

By: Graham Gibbens, Cabinet Member for Adult Social Care and Public Health
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To: Adult Social Care and Health Cabinet Committee – 14 January 2016

Subject: **OUTCOME OF THE FORMAL CONSULTATION ON THE CLOSURE OF BLACKBURN LODGE**

Decision Number:

Classification: Unrestricted with Exempt Appendix

Previous Pathway of Paper: Social Care, Health and Wellbeing DMT – 6 January 2016

Future Pathway of Paper: Cabinet Member decision

Electoral Division: Sheppey

Summary: This report considers the outcome of a period of public consultation that took place from 28 September - 20 December 2015 proposing to work with the market to develop alternative services with a final outcome of closure of the registered care home, Blackburn Lodge, Sheerness.

Recommendations

The Adult Social Care and Health Cabinet Committee is asked to

a) **CONSIDER** and either **ENDORSE** or **MAKE RECOMMENDATIONS** to the Cabinet Member for Adult Social Care and Public Health on the proposed decision (Attached as Appendix 1), to close Blackburn Lodge once suitable alternative provision is established on the Isle of Sheppey.

b) the Cabinet Member for Adult Social Care and Public Health **DELEGATE** authority to the Corporate Director of Social Care, Health and Wellbeing, or other nominated officer, to undertake the necessary actions to implement the decision.

1. Background

- 1.1 Kent County Council (KCC) is transforming the way older people are supported and cared for in the County.
- 1.2 KCC Social Care, Health and Wellbeing (SCHW) entered into formal consultation on the future of four of its registered care homes at Kiln Court, Faversham, the Dorothy Lucy Centre, Maidstone, Blackburn Lodge, Sheerness and Wayfarers in Sandwich on 28 September 2015. The consultation ran for twelve weeks to 20 December 2015 and followed the agreed protocol on proposals affecting its service provision. On 28 September 2015, SCHW officers met with members of staff, service users and their relatives, trades unions and other key stakeholders to discuss the

proposals. This report relates to Blackburn Lodge Care Home in Sheerness.

- 1.3 The proposal for Blackburn Lodge is to work with the market to develop alternative services with a final outcome of closure. This is expected to be in two to three years' time once a modern, fit for purpose, replacement service is in place that addresses the needs for the local older population with more complex, and expected, nursing needs. A decision is needed in order that work can progress to secure a sustainable new service prior to the closure of Blackburn Lodge where the individuals using the service will be encouraged to move to. Depending on the configuration of the new service, and the number of residents affected, there could be future employment for staff in the new service who would be subject to TUPE.
- 1.4 The main drivers for the proposal to work with the market to develop alternative services with a final outcome of the closure of Blackburn Lodge are:
 - People are living longer with more complex conditions and they rightly expect more choice in care.
 - People wish to remain in their own homes with dignity and expect high quality care.
 - Residential care should be in high quality buildings. Our older buildings have reached the end of their useful life.
 - Good quality care can be commissioned for less money in the independent sector. Unit costs for in-house services are substantially higher.
- 1.5 A similar proposal was consulted on in 2010 and included the services of two other in house homes at that time. There is greater optimism that new alternative, modern services will be secured following recent formal interaction with the market. Kent County Council is determined to ensure there are alternative services that meet the growing needs and expectations of the older population on the Isle of Sheppey.
- 1.5 Blackburn Lodge is a detached 34-bed unit (33 single rooms and one double with no en-suite facilities) built in 1982. It offers residential care, respite care, and day care. The land is freehold and subject to a restriction in favour of the Secretary of State for Defence to use for local authority educational purposes which was amended in 1982 to permit Kent County Council "to use for local authority purposes which the Council deem necessary to enable the council to discharge its social function as carried out under the auspices of its director of Social Services". If the above purpose of use ceased, a right to buy for £2,100 in addition to the value of any buildings erected on the property is triggered in favour of the Secretary of State.
- 1.6 The building would not meet the national minimum standards of the Care Standards Act 2000 as regulated by the Care Quality Commission if it were to be built today. There is, however, protection against these standards being applied for as long as significant structural improvements are not required. The building may, very soon because of its age, require considerable investment to maintain services and meet future needs and expectations.

- 1.7 Blackburn Lodge is fully compliant with all Regulations following an unannounced visit by the Care Quality Commission (CQC) on 24 December 2013.
- 1.8 The unit cost (gross) based on 100% occupancy (34 beds) for one bed is £595.02 per week. The annual gross expenditure for 2014/15 was £1,052,000. At current occupancy, the average cost per bed is £721 per week.
- 1.9 As at 14 December 2015, there were eleven permanent residents and seven short term (respite) residents in Blackburn Lodge. In addition, there is an average of 27 people using the day care service. For the period April-October 2015, the building as a whole was operating at 80% of its residential capacity making the unit cost £721 per week. For the previous 2014/15 year, this was 79%. For day care, during April –October 2015, only 35% of the available places were utilised, which compares to 33% during 2014/15.
- 1.10 The maximum charge for individuals accessing the beds in the units is currently capped at £463.07 per week. Everyone that accesses residential and respite services are financially assessed for a contribution towards their care in line with the Care Act (Care and Support (Charging and Assessment of Resources) Regulations 2014. This means that individuals who have savings of more than £23,250 are charged £463.07 per week and anyone with less than £23,250 is assessed against their means to determine their level of payment .
- 1.11 SCHW has a guide price for the independent sector and can buy services in the Swale District for £352.18 per week for standard residential care. This will be provisionally increasing to £367.99 per week for Residential care and from 4 April 2016 (subject to the Councils budget setting in February 2016 to take account of the National Living Wage).

2. Consultation Process

- 2.1 The County Council has a duty to undertake formal consultation on any proposed changes to services. The procedure for consultation on modernisation/variation or closure of establishments in SCHW was followed as set out below:

Process	Date Action Completed
Obtain agreement from members of the Adult Social Care and Health Cabinet Committee to formally consult on the proposals for each of the care homes.	11 September 2015
Cabinet Member for Adult Social Care and Public Health to chair a meeting to discuss the proposals	
The Chairman of the Cabinet Committee	11 September 2015
Vice Chairman	11 September 2015
Opposition spokesman	2 & 10 September 2015
Local KCC member(s)	2 September 2015
District members	Letter sent 22 September 2015
Lead Director in Social Care	2 September 2015
Assistant Directors	11 September 2015
Area Personnel Manager/HR Business Partner	2 September 2015

Stakeholders informed in writing and invited to comment: - Users, relatives and carers Head of Service Staff Trades Unions Local KCC member(s) District Council Parish/Town Council Relevant NHS bodies Any other relevant person or organisation and the Local MP Healthwatch Kent Patient and Public Participation Group (PPG)	Letter sent 21 September; meeting 28 September 2 September 2015 Letter sent 21 September; meeting 28 September 22 September 2015 22 September 2015 22 September 2015 30 September 2015 22 September 2015 22 September 2015 30 September 2015 30 September 2015
Media Communication- press release Ongoing press communication	23 September 2015 Throughout consultation period
Consultation Period	28 September 2015 to 20 December 2015
Stakeholder events to be held as appropriate	Kent CAN newsletter- 12 October 2015 Sheppey PROUD meeting – 16 December 2015 Local Engagement Forum- 8 December 2015- Presentation
Recommendation reports presented to Adult Social Care and Health Cabinet Committee for discussion	14 January 2016
Key decision taken by Cabinet Member for Adult Social Care and Public Health	Week commencing 18 January 2016
Instigate any change programme	From February 2016

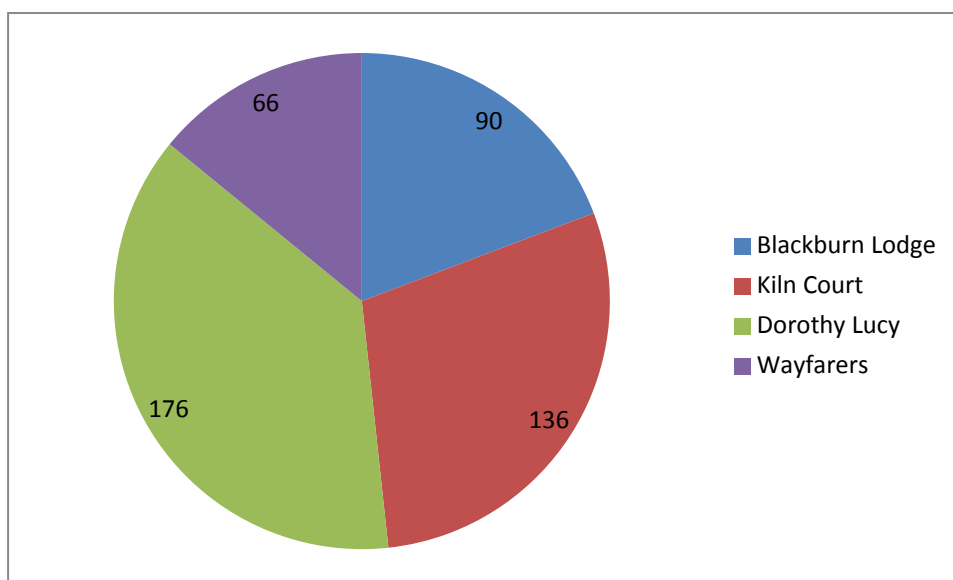
2.2 The 12 week consultation period for the modernisation of our Older Persons' Provision concluded on 20 December 2015. Residents, carers, staff, unions and relevant bodies have been involved with meetings and their views have been considered.

2.3 The consultation concerning Blackburn Lodge received a total of 90 responses. A summary table by type of response and organisation is included below.

2.4 A breakdown of the responses by type and organisation is included in the table below:

Consultation responses from	No. Emails	No. Letters	No. Phone calls	No online responses	No. complaints	No. petitions	No. alternative proposals
Relatives	4	1	5	12			
Staff				19			
Wider Public			2	35			
MPs							
Organisations	2	3	3	2			2
Total Number of Responses	6	4	10	68	0	0	2

- 2.5 No petitions were received against the proposal.
- 2.6 Two alternative proposals from independent sector organisations were received.
- 2.7 All public consultation documents were uploaded onto the KCC Consultations webpage and a dedicated email and freepost mailing address created to handle responses.
- 2.8 The overall consultation received 468 communications from a variety of sources and the responses can be summarised as follows:



3. Issues raised during the consultation

- 3.1 The following issues were raised during the consultation and can be broken down into seven themes as set out in the table below:

Themes	No responses	% responses
Lack of alternative provision	12	23
Alternative options need exploring	15	29
Motivation for closure and change	4	8
Quality of existing provision	8	15

Quality of alternative provision	4	8
Loss of staff expertise	7	13
Reduction in provision and impact on the wider health and social care system	2	4
Total responses	52	100

Note: Number of responses adds up to more than the numbers of respondents as multiple issues were raised in some cases as part of a single response.

3.2 Residents/Relatives/Stakeholders Feedback

3.2.1 Lack of alternative provision. If Blackburn Lodge was closed there would not be any alternative provision available in the local area to replace the current services. SCHW recognises that Blackburn Lodge offers a very important service to individuals and to carers and remains an important part of the services provided on the Island. A needs analysis has been undertaken during the consultation period which has determined that there would be an on-going and increasing need for dementia residential and nursing care as well as Extra Care Housing on the Isle of Sheppey. On the Isle of Sheppey, there are currently 188 care home beds without nursing and none with nursing. Figures from the Kent Accommodation Strategy indicate that between now and 2021 there is a need for a **reduction of 52 units of care home** placements without nursing, together with **an increase of 135 units of care home with nursing placements** (there is a care home with an expired planning permission for 75 beds of nursing care home accommodation) and an increase of 84 units of extra care housing by 2021. SCHW will continue to work in partnership with the NHS and independent sector to secure these developments in service provision on the Island prior to any longer term closure of Blackburn Lodge. Existing residents and service users of Blackburn Lodge will be encouraged to use the replacement service unless they have individual reasons to go elsewhere. KCC is dedicated to ensuring that there is nursing provision and extra care housing and needs this for the Island community. There is a lot of discussion regarding development of care services the other side of the Bridge in Iwade and whilst this is not on the Island, there would need to be consideration as to whether this is an acceptable distance if no suitable service development is available on the Island due to workforce or land availability issues.

3.2.2 Alternative options need exploring. KCC needs to explore all other options before taking a decision to close Blackburn Lodge. Responses to the consultation indicate that the preferred option is to invest in the service and develop the building to be able to respond to the increasing needs of older people on the island. SCHW does not have access to the capital required to invest in the building to secure significant improvements to the current service provision. KCC is prohibited from operating a nursing home. The site is limited in size with the sea one side and a road the other. It would be difficult to increase the size of the service without major structural changes which would require a temporary closure to the service.

3.2.3 Motivation for closure and change. Several respondents indicated that they did not trust KCC motivation for proposing the longer term closure of Blackburn Lodge. These responses highlighted that they believed that financial pressures

were the only reason for these proposals. SCHW has been open and transparent during the consultation that financial savings and value for money is one of the considerations behind the reason for this consultation. However, the primary reason for consultation on Blackburn Lodge is the need to secure services that will be able to meet the future needs of Older People living on the Isle of Sheppey.

3.2.5 Quality of existing provision. Compared to other homes, Blackburn Lodge provides a good level of care and activities and this is due to the dedication of the staff. The proposal to develop alternative services on the Island prior to closing the service is in no way a reflection on the quality of the care provided at Blackburn Lodge or on our staff. Activities are delivered in other care homes. KCC monitors the quality of the independent sector along with the Care Quality Commission.

3.2.6 The quality of buildings and the need for en-suite bathrooms should not overshadow the criteria for a happy life. It is recognised that people who are accessing the services at Blackburn Lodge would prefer that the building and services were to remain as they are, rather than have access to en-suite facilities. However, in time, that will become a minimum expectation for individuals and it is incumbent on SCHW that services meet future need and expectation.

3.2.7 Quality of alternative provision. It is essential that the current level of care is not diminished and that residents continue to enjoy the same quality of life, dignity and remain happy Several responses indicate that there is concern that SCHW will not be able to secure the same quality of care from independent sector providers. SCHW currently commissions over 90% of placements within care homes operated by the independent sector. **These providers are monitored as part of their contractual obligations with KCC.** Individuals will receive the same level of care in the independent sector to maintain their quality of life, dignity and to engage in activities that suit them.

3.2.7 Loss of staff expertise. There are concerns that if Blackburn Lodge closes, KCC will lose any ability to fulfil its obligation under the Care Act 2014 to be the 'provider of last resort'. Staff will be offered training and through any plans of re-provision, TUPE implications will be considered meaning that staff could be offered employment that is for similar services. It is likely that only some staff will be subjected to TUPE and for others redeployment opportunities both within KCC and in other caring roles will be explored. Should Blackburn Lodge close, KCC will retain 248 beds within the four integrated care centres that are operated with our health partners.

3.2.8 Reduction in overall provision and impact on the wider health and social care system. Reference was made in many responses to the increasing Delayed Transfers of Care (DTC) or 'bed blocking' within hospitals and the concern expressed that closure may exacerbate the situation. When examining recent data, the reasons for DTC are predominantly due to the lack of a community nursing bed which Blackburn Lodge is unable to provide as it does not offer nursing care.

3.3 Staff Feedback

3.3.1 Is this not the same as a previous consultation held concerning the future of this service? There was a consultation previously undertaken for Blackburn Lodge in 2010 but this was looking at a slightly different proposal that also included the services at two other homes. The proposal being consulted on now is option seven.

3.3.2 Who would be interested in the service? An advert was published on the Kent Business Portal in the summer of 2015 linked to this proposal seeking interest from the market in developing services for Older People on the Isle of Sheppey. There were 21 responses in total which seven have come back with further information. Looking at the responses from the advert on the Kent Business Portal, KCC is in a different place compared to five years ago. Work has been carried out to prepare the market and there are services that are already on the Island that want to change in the future to include nursing care as an example. The consultation is not a reflection on the care provided at Blackburn Lodge but reflects the building and its current restrictions. We would encourage staff to equip themselves so they are well trained and to explore development options.

3.3.3 The responses from the market are encouraging that there is the appetite to deliver both dementia residential services and nursing provision. These range from extending an existing service to building a brand new service. The work needed to be done would be in depth and complex and would need to determine all available options with cost benefit analysis undertaken on each option to develop the business cases. From the responses, the Council is confident that a successful project can be undertaken, however due to the amount of resource required to take forward such a project, there are certain aspects that need decisions first. This includes whether the service at Blackburn Lodge would be part of a future deal which this report requests, therefore a project is far more likely to be successful if there is the guarantee of a service level from the outset along with, potentially, the use of any Council land or building, of which the vacant site of Blackburn Lodge could be a consideration. Until a decision is taken, the full business benefits cannot be properly considered or developed as this would create a view that any future consultation is based upon a pre-determined decision.

3.3.4 Will the new service remain on the Island? There is a need to keep services on the Island and the aim is for the development of alternative services to be based on the Island. There will be other types of employment available including working in the community and in extra care housing as there is always the need for care work and skills are transferable.

3.3.5 Will nursing training be available for staff? At present, training providers on the Island are looking at putting together a Health and Social Care qualification and the first phase will take place in October 2015. Supervision with line managers should be used to look at future development opportunities, staff will also need to look for opportunities themselves and some will be signposted.

3.3.6 Will this service still be here until there is an alternative in place? The proposal is that there will be no changes until there is a new building or service(s) in place, when these new buildings and/or services are developed the

service at Blackburn Lodge will close and residents will move over to the new service/s; the existing building will be made surplus to adult social care requirements and handed over to the KCC Property Department. If the proposal is decided upon in January 2016, there will then be a two to three year time frame for the development of the alternative services and during this time the building will be kept maintained to ensure CQC compliance.

3.3.7 If there is a new service will staff move over? There is no guarantee that there will be the option for staff to move over if there is a new service. It would be dependent on the type of service and numbers of service users, however TUPE considerations will be discussed with staff when this becomes clearer.

3.3.8 Will redundancies be put into place and will this be voluntary? This is one option but there are a range of other options to be considered and compulsory redundancy will be a last resort.

4 Future Service Delivery

4.1 In 2014, Kent launched its Accommodation Strategy which includes a detailed needs analysis to project the future demand for both permanent and short term building based care services across Kent. The Strategy identifies areas of under and over provision of care homes and other accommodation based services.

4.2 SCHW recognises that the services provided at Blackburn Lodge are important and would need to be re-provided at a relative scale to utilisation. Every individual currently receiving a service at Blackburn Lodge will have a full review of their needs and be encouraged to move to the replacement services. Their families or representatives will be included in the review. 4.3(3) Due to the profile of provision on the Isle of Sheppey, this has been highlighted as a priority area in relation to the implementation of the Accommodation Strategy. As a result, work is underway to scope opportunities to address the gaps of provision and market engagement is underway. The development of modern services for people with dementia and nursing provision has to run parallel to workforce development and therefore early market engagement is needed to make sure the services can be achieved. It is expected that any developments will be able to accommodate the existing residents and potentially staff of Blackburn Lodge. An initial market engagement exercise has revealed that there is provider interest in engaging with KCC to secure the development of both nursing care and Extra Care Housing on Sheppey. Options to take forward these developments are currently being considered by KCC. Should either outcome be unachievable, it is likely that there will be a future consultation required on the future of Blackburn Lodge. A summary of the responses to this exercise is included in the Exempt Appendix 2 to this report.

4.4 There are currently eleven permanent residents and seven short term (respite) residents at Blackburn Lodge (as at 14 December 2015).

- **Permanent Residents:** At the point of closure, the permanent residents will be offered support by case management teams and encouraged to use the replacement services developed unless the review shows a different need.

- **Respite (short term) residents:** Data from Swift (KCC Case management systems) indicate that for the period April 2014- end March 2015, there have been a total of 99 short term (respite) placements in the home (an average of almost two people per week). For the period April – October 2015, admissions total 67. During this period, most people have stayed less than one week (20%) followed by between four to six weeks (19%).
- **Day Care:** There are 30 available places per day at Blackburn Lodge for Day Care. Two days a week are offered specifically for dementia day care, the capacity is halved on these days. There are currently 27 people using the day care service. Day care would be a requirement for the development of alternative services and therefore the current plans to develop dementia day and night services will continue so that they form part of the future commissioning needs.

4.5 Sheppey Proud is a local community group established to identify the needs of the area and to make a bid to the Department of Communities and Local Government to secure part of a £90m pot to improve coastal communities. A Health sub group has been established and KCC are part of the focus group identifying the priorities which have been established from a local survey. The survey identified that 69% of respondents wanted to see full use of the community hospital over seven days a week along with other health services and 32% seeking improvement of dementia and nursing care provision. Should the bid be successful, KCC will seek support from Sheppey Proud, along with the Health and Wellbeing Board, to support the programme to secure alternative dementia, residential and nursing care services for older people along with the day service opportunities.

5. Alternative Proposals

- 5.1 During the consultation, there was interest from two providers who are looking to purchase the site and build or refurbish facilities to continue to deliver residential care services. Should the proposal to develop alternative services and once built, close Blackburn Lodge not be taken forward, there could be a further consultation on the proposal to sell Blackburn Lodge as a going concern which may open up more providers to competitively purchase the service. This was not an option selected as a preference for this consultation as there are known limitations to the site which would stifle development from a future provider who would face the same issues the Council has and may ultimately look at a closure. The interest expressed currently is from providers who have not visited the service and seen its limitations.
- 5.2 As set out in paragraph 4.1 above, Kent has developed an Accommodation Strategy which confirms the future need for residential and nursing services across the County and in relation to services on the Isle of Sheppey there is an identified future need to develop different residential services by way of services specifically designed for people with dementia. We know that for future people that would require standard residential care, their needs can be met in Extra Care Housing and there is more likely to be a need for dementia care or nursing provision, neither of which could be accommodated in the existing Blackburn Lodge service due to the size of the rooms, the layout and the limitations on extending the building.

5.3 Should the decision be taken to close Blackburn Lodge, SCHW would propose to declare the site as surplus and for the site to be sold on the open market pending any cost benefit analysis on the future use (potentially to be used for subsidised housing developments for nursing staff, for instance) or interest from the market in the site being part of the contract in securing alternative services.

6. Personnel implications

6.1 The staffing information for Blackburn Lodge as at 11 December 2015 is as follows:

Head Count	Total Contracts	Permanent	Temporary	Fixed Term	Full Time	Part Time	Relief	FTE
61	67	63	1	3	3	53	11	34.17

6.2 Issues raised by members of staff at the initial consultation meetings held on 28 September 2015 and subsequently during the 12 week consultation period related to redundancy and redeployment opportunities and HR support for staff in the event that a decision is made to close Blackburn Lodge.

6.3 If the decision is taken to close the service, staff will be offered one to one meetings with a personnel officer and their union representative and the opportunity to receive skills training to enable them to either continue their employment within KCC, find suitable alternative employment or be subject to TUPE depending on the new services required. Redundancies, where possible, will be kept to a minimum.

6.4 A communications plan will be developed to explain the implementation plan to the staff in the service along with the operational teams to make sure there is continued use and delivery of the services. Staff employed at Blackburn Lodge will be assured with the timescales regarding their future employment with KCC and potentially in the new service, depending on the configuration of the service.

7. Equality Implications

7.1 An Equality Impact Assessment has been completed and a copy of the document is available on request.

8. Financial Implications

8.1 The ongoing commitment to maintain the operating service through staffing, supplies and building maintenance for up to three years.

9. Legal Implications

9.1 The County Council has a statutory responsibility to accommodate people assessed as requiring residential care services. There is a duty to make sure all care home provision that the Council places residents in is safeguarding individuals and that effective contract management is in place.

10. Summary

10.1 The proposal is to work with the market to develop alternative services with a final outcome of closure of the registered care home, Blackburn Lodge, Sheerness. This is expected to be in two to three years' time once a modern, fit for purpose, replacement service is in place that addresses the needs for the local older population with more complex, and expected, nursing needs. The proposed Record of Decision is attached as Appendix 1. The decision needed is to agree that a project can commence to develop alternative services on the Isle of Sheppey using the Council's resource to secure the services. This would include the service level in terms of people who use the current services at Blackburn Lodge and potentially any land or capital. Only once the alternative services are in place could Blackburn Lodge close with the transfer of residents, service users and potentially staff. Kent County Council is determined to expand and enhance the services that are available to the older population on the Isle of Sheppey.

10.2 An initial screening as part of the Equality Impact Assessment (EQIA) was undertaken prior to the consultation. This identified the need for a full Equality Impact Assessment to be undertaken on the proposal, which has now been completed. The assessment confirms that the proposals can be delivered in a way that adequately takes account of the individual needs of existing residents and of other service users.

10.3 The actions identified as an outcome of the full EQIA that will be completed are:

1. To undertake service user reviews ensuring that the needs of all residents with 'protected characteristics' are fully addressed in the process based on personalisation.
2. To implement a Commissioning Strategy to secure suitable alternative accommodation on the Isle of Sheppey via a competitive tender process to secure best value and quality of care.

11. Recommendation(s)

11.1 The Adult Social Care and Health Cabinet Committee is asked to:

a) **CONSIDER** and either **ENDORSE** or **MAKE RECOMMENDATIONS** to the Cabinet Member for Adult Social Care and Public Health on the proposed decision (Attached as Appendix 1), to close Blackburn Lodge once suitable alternative provision is established on the Isle of Sheppey.

b) the Cabinet Member for Adult Social Care and Public Health **DELEGATE** authority to the Corporate Director of Social Care, Health and Wellbeing, or other nominated officer, to undertake the necessary actions to implement the decision.

12. Background Documents

The Recommendation report and associated documents for Decision Number 10/01508, the previous consultation carried out in 2010.

<https://democracy.kent.gov.uk/mglIssueHistoryHome.aspx?Ild=14775&Opt=0>

Government White Paper 'Caring for our Future- Reforming Care and Support'- July 2012

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/136422/White-Paper-Caring-for-our-future-reforming-care-and-support-PDF-1580K.pdf

Accommodation Strategy - www.kent.gov.uk/accommodationstrategy

13. Appendices

Appendix 1 – Proposed Record of Decision

Appendix 2 – Exempt Appendix

14. Contact details

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