

DECISION-MAKER: CABINET
SUBJECT: FUTURE OF WOODSIDE LODGE RESIDENTIAL CARE HOME
DATE OF DECISION: 9 DECEMBER 2014
REPORT OF: CABINET MEMBER FOR HEALTH AND ADULT SOCIAL CARE

CONTACT DETAILS

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STATEMENT OF CONFIDENTIALITY

NOT APPLICABLE

BRIEF SUMMARY

Cabinet is recommended to approve the closure of Woodside Lodge, a 27 bed residential care home for older people living with moderate or severe dementia, after taking into account the consultation findings and all relevant factors.

RECOMMENDATIONS:

- (i) To consider the responses received during a public consultation into the future of Woodside Lodge conducted between 24 July and 23 October 2014, outlined in Appendix 1.
- (ii) To close Woodside Lodge when all of its current residents have been supported to move to suitable alternative care settings.
- (iii) To note that the needs of current residents will be thoroughly reviewed prior to and following their moves to ensure that these needs continue to be met and to minimise any impact on their wellbeing.
- (iv) If the proposals are agreed to undertake a 45 day consultation with affected staff with a view to minimising or avoiding compulsory redundancies.
- (v) To note that a full appraisal of the buildings and site will be commissioned to inform options for their future use or disposal.
- (vi) To delegate authority to the Director, People following consultation with the Cabinet Member for Health and Adult Social Care to do anything necessary to give effect to the proposals in this report.

REASONS FOR REPORT RECOMMENDATIONS

1. The council would like to develop a wider range of options for supporting individuals with dementia, such as supported living and extra care housing, instead of directly providing residential care itself.
2. For individuals with dementia who require residential care to meet their needs, this can be provided more cost effectively for the same quality in care homes provided by private and third sector providers.

3. There is sufficient alternative provision of residential care of the required type and quality in Southampton to meet current and forecast demands.
4. With tailored one to one support, it is considered that Woodside Lodge's 13 permanent residents can be safely moved to suitable alternative care settings without detriment to their long-term health and wellbeing.
5. The statutory requirement to consult with residents, their families and other stakeholders has been fulfilled and, although the overwhelming response from families was to keep Woodside Lodge open, their comments have helped to ensure that all relevant factors have been taken into consideration.
6. It is now necessary and appropriate to consult with staff with a view to minimising or avoiding compulsory redundancies and to carry out an appraisal of the buildings and site to inform a decision about their future use or disposal.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

7. The alternative option of keeping Woodside Lodge open was considered and rejected for the reasons set out above. The council held two meetings for its partners, including care providers and the voluntary sector, and has received no expressions of interest from these or anyone else to take over the running of Woodside Lodge.

DETAIL (Including consultation carried out)

8. Woodside Lodge is a council-run residential care home in Wimpson Lane, Maybush providing 27 permanent beds for people aged 65 and over living with moderate or severe dementia. Short term respite beds are also available. There are currently 13 permanent residents.
9. The decision to consult on the future of Woodside Lodge, instead of one of the council's other two residential care homes (Glen Lee and Holcroft House), was based on its average occupancy rates, which have been the lowest of the council's three homes for the last three years. The majority of residential care funded by the council is in private or voluntary sector homes.
10. Cabinet approved a public consultation on the future of Woodside Lodge on 15 July 2014 and this ran from 24 July 2014 to 23 October 2014. During this time, the families of Woodside Lodge's permanent residents were invited to attend six meetings held at Woodside Lodge on 5 August 2014, 2 and 30 September 2014. These meetings were generally well attended and independent advocates were available to provide support. In addition, there were two public meetings held at the Civic Centre on 8 August 2014 and 22 October 2014. Information about the consultation was published on the council's website and was covered by the Daily Echo and BBC Radio Solent.
11. Copies of the notes taken at these meetings and all of the responses received are available in Members' rooms and these are summarised in Appendix 1.
12. Two clear options for Woodside Lodge were presented during the consultation: either (a) for it to remain open or (b) for it to be closed with current residents being supported to move to suitable alternative care settings and in the future for care to be purchased for individuals requiring residential care in private or voluntary sector homes.

13. The three questionnaire responses received strongly disagreed with the option to close Woodside Lodge. Eight detailed responses were also received from seven people, all strongly objecting to the option to close Woodside Lodge.
14. Independent advocates worked separately with the residents of Woodside Lodge and were able to record the views of ten residents, where appropriate. These were generally very positive about their home at Woodside Lodge and each considered it to be a good place to live. When asked if they would like to live anywhere else, six residents replied that they would not, one replied that she felt unable to answer the question, one replied that she would like to move if something went wrong, one wanted to move to live with a family member and one wanted to move to live in the New Forest.
15. Woodside Lodge has been closed to new permanent residents since the consultation into its future was approved. A senior social work practitioner has been coordinating a review of residents' needs and since the consultation started has arranged for four residents to be supported to move to suitable alternative residential care homes, at their families' request, and one resident to move to a nursing home, as her needs had changed. This process has not highlighted any additional risks to the health or wellbeing of these former residents, who have all been reviewed and we have determined that their new homes are meeting their identified needs well. The senior practitioner has been at all of the consultation meetings held at Woodside Lodge to give advice and answer relatives' questions. She has been liaising with a consultant psychogeriatrician at Southern Health NHS Foundation Trust and there is no evidence that any resident will be placed at serious risk if they were moved. Social workers will work with the remaining residents and their families, carers and independent advocates to support their moves to suitable alternative care settings, paying particular attention to any additional needs arising because of their cognitive impairments.
16. Woodside Lodge was last inspected by the Care Quality Commission (CQC), the regulator, on 1 November 2013 and was found to meet all six standards in force at the time during a routine, unannounced inspection. The proposal to close Woodside Lodge is not related to the standards of care and support provided there. Many of the comments received during the consultation commend the care and support given by staff and describe concerns about the quality of care provided in private homes. Private and voluntary sector homes are subject to the same regulatory regime as council homes and are also inspected by the CQC, which now rates inspections as 'outstanding', 'good', 'requires improvement' or 'inadequate'. In addition to checks carried out by the CQC, the Integrated Commissioning Unit, a joint unit between the Council and Clinical Commissioning Group, has a dedicated provider quality unit, which carries out separate checks and responds to complaints about homes in Southampton. Both CQC and the internal team can set expectations for improvements to services. CQC can also act to withdraw the registration status of homes that consistently fail to achieve standards.
17. In addition, the council will make available further specialist training resources for homes that offer accommodation to residents moving from Woodside Lodge. This will provide enhanced training on supporting people with dementia and will be available to homes wishing to take advantage of

this.

18. As a result of central government's policies on deficit reduction, the public sector as a whole is experiencing a continued period of expenditure restraint. Within this environment, as a sector, local government is experiencing a greater proportion of the reduction in funding when compared with Health, Education and Police. This national picture is reflected locally, as the council continues to experience a significant decrease in government grant funding. It is against this background and the need for a further reduction in expenditure that this decision is being made. At the time of writing, the council has a budget gap of £4.3m for 2015/16, which is forecast to increase to £54.2m for the three years from 2015/16 to 2017/18. The Health and Adult Social Care Portfolio currently represents 33% of the council's Net Portfolio General Fund budget. Spending in this area is subject to demand-led pressures associated with the provision of social care, which stem largely from demographic trends, including an ageing population.
19. Nationally and locally, the weekly cost per individual of providing residential care directly (£633) is currently 42% higher than the average weekly cost of residential care purchased in the external market (£445). Long term trends show a sharp decline in the use of residential care, with a drop in local use of 38% since 2002. Closing Woodside Lodge is consistent with the council's aim of providing care and support to people in their own homes wherever possible, for example by developing and making greater use of tele care, extra care housing and supported living. Evidence shows that this promotes independence and enhances quality of life, which leads to better outcomes and value for money.
20. In order to reduce reliance on residential care, the development of extra care housing is a key dependency. The privacy, security and highly personalised approach to social care offered makes it a positive and appropriate alternative to residential care, providing an opportunity to remain living in the community with a partner, which is not usually available to those entering residential care. There is a continued commitment to seek alternatives to residential care, where possible. The new domiciliary care framework, currently out to tender, is designed to enable individuals to remain at home for longer with appropriate and good quality care provided to support this aim.
21. Assessments of need will be carried out with all residents and options for future accommodation, care and support will be considered. This will include considering living with carers, tenanted care such as extra care, residential care and nursing care. The assessment will set out the expected care needs and it is likely that due to need levels and the fact that individuals have been living in a residential care setting for some time, alternative residential or nursing care options may be required.
22. Analysis of the market place shows that there are currently 53 vacancies within the residential care sector in the city itself, with further vacancies in care homes neighbouring the city. This includes a total of 33 bed spaces within homes in the city that have defined dementia care as a key element of the service they provide. Again, this number is increased when homes near to the city are included. Since July of this year, new residential spaces have become available with dementia care as a specialist element.

23. Where individuals require nursing care to provide the best support in the longer term, the city will source these places from within the current market. This is likely to apply to two of the 13 residents. This will include the potential to specifically commission these places from providers to ensure that residents from Woodside Lodge have the appropriate good quality care to move to.
24. Closing Woodside Lodge does not impact on individuals' eligibility for support to meet their social care needs. The current criteria under the Fair Access to Care Services (FACS) scheme or, from 1 April 2015, under the Care and Support (Eligibility Criteria) Regulations 2014 will be applied and individuals with eligible needs that are best met through residential care will be supported in one of the council's two other residential care homes or in a private or voluntary sector home.
25. A full Equality and Safety Impact Assessment has been carried out to identify the potential impact and mitigation of these proposals on residents and their carers and is attached as Appendix 2 for consideration.

RESOURCE IMPLICATIONS

Capital/Revenue

26. Should the closure of the home proceed there would be a capital receipt if the home is sold, and in future years the avoidance of requiring ongoing spend to maintain and refurbish the home.
27. The recurring saving, after closure and disposal or an alternative use found for the land will be £350,000, taking into account the cost of providing alternative care. The saving is phased over the next three years, £200,000 in 2015/16 rising to £300,000 in 2016/17 to reflect the full year effect and rising further to £350,000 in 2017/18 assuming security of the land and Rates are no longer an issue.

During the period that the home reduces occupancy prior to full closure there will be a risk of an additional pressure. This will materialise through the time lag between the cost of alternative provision which will be immediate and the reduction in staffing and building costs for Woodside. A proportion of this pressure has already been absorbed within 2014/15 as Woodside has had reduced occupancy, (currently 13 of a 27 bed unit). The 2015/16 proposed saving of £200,000 takes into account this pressure on the basis the home is fully closed by September 2015.

Property/Other

28. Property Services will be commissioned to carry out a full appraisal of the building and site to inform options for their future use or disposal.
29. If the proposal is agreed consultation with staff employed at Woodside Lodge will commence in January 2015 with a view to minimising or avoiding compulsory redundancies. Details of the staff establishment and current vacancies are given in figure 1 below.

Figure 1: staff details at Woodside Lodge

Role	Staff establishment (Full Time Equivalent)	Vacant posts (being covered by agency)
Business Support	1.0	-
Care Coordinator	6.8	-
Carer	14.8	3.3
Kitchen staff	3.6	0.2
Housekeeper/laundry	2.8	1.1
Total	29.1	4.6

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

30. Cabinet may lawfully take a decision which results in the closure of a residential care home and the relocation of residents provided it conscientiously takes into account the outcomes of the consultation and the equality impact assessment bearing in mind its public sector equality duties as well as all other relevant information. The implementation of the decision should not result in the violation of any person's rights under the European Convention on Human Rights. Three Articles of the European Convention are capable of being relevant to any decision to close a residential care home and relocate residents. These are Article 2 which provides that everyone's right to life will be protected by law, Article 3 which provides that no one shall be subjected to torture or inhuman or degrading treatment and Article 8 under which everyone has the right to respect for his family life and his home. Article 8 rights are not absolute and can be justified by public interest considerations including economic factors. Best Practice will be followed during the relocation of residents so that the risks to residents are minimised. Cabinet should review a decision to close Woodside Lodge if at any stage during the implementation process risks to residents arise which cannot be ameliorated and which result in an unjustifiable breach of Articles 2, 3 or 8.

The Council has a number of statutory duties and powers to individuals under various pieces of legislation to assess individual needs and then to provide appropriate care, support and accommodation for the eligible needs.

The Care Act 2014 provides an updated legal framework for care and support and introduces a number of new rights, responsibilities and processes. All Local Authorities are now in the transition phase with parts of the Act coming into force in April 2015. When carrying out new assessment or when re-assessing individuals, the needs assessment must be carried out in line with the Care Act 2014. It would also be best practice when assessing the impact on carer's to ensure this is done in compliance with the 2014 Act.

Other Legal Implications:

31. If residents are moved from Woodside Lodge against their will, this is likely to constitute a prima facie breach of their rights under Article 8(1) of the European Convention on Human Rights. The question is therefore whether such a breach is justified and proportionate under Article 8(2). The general economic situation outlined in paragraphs 18 and 19 and the strategic direction to support alternatives to residential care outlined in paragraph 20 need to be weighed against the impact on individual residents. It is likely that any breach will be justified and proportionate, but this judgement will need to be informed by the individual reviews of residents' needs, outlined in paragraph 21.

There is a legal requirement to consult with staff where redundancies are contemplated. The 45 day consultation referred to earlier in this report will meet this requirement.

POLICY FRAMEWORK IMPLICATIONS

32. These proposals are aligned to the following priorities set out in the Council Strategy 2014-2017:
- Prevention and early intervention
 - Protecting vulnerable people
 - A sustainable council

KEY DECISION? Yes/~~No~~

WARDS/COMMUNITIES AFFECTED: ALL

SUPPORTING DOCUMENTATION

Appendices

1. Summary of Consultation Responses
2. Equality and Safety Impact Assessment

Documents In Members' Rooms

1. Record of all of the Consultation Meetings

Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out. Yes/~~No~~

Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at: Herbert Collins House, 5 Northleigh Corner, Wide Lane, Southampton, SO18 2HR

- | Title of Background Paper(s) | Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable) |
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| 1. Adult Social Care Provider Services – Cabinet Report dated 15 July 2014 (Seeking approval for a public consultation on the future of Woodside Lodge). | |