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### **Is anybody listening?**

By Jayne Warren

Many readers living in sheltered housing who wrote to us in great distress after losing a resident warden have responded to our offer of help via pioneering solicitor Yvonne Hossacks. Legal cases have been opened, individual battles won - and now a comprehensive report by Help The Aged entitled "Nobody's Listening" is set to rattle cages at Government level.

Since lifting the curtain on "vanishing wardens" several months ago, the Mature Times, together with other organisations such as The Sheltered Housing UK Association have slowly uncovered the full extent of the neglect suffered by hundreds of elderly people in residential settings. Just recently an 83-year man was discovered in his sheltered home in Ipswich nearly five weeks following his death. So far Yvonne Hossacks has visited residents all over the UK - and the requests for help are still coming in.

Yvonne told us: "The sad story is the same countrywide: 'no one told us we could challenge the decision to remove the wardens' and 'no one suggested we take independent legal advice'. And most residents have been under-assessed for the care they actually need - so they have gone from one or two warden visits a day to just a telephone call once a month.

"People have died without anyone knowing. One Birmingham group told me that a couple died and their bodies were not discovered until nine days later when a man came to do the windows in the flat upstairs. And as properties become vacant they are being advertised for people of differing ages and needs such as younger people with substance abuse problems, people with mental health needs and people with dementia."

### **"Nobody's Listening"**

Help the Aged commissioned a survey by the Housing & Support Partnership on the matter after they began receiving increasing numbers of complaints about the removal of resident wardens and their replacement by 'floating' support. Their research focussed on these key questions:

- what changes are being made to warden and support services in sheltered housing?
- what is the process of making these changes?
- are residents' views being properly considered?
- to what extent are residents involved and consulted by their landlords, support providers and Supporting People authorities?
- what are older people's views - both before and after changes take place?
- how have any complaints been dealt with?

They discovered that, until now, very little was known about what had been happening to sheltered housing. The report states: "We found no evaluations of the effectiveness of different models for older people's housing, no agreed best route, little guidance and few examples of best practice from central government ... Housing Corporations as well as Supporting People had paid insufficient attention to the issues raised by older people and some providers about changes to sheltered housing." The survey also revealed that despite the marked increase in floating support, two-thirds of all respondents "continued to

see value in a warden service, which they regarded as important and dramatically improved their quality of life."

And as we discovered at Mature Times, the report also confirmed that "no one at the top will take responsibility" for the changes imposed on residents, and that "there was a lack of leadership and to an extent, integrity."

### **Are residents being heard or consulted?**

Basically - no. During the research period, Help The Aged discovered an "absence of meaningful consultation prior to changes which residents feel are forced on them. They have no say and feel powerless" - sentiments which were expressed in countless letters to us.

It was also unclear where the responsibility for consulting residents actually resided: was it with the Supporting People Administering Authorities (SPAA), or the landlord/support provider - or both? In some areas, changes were pushed through very quickly, with little time for tenants to even organise opposition or seek external advice. And even where there had been good-quality consultation (for example, Mendip and Cambridge) residents still felt that the changes were "imposed".

The most common complaints from residents were:

- that they had moved into sheltered housing because of the 'warden service'
- concerns about the reduction in service, especially connected to safety and security
- loss of regular contact from support staff, for example, morning calls
- concerns about changes to the atmosphere of the sheltered housing scheme, including social activities
- concerns about cost increases for perceived or actual reduction in service.

And in line with Yvonne's findings, the report also confirmed that there had been "little or no formal protest against the changes, because older people thought they had no power or choice but to accept, and it was often unclear whom to complain to or how to protest". And those who are tenants - rather than leaseholders - in sheltered housing schemes appear to have no rights or protection against imposed changes.

The report concluded that "it would be unrealistic to argue for a return to the resident warden model in all localities and for all providers, because resources to fund that support for those unable to pay for this themselves are finite." Instead, the aim is to spread support more widely across the community of older people continuing to live at home as an alternative to paying for a resident warden to support a relatively small number of people."

So where does that leave those who have lost their wardens and are deeply unhappy with the changes imposed on them?

We suspect that Vernon Yarker, Chair of The Sheltered Housing UK Association, hit the nail on the head in a letter to Baroness Andrews: "Unless the legal status of residents is strengthened, they are powerless to prevent the removal of services. The majority of residents of Sheltered Housing had perfectly good homes but opted to live in Sheltered Housing because it had a Warden. It is, at a minimum, a breach of trust to take the Wardens away and may well be actionable as a breach of the Human Rights Act and/or the European Convention on Human Rights, and contract law.

"Indeed, several areas of the country are preparing just such actions. An equitable solution to the problems above would be to return Sheltered Housing to the general needs section of housing, or ring fence its budgets at levels that will sustain Wardens within the Support-

ing People budget."

And in letters to landlords, Local Authorities and the Rt Hon Margaret Beckett MP, Minister for Housing, Yvonne Hossacks asks: "Where were the advice charities at the time the Government removed the Supporting People grant? Where were they when the people needed to know that they should seek legal advice or lose the time-limit for Judicial Review? Unless the resident wardens are re-instated it's going to cost the State a lot more money in the long-run in the form of individualised budgets - which are likely to average £10,000 each where the criteria is met.

"The legitimate expectations that our Clients (residents) had have been breached, and it is clear to us that the plight that they now find themselves in flows from government policy. That policy was not properly consulted upon, or consulted upon at all, with the people most affected by it. The policy is, therefore, actionable, albeit that it would be necessary to apply for leave to bring a Judicial Review out of time, which we expect to be granted by a Court bearing in mind that the problem is across the country and affecting thousands of people."

If you or someone you know is affected by this issue, please do contact Yvonne Hossacks, Solicitor-Advocate (HCCivilP) on 01536 518638. Email: [info@hossackssolicitors.com](mailto:info@hossackssolicitors.com) or Vernon J Yarker, Chairman, The Sheltered Housing UK Association at [www.shelteredhousinguk.com](http://www.shelteredhousinguk.com) or by email at [mail@shelteredhousinguk.com](mailto:mail@shelteredhousinguk.com).

And, of course, you can also write to us at the Mature Times.

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