

PRESS STATEMENT FROM THE FAMILIES AND FRIENDS OF FURLONG CLOSE.

DATED: 4 JULY 2021

A ground-breaking victory in the campaign to Save Furlong Close has been won thanks to a surprise climb down by the charity Hft which owns and runs Rowde residential community which is home to 34 vulnerable, learning disabled people.

But the future of Furlong Close now depends on Wiltshire Council making an agreement to continue to commission care from Hft or from another provider at the Rowde residential community.

The charity has agreed in a legally binding Consent Order to withdraw its decision to close down the residents' long-term home. Under the same Order Wiltshire Council has confirmed that it has taken no decision to stop commissioning care at Furlong Close.

Under the terms of the Order, which is expected to be/has been made by a Judge sitting in the Administrative Court, Hft acknowledges that it has withdrawn its decision to close and confirms that it will continue to provide care at Furlong Close for as long as Wiltshire Council continues to commission that care.

But this Consent Order is just one small step in the battle to save Furlong Close.

The Families and Friends of Furlong Close now call on Wiltshire Council and Hft to work together in good faith to secure the homes of the claimant and her fellow residents, not just for the next two years, but for the long term.

Polly Sweeney, the solicitor acting for the claimant, represented by her mother, in the Judicial Review proceedings, said,

" Whilst the claimant's litigation friend is of course delighted that Hft has now provided the assurances required to bring these proceedings to a conclusion, she is disappointed that legal proceedings were needed and hopes that when any future decisions are made, whether by Hft or Wiltshire Council that they will be made in such a way that is consistent with the ECHR Article 8 rights of the claimant and the other residents.

"The claim for Judicial Review was brought by the claimant in order to challenge Hft's decision to close/cease to provide care and support at Furlong Close. Hft has now confirmed that it has withdrawn its decision of October 13 last year and has made it clear that it has made no other decisions to close/cease to provide care and support at Furlong Close either now or in the future.

"Hft has also confirmed that it will continue to negotiate with Wiltshire Council regarding the current contractual arrangements in good faith. As a result of these assurances the claimant has been able to withdraw the Judicial review by consent."

This Press Statement is accompanied by the attached briefing note prepared by Mark Steele of the FAFF Campaign group.

## FURLONG CLOSE

### HFT WITHDRAWS DECISION TO CLOSE FURLONG CLOSE

1. In January 2021, legal proceedings were commenced seeking a judicial review of the decision by Hft to close Furlong Close. The proceedings were commenced by the litigation friend on behalf of her severely learning and physically disabled daughter, a resident at Furlong Close.
2. The proceedings sought to quash Hft's closure decision, on the basis that Hft had violated Katie's human rights because:
  - a. It had failed to consult with Katie and the other residents before taking a decision which would deprive them of their long term home; and
  - b. The decision to close failed to give due regard to Katie and the other residents' right to be protected against undue interference with the peaceful enjoyment of their long-term home.
3. The proceedings were primarily defended by Hft on the technical basis that, as a private care provider, its closure decision was not amenable to judicial review. It did not pretend to have engaged in any consultation and failed to put forward a strong case to justify the decision as reasonable and proportionate.
4. In March 2021, a judge granted permission for Katie's case to proceed to final hearing (copy attached) and a hearing date was subsequently set for 22 July.
5. The proceedings have now been resolved by Hft consenting to orders being made by the Court in which it:
  - a. Acknowledges that it has withdrawn its decision to close Furlong Close; and
  - b. Confirms that it will continue to provide care to the residents at Furlong Close for as long as Wiltshire Council continues to commission that care.
6. In the same orders, Wiltshire Council confirms that it has taken no decision to stop commissioning care for residents at Furlong Close. A copy of the consent orders is attached.
7. The question of who will pay the costs of the proceedings has been reserved for later judgment by the Court.
8. The decision is a significant victory for the residents and their families. The closure decision that Katie was fighting to have quashed has now been withdrawn, which is

effectively what Katie would have achieved if the matter had gone to final hearing and the Court had ruled in her favour.

9. Unfortunately, however, this does not mean that Furlong Close has been saved just yet.

**The future of Furlong Close now depends on agreement being reached between Wiltshire Council and Hft and/or an alternative care provider.**

10. The focus now shifts to the ongoing negotiations between Hft and Wiltshire Council as to the terms on which Hft is to continue to provide care at Furlong Close.
11. Hft's pre-existing contract with the Council ended in May 2021 as a result of Hft giving notice in February 2021, so that a new contract needs to be agreed. In the consent orders made by the Court, Hft has confirmed that it will continue to negotiate such a new contract with the Council, in good faith.
12. Wiltshire Council has also announced that, in conjunction with that contract negotiation, it has invited other potential care providers to tender to take over the operation of Furlong Close going forward, by agreement with Hft. The results of that tender process will not be known until September 2021.

#### **What happens next?**

13. Furlong Close has been saved from the immediate threat of closure, which has been hanging over the heads of the residents and their families since October 2020. This is a great relief to the residents and their families. The future of Furlong Close will remain uncertain, however, until Hft and the Council reach an agreement as to either:
  - a. A new contract for Hft to continue to provide care and support at Furlong Close into the future; or
  - b. An alternative care provider to come in to provide care and support at Furlong Close in place of Hft.
14. In announcing the consent orders, Trish Gange, who brought the proceedings on behalf of her daughter Katie said:

*"I am so happy that Katie's rights have been vindicated by the complete withdrawal by Hft of its decision to close Furlong Close. I continue, however, to be very worried about her future and the future of the other 33 vulnerable residents of Furlong Close. Everything now depends on Wiltshire Council and Hft working in good faith to reach an agreement on the terms for Hft to continue to care for Katie and the other*

*residents at Furlong Close. If that doesn't happen then I fear we will be back in Court again, which isn't in anyone's interests."*

15. Antonia Field, the Chair of the Family and Friends of Furlong Close, said:

*"We have won an important battle, but not yet the war. It is now up to Wiltshire Council and Hft to live up to the promises they have made to respect the needs and wishes of our vulnerable relatives and their families and agree a long term solution for Furlong Close, so that nothing like this ever happens again."*

## **Background**

Furlong Close is presently home to 34 vulnerable adults with learning disabilities. They live in 5 bungalows arranged around what is essentially a normal suburban close, at the edge of the village of Rowde in Wiltshire. The residents share some common facilities, including a community hall, craft workshops and extensive gardens (until recently, including a market garden and pens for domestic animals).

16. Furlong Close is a short walk from the centre of the village of Rowde and a short bus ride from Devizes. The residents are closely integrated into the local community, where they attend church, frequent the pubs and cafes and have part-time work. Many of the residents have lived at Furlong Close for more than 20 years. They are happy and settled, have formed life-long friendships, are loved and respected by the local community and are well-cared for by staff they know and trust.
17. In October 2020, this happy community was thrown into a state of desperate anxiety when it was announced that Hft (the charity which owns and operates the site) and Wiltshire Council (which commissions the majority of the residents there) had "jointly" decided that the vulnerable, long-term, settled residents of Furlong Close should be "moved on" to other accommodation by June 2021 so that the site could be shut down and the land sold off for development. The shocked families were told that there was no room for consultation or discussion and that it was a "done deal".
18. The disabilities of the residents make change very stressful for them. For some, an upheaval as traumatic as being forcibly moved from their long-term home to a new and strange place would be life-shortening.
19. With the support of the local community, the families and friends of the residents rallied around. A petition was started which has gathered almost 45,000 signatures. The local media began to follow the story and Hft and the Council began to feel the strength of local outrage at the closure decision. In November 2020, the proposed date for closure was deferred, but the plan to shut down Furlong Close remained in place.

4 July 2021