

# HOSSACKS

*Solicitors & Commissioners for Oaths*  
Regulated by the Solicitors Regulation Authority  
Ivy Cott

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Principal: Yvonne Hossack, Solicitor-Advocate (HCCivilP)

(Landlord's address)

Our ref: YH/ND

Date: 19<sup>th</sup> January 2009

Dear Sirs,

## **Re: Sheltered Housing**

We act for a number of tenants of the above named Sheltered Housing Unit, and understand that you are the landlord.

Our Clients came into Sheltered Housing on your promise and their legitimate expectation that there would remain a permanent resident warden on site.

The history as recounted to us by our Clients is that they were presented with a fait accompli by you that the permanent resident warden cover would change to part-time and peripatetic warden cover. The reason for this was that government had withdrawn its Supporting People grant.

Clearly, once the Supporting People grant was lost, it was open to you as landlord to continue to provide permanent resident warden cover from other resources, but you chose instead to withdraw the service that was of vital importance to our Clients.

Since the permanent resident warden service was lost, you have assessed the tenants as to the level of warden contact you believe that they need. Our Clients had a further legitimate expectation that any alternative provision arranged would be at least adequate to their needs. This has not been the case. In some cases, our Clients are having contact as little as once a month.

In your correspondence to our Clients, it was clear that the assumption was made that the alternative provision would be adequate. This is not the case, and we have many examples of Clients who are at risk without warden support at its previous level.

What we would like you to do at this stage is to let us know within 14 days whether or not you agree to have a review of the level of provision to your tenants on the basis that if you agree that cover is inadequate, then you will consider reinstating a permanent resident warden.

We look forward to hearing from you within 14 days, as to your agreement or otherwise to this. If you respond negatively or fail to respond at all, then we will have to advise our Clients to apply for Legal Aid to make an application to Judicially Review the original decision, albeit that it is out of time. We think an application for leave to issue proceedings out of time is likely to succeed, as our Clients' case will be conjoined with those of many other of our Clients around the country in similar situations to your own tenants. All of these tell us that at no time was it ever suggested to them that they had any right to legal address, nor that they should take independent and expert legal advice.

We do hope that this matter can be resolved amicably, as it is always our intention to negotiate a solution rather than litigate.

Yours faithfully,

Yvonne Hossack  
**HOSSACKS SOLICITORS**

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Principal: Yvonne Hossack, Solicitor-Advocate (HCCivilP)

(Local Authority's address)

Our ref: YH/ND

Date: 19<sup>th</sup> January 2009

Dear Sirs,

**Re: Tenants of Sheltered Housing**

We act for a number of the tenants of the above named Sheltered Housing Unit, who have contacted us for help as they have lost their permanent resident warden and their needs have not adequately been met since then.

As we understand matters, it appears that government withdrew its Supporting People grant and as a consequence, landlords of Sheltered Housing complexes across the country have decided not to use other of their resources to maintain a permanent resident warden service. Instead, these have been replaced by peripatetic and part-time wardens.

We are told that landlords have assessed the needs of tenants for warden contact. In some cases, daily contact has been replaced by contact as little as once a month.

All of our Clients are disabled, and so are entitled to assessment of their needs and for a care plan under Sections 46 and 47 of the NHS and Community Care Act 1990. Government policy is to provide individualised budgets in order to enable the Client to be in control of the purchase of their care.

It has to be said that although our own view is that Person Centred Plans and individual budgets should be in place for all of our Clients in order to cover their need and risk, over 90% of them would be content to manage for as long as possible if the permanent resident warden service was restored.

The purpose of this letter is twofold. We would appreciate a multi-agency approach to place some pressure on landlords to restore permanent resident wardens. It also occurs to us that should the Local Authority be minded to travel with us along this road, a grant to assist with the cost of reinstating a permanent resident warden is likely to be far less than the cost of providing Person Centred Plans and individual budgets.

Should the Local Authority feel that they do not wish to join with us in a negotiated and mediated way forward because there would be a cost to the Authority in providing a grant to the landlord, then it may be that the Authority would be minded to place pressure on the Minister of State for Housing?

We look forward to hearing from you within the next 14 days as to whether the Authority is willing to enter into the suggested alternative dispute resolution measures that we have suggested. The matter is urgent as our Clients are at risk.

We look forward to your decision.

Yours faithfully,

Yvonne Hossack

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Principal: Yvonne Hossack, Solicitor-Advocate (HCCivilP)

Rt Hon Margaret Beckett MP

House of Commons

London

SW1A 2NE

Our ref: YH/ND

Date: 15<sup>th</sup> January 2009

Dear Mrs Beckett,

## **Re: Sheltered Housing permanent resident wardens**

We have been instructed by a multiplicity of Clients across the country who live in Sheltered Housing complexes, and who have lost, or face losing, their permanent resident warden.

The reasons given for the loss is that government withdrew the Supporting People grant to landlords.

Amongst our Clients are the blind, the lame, some have mild dementia, some have loss of limbs. In many cases, warden contact has been reduced to once a month. Indeed, in some cases, Clients have been told simply to pull one of the emergency chords once each month so that the landlord can check that it is still working.

The system now in place leaves our Clients without the care they need, and at real and immediate risk. In Birmingham, for example, we are told that a couple died, and that their bodies were not found for nine days. This is not the only case where deaths were undiscovered for a period of time of being reported to us.

You will, of course, understand that our duty and responsibility is to ensure that our Clients have care at their level of need and risk. Having said this, over 90% of them have instructed us very clearly that they would not pursue Local Authority assessments, Person Centred Plans or individualised budgets should permanent resident wardens be restored.

It seems to us under these circumstances that the cost to the State would be much minimised by the restoration of permanent resident wardens. The alternative is that we pursue individualised budgets for each person, and these are likely to average £10,000 each, where the criteria is met.

One further point we should bring to your attention is that we have widespread accounts of Sheltered Housing accommodation within complexes previously confined to the over 55s being offered to those of different clinical, social and emotional needs. The consequences being that in a number of cases, people with dementia, mental health issues and substance misuse have been placed in such complexes. Such needs cannot be safely met within a Sheltered Housing environment. In any event, our Clients made the great sacrifice of their homes in order to have the reassurance and oversight of an on-site warden, together with the company of their peers.

The legitimate expectations that our Clients 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.

We have no doubts whatsoever that a Court would grant such an application for leave to bring a Claim out of time, bearing in mind that the problem is across the country and affecting thousands of people.

What we are suggesting at this stage is that we meet with you in order to let you have the benefit of the evidence which we have heard and seen, and with a view to informing you of matters which may not have been in government's mind when the policy was formulated. It would be our hope that such a meeting would lead to a negotiated way forward, which would avoid legal action.

We look forward to hearing from you within 14 days, as to whether you are prepared to take up our suggestion of meeting. If you are not, perhaps you would give us your reasons.

Yours sincerely,

Yvonne Hossack

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