

By: Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

Andrew Ireland, Corporate Director, Families and Social Care

To: Social Care and Public Health Cabinet Committee

Date: 16 January 2014

**Subject: 13/00074 - OUTCOME OF THE FORMAL CONSULTATION ON THE CLOSURE OF DOUBLEDAY LODGE REGISTERED CARE HOME, SITTINGBOURNE**

**Classification:** Unrestricted

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**Summary:** This report considers the outcome of a period of public consultation that took place from 20 September - 13 December 2013 proposing the closure of the registered care home, Doubleday Lodge, Sittingbourne

**Recommendations** Members of the Social Care and Public Health Cabinet Committee are asked to consider and either endorse or make recommendations on the proposed decision to be taken by the Cabinet Member for Adult Social Care and Public Health.

The Cabinet Member for Adult Social Care and Public Health will be asked to make a decision on whether to close Doubleday Lodge

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## Background

1. (1) Kent County Council (KCC) is modernising the way older people are supported and cared for in the county.

(2) KCC Families and Social Care (FSC) entered into formal consultation on the future of its registered care home at Doubleday Lodge, Sittingbourne on 20 September 2013. The consultation ran for twelve weeks to 13 December 2013 and followed the agreed protocol on proposals affecting its service provision. On 20 September 2013, FSC officers met with members of staff, service users and their relatives, trades unions and other key stakeholders to discuss the proposals.

(3) The proposal for Doubleday Lodge is to close the service and re-provide in the independent sector.

(4) The main drivers for the proposal to close the service are:

- **KCC Bold Steps and Facing the Challenge.** KCC's strategic vision, as set out within Bold Steps, is to become a commissioning authority. Therefore it must review all of its in-house provision and take the appropriate action. KCC has committed to reviewing all of its remaining in-house older persons provision as part of Stage One activity in whole Council transformation, as outlined in 'Facing the

Challenge'. The outcome of these reviews will be reported to Members at a later stage.

- **Quality of care.** The quality of care available within the Independent Sector matches that of KCC's in house provision. However it is far more flexible in that, should the quality requirements of homes be reviewed, the Independent Sector is far more agile and so able to meet the changing face of residential care provision going forward.
- **Dignity for the individual.** More people are living longer and living with more complex dementias and conditions. KCC's buildings are not able to provide the dignity required in care provision and are not sustainable long term to deliver quality services.
- **Value for money.** Good quality care can be commissioned for less money in the independent sector due to the volume of care it provides over in-house provision. The volume of planning applications from the independent sector is testament to the drive to provide newer facilities, from existing and new providers alike.
- **Independence, choice and control.** FSC's emerging Commissioning Strategy is to promote independence and to allow people to remain in their own homes for as long as possible with the right support in place, including carers (respite) support. As we move through 2014, contracted activity will be reviewed to reflect the need to commission outcome focused services that support the independence, choice and control agenda. Since 2004, KCC has embarked on a programme of developing extra care housing with its District Council colleagues. This type of accommodation provides people with independence, choice and control and offers a genuine alternative to residential care. KCC has invested in a new scheme in Sittingbourne that will benefit the people of Swale providing 51 units of one and two bed self contained flats with on site care provision enabling people who would previously have only been able to consider residential care, and in some occasions moving away from their husband or wife to get care services, to live independently. The high quality independent living accommodation with 24 hour support at Wylie Court in Sittingbourne provides an alternative to Double Day Lodge which will meet the aspirations of current and future older people to retain their independence.

(5) The proposal will generate savings of £623,588 in 2014/15.

(6) Doubleday Lodge is a detached 36-bed unit built in 1974. It offers residential care and respite care. It is freehold and has no known restrictive covenants. It was purpose built in a residential area in Glebe Lane, Sittingbourne. The accommodation is across two storeys and is registered for older people with general frailty. 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.

(7) Doubleday Lodge is currently registered for 36 beds. However, only 20 of the beds are commissioned due to its low occupancy. It has recently received a very good report and is fully compliant with all Regulations following an unannounced visit by the Care Quality Commission (CQC) on 8 August 2013.

(8) The unit cost (gross) based on 100% occupancy (36 beds) for one bed is £449.88 per week. For 100% occupancy based on the 20 commissioned beds is £809.79 per week. The annual gross expenditure for 2012/13 was £844,767.41.

(9) As at 13 December 2013, there were two permanent residents and eight short term (respite) residents in Doubleday Lodge. In 2012/13, the building was operating at only 36% of its residential capacity making the unit cost £1,235 per week.

(10) The maximum charge for individuals accessing the beds in the units is currently capped at £443.88 per week. Everyone that accesses residential and respite services is financially assessed for a contribution towards their care in line with the Charging for Residential Accommodation Guide (CRAG). This means that individuals who have savings of more than £23,250 are charged £443.88 per week and anyone with less than £23,250 is assessed against their means to determine their level of payment .

(11) FSC has a guide price for the independent sector and can buy services in the Swale District for £351.49 per week for standard residential care.

## 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 FSC was followed as set out below:

Process	Date Action Completed
Obtained agreement to consult on proposals from the Cabinet Member for Adult Social Care and Public Health	28 August 2013
Cabinet member chaired a meeting to discuss the proposals and information packs were sent to those who were invited and who attended:  Cabinet member for Adult Social Care and Public Health Leader of the Labour Group Leader of the UKIP Deputy Cabinet Member for Adult Social Care Deputy Cabinet Member for Public Health Local Member for Sheerness	11 September 2013 11 September 2013 11 September 2013 11 September 2013 11 September 2013 18 September 2013
Stakeholders were informed in writing and invited to comment:  Users, relatives and carers Staff  Trade Unions Leader of Swale Borough Council Local MP Local Members Local Borough Councillors All Kent Clinical Commissioning Groups NHS England Healthwatch Kent	Letter sent 20 September 2013. Consultation period ended 13 December 2013 (12 week consultation). Reminder letter sent 29 November 2013  19 September 2013 20 September & 29 November 2013 20 September & 29 November 2013 20 September & 29 November 2013 20 September & 29 November 2013 3 October 2013 & 29 November 2013 3 October 2013 & 29 November 2013 3 October 2013 & 29 November 2013

Care Quality Commission Kent Community Health Trust Kent County Council Local Engagement Officer 3 Local GP Surgeries Local Residential District Nursing Team Local Case Management Teams Sittingbourne and Sheppey Patient Group	3 October 2013 & 29 November 2013 3 October 2013 & 29 November 2013 7 October 2013 & 29 November 2013 16 October 2013 & 29 November 2013 16 October 2013 & 29 November 2013 11 October 2013 & 29 November 2013 15 October 2013 & 29 November 2013
Directorate issued a Press Release	Press Release was issued on 20 September 2013  The press office responded to one enquiry from the one local newspaper during the consultation period.
A range of stakeholder meetings were held	A meeting with the union was held on 12 September 2013  A meeting with staff and union was held on 20 September 2013  A meeting with Residents and relatives was held on 20 September 2013  Individual meetings were offered to relatives and residents with case management staff.  Meeting held with Sittingbourne and Sheppey Patient Group on 18 November 2013  Swale Joint Practice meeting on 4 December 2013
Report to Social Care and Public Health Cabinet Committee for decision making on the closure proposal	This report dated 16 January 2014
Instigate any change programme	January 2014 onwards

(2) The 12 week consultation period for the modernisation of our Older Person's Provision concluded on 13 December 2013. Residents, carers, staff, unions and relevant bodies have been involved with meetings and their views have been considered.

(3) The overall consultation received four letters and seven emails. A summary table by type of response and organisation is included below. A number of letters were copied to the local MP, local councillor, Cabinet Member and Leader, and officers within KCC. Each letter was responded to either by a standard acknowledgement or a more detailed letter responding to any queries or inaccuracies in their statements.

(4) A breakdown of the responses by type and organisation is included in the table below:

Consultation responses from	Number of Emails	Number of Letters	Number of Phone calls
Relatives	1	4	1
Staff	1	0	0
Case Management	2	0	0
Private Provider	1	0	0
Swale CCG	1	0	0
Local Patient Group	1	0	0
<b>Total Number of Responses</b>	<b>7</b>	<b>4</b>	<b>1</b>

(5) No petitions were received against the proposal.

(6) All public consultation documents were uploaded onto the KCC Consultations webpage and a dedicated email address created to handle responses.

### Issues raised during the consultation

3. (1) The following issues were raised during the consultation:

#### Residents/Relatives/Stakeholders Feedback

(2) **Respite care is a vital service and friendships have been made. There is a need for families/carers to be able to book planned respite for their relatives and if Doubleday Lodge was closed there would not be any alternative provision available in the local area.** FSC recognises that planned and emergency respite care is a very important service to individuals and to carers and remains an important part of future commissioning. A needs analysis has been undertaken during the consultation period which has determined that there would be an on-going need for three short term respite beds to replace those available at Doubleday Lodge should the service be closed in 2014. FSC has already secured one of these in the new Extra Care Housing scheme which is currently being developed at Regis Gate, Sittingbourne. The other beds will be commissioned and secured in the independent sector in 2014. KCC's policy is to offer in-house services for short term provision to maximise the use of the homes. The low utilisation is not a reflection of policy or guidance, more that there is either no need for the home in that location or people choose not to go there and access respite provision elsewhere.

(3) **Compared to other homes, Doubleday Lodge provides a good level of care and activities and this is due to the dedication of the staff.** The proposal to close the service is in no way a reflection on the quality of the care provided at Doubleday Lodge or on our staff. Activities are delivered in other care homes.

(4) **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.** 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.

(5) **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 Doubleday 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 FSC that services meet future need and expectation.

(6) **For those that pay the full cost of respite care, we are unsure whether we can secure alternative short term respite placements at an affordable cost in the local area.** FSC will ensure that a suitable alternative supply is secured in the local area at a market rate through a competitive process that will examine both price and quality.

(7) **Why doesn't KCC invest in the building to improve the quality of care for residents at Doubleday Lodge?** KCC does not have capital money to invest in this building. At this moment in time, Doubleday Lodge is running at only 36% utilisation which results in the service being very expensive to run in comparison to the cost of care placements within alternative care homes in the local area.

(8) **What is Extra Care Housing and will this have 24 hour care staff cover so that it is equal to the current service provided at Doubleday Lodge?** Extra Care Housing is purpose-built housing with flexible care provision on site (up to 24 hours per day if required). A number of schemes are already operating across Kent and anyone considering this as an option will have the opportunity to visit a scheme with their case manager to find out more about it. It offers one and two bedroom flats so can accommodate husband and wife that may or may not need to sleep separately. The communal space could include a restaurant, lounge, hairdressers and shop and welcomes people in from the local community. KCC has secured a flat in the Wyllie Court/Regis Gate scheme that will be owned by Amicus Horizon to offer short term care to people needing it. The net cost of someone living in an extra care housing scheme is more efficient for FSC than someone living in residential care. An individual's needs are assessed and met with ongoing review so care services will be flexible and tailored. This provides further efficiency as someone in residential care has a set weekly rate paid regardless of how their needs fluctuate and will only increase impacting on the cost.

### **Staff Feedback**

(9) **What will happen if a decision is made to close the service in January 2014 – will staff be clear on their final date of employment with KCC?** HR staff will be engaging directly, collectively and individually, about what will happen to the staff and how we maintain a service through to any planned closure. This will include confirming the planned closure date for Doubleday Lodge.

(10) **Will there be a freezing of posts in the event that a decision is made to close the service?** Recently, only fixed term contracts have been offered to make sure the maximum opportunity for staff at Doubleday Lodge is available.

(11) **What about redundancies and redundancy pay?** Each individual will have different circumstances and these will be discussed through one to one meetings with an HR representative and, if wanted, a work placed colleague or Union representative.

## Future Service Delivery

4. (1) FSC has been developing an 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 will identify areas of under and over provision of care homes and other accommodation based services. Full options appraisals will be undertaken to analyse how these services can be developed in these areas. The options appraisals will consider the level of new extra care housing schemes required to accommodate the growing populations of older people and will consider the types of residential provision needed across the County.

(2) FSC recognises that the services provided at Doubleday Lodge are important and would need to be re-provided at a relative scale to utilisation. Every individual currently receiving services at Doubleday Lodge will have a full reassessment of their needs and be supported to find alternative services. Their families or representatives will be included in the assessment.

(3) There are currently two permanent residents and eight short term (respite) residents at Doubleday Lodge (as at 17 December 2013).

- **Permanent Residents:** The two permanent residents will be offered support by case management teams to identify alternative residential accommodation at local care homes in the Swale area, unless their reassessment shows that they would benefit by moving closer to their family. At this current time, KCC is aware that there are 629 beds within a ten mile radius of Doubleday Lodge, all of which are within homes that are fully compliant with CQC Regulations. There are two other KCC residential care homes within Swale.
- **Respite (short term) residents:** Data from Swift (KCC Case management systems) indicate that for the period 1 December 2012- 30 November 2013, there have been a total of 68 short term (respite) placements in the home (an average of between 1-2 people per week Respite bed days total 2,690 over the same period. Most people have had one period of stay during this year (76%) and have stayed for between 1-2 weeks (26 out of 68 or 38%). On this basis, it is estimated that KCC would need to secure three respite beds within the Swale area to replace the existing provision. All residents have been referred from either Swale or Canterbury case management teams.

KCC has secured the use of one short term bed for respite at the new Extra Care Housing development at Wyllie Court/Regis Gate, Sittingbourne. This facility will be opening in September 2014.

Two additional respite beds will be secured via a competitive tendering process to secure high quality, best value services. From a soft market testing exercise undertaken by Strategic Commissioning in November 2013, there is sufficient interest from care homes within a five mile radius of Doubleday Lodge to indicate that KCC would not face barriers to securing these services. There are two other residential care homes in Swale that offer short term services of which case managers promote the use of. Kiln Court is seven miles away from Doubleday Lodge and Blackburn Lodge is eleven miles away. These beds could be used should there be no interest from the market in Sittingbourne to provide short term beds as a contingency arrangement.

## 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.

(2) At the present time, KCC does not struggle to find residential care services in Swale and therefore there is no immediate demand for social care services, hence the proposal to close Doubleday Lodge. As set out in paragraph 4.1 above, KCC is developing an Accommodation Strategy which will confirm the future need for residential services across Kent and in relation to services in Sittingbourne there may be a future need to develop different residential services. We know that for standard residential care for the general frailty population, 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 Doubleday Lodge service. KCC would expect that Doubleday Lodge be demolished and re-built to be able to accommodate that client group.

(3) Should the decision be taken to close Doubleday Lodge, FSC would propose to declare the site as surplus and for the site to be sold on the open market.

(4) One proposal received asked KCC to enter into negotiations with a provider to obtain a fair market price for the freehold and goodwill sale of Doubleday Lodge, to transfer the staff under TUPE and to block purchase beds in the refurbished scheme. KCC would have to run a procurement exercise to determine a provider to enter into negotiations with and to manage this process. A similar exercise was undertaken for Doubleday Lodge and the two other KCC run homes in Swale in 2011 and was unsuccessful. For Doubleday Lodge it is not proposed that this option is taken forward and therefore for the reasons stated before continues to recommend that Doubleday Lodge should close with the site being sold on the open market.

## Personnel implications

6. (1) The staffing information for Doubleday Lodge as at 18 December 2013 is as follows:

Head Count	No contracts	No perm contracts	No temp contracts	No FT contracts	No PT contracts	No fixed term contracts	No relief contracts	FTE
<b>36</b>	<b>41</b>	<b>40</b>	<b>1</b>	<b>3</b>	<b>31</b>	<b>0</b>	<b>7</b>	<b>22.15</b>

(2) Issues raised by members of staff at the initial consultation meetings held on 20 September 2013 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 Doubleday Lodge.

(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 or find suitable alternative employment. Redundancies, where possible, will be kept to a minimum.

(4) Arrangements could be put in place to give members of staff an opportunity to apply for posts while continuing to support service users until the service has closed.



Those who are not successfully redeployed within KCC will be offered support to secure alternative employment. The Redundancy and Redeployment Procedure will then be followed and people will be offered Priority Consideration status once they are at risk of redundancy in order to help them find work in KCC.

## Summary

7. (1) The proposal is to close the service at Doubleday Lodge, Sittingbourne. The proposed Record of Decision is attached as Appendix 1.

(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.

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

1. To undertake service user assessments 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 respite (short term) accommodation within the local area via a competitive tender process to secure best value and quality of care.

## Recommendation(s)

8. (1) Cabinet Committee is asked to consider and either endorse or make recommendations on the proposed decision to be taken by the Cabinet Member for Adult Social Care and Public Health.

(2) The Cabinet Member for Adult Social Care and Public Health will be asked to make a decision on whether to close Doubleday Lodge.

## Background Documents

- The Recommendation report and associated documents for Decision Number 10/01509, the previous consultation carried out in 2010
- Government White Paper 'Caring for our Future- Reforming Care and Support'- July 2012
- National Dementia Strategy – February 2009
- Closure/Variation Policy for the closure/variation in the service use of a Social Services Establishment
- Think Local, Act Personal: Next Steps for Transforming Adult Social Care
- Accommodation Strategy

## Contact details

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## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

### DECISION TO BE TAKEN BY:

Graham Gibbens,  
Cabinet Member for Adult Social Care and Public Health

### DECISION NO:

13/00074

### For publication

**Subject: Proposal to close Doubleday Lodge registered care home, Sittingbourne**

### Decision:

As Cabinet Member for Adult Social Care and Public Health, I agree to close Doubleday Lodge and re-provide the service in the independent sector.

### Reason(s) for decision:

The main drivers for the proposal to close the service are:

- **KCC Bold Steps and Facing the Challenge.** KCC's strategic vision, as set out within Bold Steps, is to become a commissioning authority. Therefore it must review all of its in-house provision and take the appropriate action. KCC has committed to reviewing all of its remaining in-house older persons provision as part of Stage One activity in whole Council transformation, as outlined in 'Facing the Challenge'. The outcome of these reviews will be reported to Members at a later stage.
- **Quality of care.** The quality of care available within the Independent Sector matches that of KCC's in house provision. However it is far more flexible in that, should the quality requirements of homes be reviewed, the Independent Sector is far more agile and so able to meet the changing face of residential care provision going forward.
- **Dignity for the individual.** More people are living longer and living with more complex dementias and conditions. KCC's buildings are not able to provide the dignity required in care provision and are not sustainable long term to deliver quality services.
- **Value for money.** Good quality care can be commissioned for less money in the independent sector due to the volume of care it provides over in-house provision. The volume of planning applications from the independent sector is testament to the drive to provide newer facilities, from existing and new providers alike.
- **Independence, choice and control.** FSC's emerging Commissioning Strategy is to promote independence and to allow people to remain in their own homes for as long as possible with the right support in place, including carers (respite) support. As we move through 2014, contracted activity will be reviewed to reflect the need to commission outcome focused services that support the independence, choice and control agenda. Since 2004, KCC has embarked on a programme of developing extra care housing with its District Council colleagues. This type of accommodation provides people with independence, choice and control and offers a genuine alternative to residential care. KCC has invested in a new scheme in Sittingbourne that will benefit the people of Swale providing 51 units of one and two bed self contained flats with on site care provision enabling people who would previously have only been able to consider residential care, and in some occasions moving away from their husband or wife to get care services, to live independently. The high quality independent living accommodation with 24 hour support at Wylie Court in Sittingbourne provides an alternative to Double Day Lodge which will meet the aspirations of current and future older people to retain their independence.

**Financial Implications:**

The proposal will generate savings of £623,588 in 2014/15.

**Cabinet Committee recommendations and other consultation:**

*To be entered after the meeting and considered by the Cabinet Member when taking the decision.*

KCC Families and Social Care (FSC) entered into formal consultation on the future of its registered care home at Doubleday Lodge, Sittingbourne on 20 September 2013. The consultation ran for twelve weeks to 13 December 2013 and followed the agreed protocol on proposals affecting its service provision. On 20 September 2013, FSC officers met with members of staff, service users and their relatives, trades unions and other key stakeholders to discuss the proposals.

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

<b>Consultation responses from</b>	<b>Number of Emails</b>	<b>Number of Letters</b>	<b>Number of Phone calls</b>
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Local Patient Group	1	0	0
<b>Total Number of Responses</b>	<b>7</b>	<b>4</b>	<b>1</b>

No petitions were received against the proposal.

All public consultation documents were uploaded onto the KCC Consultations webpage and a dedicated email address created to handle responses.

**Any alternatives considered:**

As part of this consultation there was initial interest from two providers in possibly purchase the site and build or refurbish facilities to continue to deliver residential care services. However KCC does not struggle to find residential care services in Swale. There is more need for dementia care or nursing provision, neither of which could be accommodated in the existing Doubleday Lodge.

One proposal received asked KCC to enter into negotiations with a provider for a goodwill sale of Doubleday Lodge, to transfer the staff under TUPE and to block purchase beds in the refurbished scheme. KCC would have to run a procurement exercise to determine a provider to enter into negotiations with and to manage this process. A similar exercise was undertaken for Doubleday Lodge and the two other KCC run homes in Swale in 2011 and was unsuccessful.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:**

None

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signed

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date