

Leader and Cabinet Office
Cllr Sarah James
Cabinet Member for Adults and Health



Jan Shortt
National Pensioners Convention
Marchmont Community Centre,
62 Marchmont Street,
London WC1N 1AB

31 March 2021

Dear Jan Shortt,

Thank you for your letter regarding the planned closure of the Mary Feilding Guild Care Home by its new owners.

We appreciate you taking the time to raise your concerns with us about the planned process of closure and of the approach being adopted to the care home and its future. As a Council we see we have a role in a number of areas, and these are set out below.

As you would understand, our primary concern is for the welfare of the residents in the Home. We understand that of those 16 residents living in the Home at the time the closure was announced, six have already moved or have plans in place to move imminently. We understand referrals of a number of residents are being made to our First Response Team for a Funded Nursing Care assessment in light of their increasing needs.

We would like to emphasise the importance of proper process being followed in relation to the closure. Whether residents have mental capacity or not, as set out in the Mental Capacity Act, it is the case that any decision taken in relation to a move from the Home would need to be considered in their best interests, either directly by the resident, by their Lasting Power of Attorney or by a Best Interest Assessor. If the resident and/or family decide to stay in the Home indefinitely, and the provider determines that it will continue with the stated closure date of 31st May, then it is the case that the provider will need to seek a court order directing that they move. The provider does not have powers to "evict" residents should the stated deadline for a move not be met or a resident refuse to move. Part of the decision for the courts would be whether a move is in the best interests of the individual concerned. The provider will need to abide by the decision of the court. We note that each resident has a right to take legal advice on their preferred approach – any approach to the courts coming directly from them would have greater standing and weight than anything coming from elsewhere.

We would add that the law applies to self-funders as it does to those placed and or funded by the local authority as individual care home residents.

Second, we also have an interest in the care home workforce as many of them are local residents and as they are anyway providing care and support to local residents. We understand that many of them have long service and will be in receipt of redundancy packages. We have conveyed our concern that they have been given a final day of service of 31st May notwithstanding the points made above and have reminded the provider that it is their duty at all times to ensure adequate and skilled staff are in place to meet residents' needs.

Third, we have a responsibility to ensure the sufficiency of care home places in the borough to meet a range of local social care needs, under the Care Act 2014. To this end, we are working with the provider to ensure not only that the welfare of residents and the wellbeing of the workforce are safeguarded, but also that any future care home provision on the site best meets the current and future social care needs of older residents in the borough. Whilst we note the points you raise about the disposal by the Charity to the new owner, our key concern in this area is to ensure that there continues to be care home provision on this site and that it is able to meet a wider range of more complex needs than the current provision.

Once again, thank you for your letter.

Yours Sincerely,

Sarah James

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