released by this change can be used to support the development of community based services for older people with mental health needs. The proposal is to rationalise the number of homes from three to two – Greenvale Nursing Home located in Streatham (30
places) and Woodlands Nursing home in Kennington (30 places). The merger proposal was included in the measures under consideration by SLAM as part of its 2005/06 savings package.

3. **Consultation with Health Overview and Scrutiny Committee**

3.1 An NHS Trust is required to consult the local health Overview and Scrutiny Committee (OSC) when the Trust has under consideration any proposals for a substantial development of the health service in the area of a local authority or a substantial variation in the provision of such service. NHS bodies should consult with health OSCs at an early stage to agree whether a proposal is substantial and enable the scrutiny committee to decide whether it wishes to be involved in the Trust's formal consultation process. Public consultation by the NHS Trust including any formal consultation with health OSC would normally be a minimum of 12 weeks.

3.2 The majority of residents in the homes that are involved in the proposal are from Lambeth; however there are a small number of residents who are admitted from Southwark. If more than one health OSC formally considers the proposal to be substantial a joint health OSC should be formed to deal with the consultation and to respond on behalf of their communities. Southwark Council’s Health and Social Care Scrutiny Committee will consider this issue at its meeting on 4 December 2006.

3.3 Formal consultation with residents and relatives on the proposals is likely to start in December and run through until mid/late March 2007. Should the committee decide that the changes represent a substantial change for local health services the committee would need to formally submit its comments to SLAM within the timescale of the formal consultation.

3.4 If the committee does not consider the proposals represent a potential substantial change, or if the committee decides the proposals are substantial but does not have capacity within its work programme to formally respond on this issue, then no further action is required.

4. **Legal Comments**

4.1 Regulation 4 of the Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002 ("the Functions Regulations") states:-

a. Subject to the following provisions of this regulation, where a local NHS body has under consideration any proposal for a substantial development of the health service in the area of a local authority, or for a substantial variation in the provision of such service, it shall consult the overview and scrutiny committee of that authority.

b. Paragraph (1) shall not apply with respect to –
   i. any proposal to establish or dissolve an NHS trust or a Primary Care Trust (unless the establishment or dissolution involves a substantial development or variation as referred to in paragraph (1) above; or
   ii. any proposal for a pilot scheme within the meaning of section 4 of the National Health Service (Primary Care) Act 1997.
c. Paragraph (1) shall not apply to any proposals on which the local NHS body concerned is satisfied that a decision has to be taken without allowing time for consultation because of a risk to safety or welfare of patients or staff; but, in any such case, the local NHS body shall notify the overview and scrutiny committee immediately of the decision taken and the reason why no consultation has taken place.

d. Subject to any directions issued under regulation 10 [see paragraph 4.2 below], an overview and scrutiny committee which has been consulted by a local NHS body pursuant to paragraph (1) may make comments on the proposal consulted on by such date as may be specified by the local NHS body.

e. In any case where an overview and scrutiny committee is not satisfied that—
   i. consultation on any proposal referred to in paragraph (1) has been adequate in relation to content or time allowed; or
   ii. where paragraph 3 applies, the reasons given by the local NHS body are adequate;
   it may report to the Secretary of State in writing who may require the local NHS body concerned to carry out such consultation, or such further consultation, with the overview and scrutiny committee as s/he considers appropriate.

f. Where further consultation had been required under paragraph (5), the local NHS body shall, having regard to the outcome of such further consultation, reconsider any decision it has taken in relation to the proposal in question.

g. In any case where an overview and scrutiny committee considers that the proposal would not be in the interests of the health service in the area of the committee’s local authority, it may report to the Secretary of State in writing who may make a final decision on the proposal and require the local NHS body to take such action, or desist from taking such action, as he may direct.

4.2 Under the Health and Social Care Act 2001 Directions to Local Authorities (Overview and Scrutiny Committees Health Scrutiny Functions), where a local NHS body consults more than one overview and scrutiny committee pursuant to regulation 4 of the Functions Regulations on any proposal it has under consideration for a substantial development of the health service or for a substantial variation in the provision of such service, the local authorities of those overview and scrutiny committees shall appoint a joint overview and scrutiny committee for the purposes of the consultation and only that joint overview and scrutiny committee may

I. Make comments on the proposal consulted on to the local NHS body under regulation 4(4) of the Functions Regulations; or

II. Require the local NHS body to provide information about the proposal under regulation 5 of the Functions Regulations; or

III. Require an officer of the local NHS body to attend before it under Regulation 6 of the Functions Regulations to answer such questions as appear to be necessary for the discharge of its functions in connection with the consultation.

5. Financial Comments
5.1 There are no additional financial implications for the Council in this report and the participation of the health Overview and Scrutiny Committee (OSC) in NHS trust consultation processes will be met from within the OSC budget.