

WEST NORTHAMPTONSHIRE COUNCIL CABINET

16TH JANUARY 2024

CABINET MEMBER FOR ADULT SOCIAL CARE & PUBLIC HEALTH – COUNCILLOR MATT GOLBY

Report Title **The closure of Ridgway House, Towcester**

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Appendix A – Consultation Report

Appendix B – Equality Impact Assessment – Residents (contact Democratic Services for a copy)

Appendix C – Equality Impact Assessment - Staff (contact Democratic Services for a copy)

1. Purpose of Report

- 1.1 Cabinet is asked to support the proposal to close Ridgway House, a council owned residential care home based in Towcester, as the design and layout of the home means it has become unable to meet the increasingly complex needs of people requiring residential care and support

- 1.2 A decision to close the home would result in the commencement of a safe closure programme which would support the movement of residents into alternative accommodation and work with staff on an individual basis around their employment options.

2. Executive Summary

- 2.1 Ridgway House in Towcester has 25 rooms and, as of the date of this report, 17 people resident at the home. The home has an allocation of 17.27 care staff to support full occupancy and currently 3.08 fte care vacancies with agency staff and overtime used to maintain safe staffing levels.
- 2.2 The top floor of the building cannot be used because of health and safety risks, in addition to this the environment does not support the safe care of high needs residents.
- 2.3 The service has the lowest occupancy across the three homes and has an overall inspection rating as “requires improvement” with the last inspection published 1st November 2022.
- 2.4 Infection Control audits carried out by the Care Quality Commission (CQC) have highlighted challenges with the environment and insufficient facilities to offer personal care to customers. None of the rooms have ensuite facilities and require up to 8 people to share bathrooms reducing the ability of staff in the home to support people’s dignity and respect.
- 2.5 There are longstanding and considerable difficulties in the recruitment and retention of staff across all three of the internal care homes, including Ridgway House, as well as the two additional homes which form part of a PFI agreement, Turn Furlong and Longlands. The recent pay increases put in place by Council for front line workers and ongoing recruitment initiatives have meant that the workforce numbers have remained stable. However, this activity has not provided the increase in numbers that are required to deliver a full staffing establishment meaning the home is unable to utilise its full bed capacity. There remains a considerable high dependency on agency staff to support the safe staffing levels in the home.
- 2.6 The building is over 40 years old and whilst it would have been compliant at the time of build it would not meet today’s CQC accessibility of facility requirements for new-build care homes due to the lack of ensuite facilities and reduced accessibility for wheelchairs/hoists. Added to this, there is insufficient space for the environment to be improved or increased in size. The home requires increasing intervention just to maintain it as a safe environment. A condition survey in 2020 highlighted that to maintain the home at just a basic habitable standard would require a minimum investment of approximately £1 million over the next 10 years.
- 2.7 The number of people who need registered care home provision in what is now West Northamptonshire has remained at a consistent level through the transition from Northamptonshire County Council to West Northants Council. However, the needs of people in registered care homes are now more complex with an increasing number of people requiring nursing care rather than the residential care which Ridgway House is registered to deliver. Whilst the work force is skilled and able to meet these more complex needs the environment and building limits the ability to meet these high needs or vary the CQC registration.

- 2.8 Following a consultation process which sought feedback from key stakeholders to gain an understanding of their experience of Ridgway House, their priorities on options to influence future service design, and to ascertain how best to mitigate impact of proposals the recommendations outlined in section 3 of this report have been put forward.

3. Recommendations

It is recommended that the Cabinet:

- a) Consider the outcome of the public consultation exercise on the future options for Ridgway House.
- b) Approve the commencement of a safe closure programme with immediate effect, which will support residents to move to alternative residential care accommodation within the area.
- c) Approve the commencement of formal consultation with affected staff members on their redeployment into other council services in accordance with established HR policies and processes.

4. Reason for Recommendations

4.1 The recommendations seek:

- a) To enable the Council to prevent Ridgway House becoming both unsustainable and unsafe to the point that there is risk to the wellbeing of the care homes residents.
- b) To ensure that residents receive the high quality of care in a setting that is suitable and meets both their needs and the needs of future residents.
- c) To ensure the Council is able to deliver best use of its available adult social care budgets in meeting its statutory duties.

5. Report Background

- 5.1 The Care Act 2014 places a statutory duty on West Northamptonshire Council to provide care and support to people that have assessed and eligible social care needs alongside responsibilities to ensure a sufficient supply of residential and nursing care services through effective market development activities. It is important to note that the Care Act also requires the Authority to offer choice so that people have reasonable options in the type and location of care they need when this is arranged and paid for by the Council.
- 5.2 The Council's strategic objective, through the existing Adult Social Care Transformation Programme, is to support people to live independently within the community for as long as possible. Whilst there are a broad range of services to fulfil this objective, including home care and extra care housing, there are a number of people whose care and support needs are such that long-term residential and nursing care services are required.

- 5.3 Permanent residential and nursing care is only considered for those with the most complex needs that cannot be supported within alternative care settings such as home care or independent living with on-site care through extra care housing schemes.
- 5.4 Typically needs may include frailty and mobility, advanced dementia, highly complex physical care needs around physical disability or the requirement for on-site nursing support, and in a number of cases all of these combined. In line with national trends, there is an increasing need for more complex care within residential and nursing settings. This is partly related to national demographic changes associated with an ageing population living longer with ongoing care needs but also the positive impact of social care strategy to increase the number of people remaining independent at home for longer with more complex conditions, which can mean that when they need residential or nursing care a greater intensity of care and support is required.
- 5.5 WNC, along with most other local authorities, supported the care home sector with covid grant funding, including the workforce development fund during the pandemic. Despite increased levels of demand the additional grant funding during the pandemic did support short term sustainability in the care home sector. Post pandemic the enhanced levels of demand linked to the NHS recovery plan and the associated high Discharge to Assess (D2A) activity combined with a slowdown in ability to recruit care workers has led to a more unstable care home market in many parts of the UK including West Northamptonshire.
- 5.6 Across WNC there is a total supply of 2787 bed places for all forms of residential and nursing care services across 107 Care Quality Commission (CQC) registered care homes. These include the 5 homes provided/run by the Council which account for 235 of overall bed places

Fair Cost of Care (FCoC)

- 5.7 In recognition of the imminent Adult Social Care Reforms (Proposed reforms to adult social care including cap on care costs) - House of Commons Library (parliament.uk) WNC, alongside several other East Midlands local authorities, commissioned the services of Care Analytics , a specialist in the financial analysis of care markets and the cost of care, to undertake a 'Fair Cost of Care' (FCoC) detailed cost analysis exercise.
- 5.8 All providers operating in the care home market within the area of the local authority were sent a detailed survey designed to capture the necessary operational and contextual detail to draw out the inherent costs of delivering care in the local market.
- 5.9 In compliance with the latest language contained within the guidance and resulting grant conditions for additional funding, WNC is committed only to "moving towards" the calculated FCoC rates (including any future inflationary uplift as negotiated). Guidance is published on the Government: [Market Sustainability and Fair Cost of Care Fund 2022 to 2023: guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/market-sustainability-and-fair-cost-of-care-fund-2022-to-2023-guidance)
- 5.10 The Council's Fair Cost of Care Rates applicable to Ridgway House is £861 per week for 2023/2024. As a result of the issues detailed within this paper and the resulting impact on occupancy Ridgway House is currently operating at a rate of £1,474 per week, significantly in excess of the Council's established rate. This presents a significant challenge for the Council

where it is cost of delivering care is significantly higher than the cost it is commissioning care from the independent sector.

Public consultation

- 5.11 A 28-day public consultation on the future options for Ridgway House took place between 23rd October 2023 and 19th November 2023.
- 5.12 The consultation was conducted by the Adult Social Care Team, with support from the Council's Communications Team, who carried out the consultation in compliance with WNC's Consultation and Engagement Policy and Standard of Required Practice. The consultation was designed to gather stakeholder feedback on the experience of life in Ridgway House, to gain an understanding of future aspirations and priorities on options to influence future service design, and ascertain how best to mitigate impact of proposals.
- 5.13 Identified stakeholders included: residents, residents' family carers, WNC employees, Councillors, local health partners and interested members of the public. Due to the breadth of potential stakeholders a questionnaire was devised to capture feedback.
- 5.14 To ensure those affected were informed, meetings were held with the affected staff group, residents and family members to explain the reasons for consultation, the process that would be followed and answer any questions they may have. All parties were also offered the opportunity of a 1:1 meeting to discuss the consultation further or receive support submitting their responses.
- 5.15 An online version of the questionnaire and details of the consultation was made available on a dedicated internet page on WNC's consultation hub. The online questionnaire was open to all but also enabled respondents who were residents and/or their family carers to answer specific questions about their experience of the care provided within Ridgway House.
- 5.16 A total of 187 people responded to the consultation via a full completion of the questionnaire, 181 of which were completed online, with:
 - 12% of responses coming from staff
 - 12% of responses coming from residents and their families
 - 63% of responses coming from interested members of the public
 - 13% coming from other stakeholders such as Councillors and other professionals.
- 5.17 All responses from the people who have experienced life at Ridgway House commented on how satisfied they were as a result of the quality of care they receive.
- 5.18 The top aspects of a good quality care home identified by respondents were:
 - People being treated with respect and dignity.
 - Feeling safe
 - Staff being helpful and caring.
 - The quality of food and drink available

- Having privacy when wanted

5.19 Respondents were all asked to consider two proposed options, as outlined in section 6 of this report, to gain an understanding of future aspirations and priorities on options to influence future service design and ascertain how best to mitigate impact of proposals.

5.20 When asked questions about the two proposed approaches to the future of Ridgway House, the responses were:

- **Approach 1 – No change:** There was a slight preference towards agreement with this proposal, with the strongest preference coming from residents and their families; the most frequent reason cited for this was to avoid disruption for the residents and for them to remain close to their families. However, there was a general recognition across respondents whether they agreed or disagreed with this option that the facilities in the home need to improve.
- **Approach 2 – Safe closure programme:** Responses from all groups of respondents showed a preference towards disagreeing with this as an option; this was on the basis that it would cause disruption for residents, families and staff, and also because there is a lack of alternative care provision in the Towcester area. Again however there was a general consensus from responders that facilities within the home need to improve to support the people living there in future.

5.21 Whilst a significant number of respondents disagreed with the recommended option of implementing a safe closure programme, there was a general consensus that the facilities in the building needed to be improved, however, unfortunately there is no way of achieving the level of improvement required without closing the home. The reasons for disagreement with the closure programme focused on the potential disruption this would cause for residents and the need to keep residents close to their families and friends in the Towcester area, both of which are issues that can be managed within the closure programme.

6. Issues and Choices

6.1 No change: To make no change to the existing facilities would mean that occupancy levels would continue to decline and the service difficulty in providing safe staffing levels is only likely to increase. The condition of the buildings is likely to result in further practical challenges and it is likely that residents would need to be moved to alternate provision at either a time when there needs can no longer be managed within the home or at a point of crisis.

6.2 Safe closure programme: A programme of safe closure would involve stopping new admissions to the service and recruitment to any staff vacancies within the home. Residents' care and support needs would be reviewed and we would work with them and their families to identify alternative arrangements for their care. The closure would be managed in accordance with Managing Care Home Closures Good Practice Guide and management Checklist approved by the CQC. For the affected staff group we would engage the council's appropriate HR policies and

undertake a process of redeployment of staff into our other care settings, with redundancy only where unavoidable. As far as possible we would seek to resettle people with the redeployed staff into Council delivered homes to support continuity of care and maintain friendship groups as far as possible.

7. Implications

7.1 Resources and Financial

7.1.1 Closure of Ridgway House would result in a saving of £1.377m which is the current operating budget of the home. Of the total saving approximately £120,000 will be realised when the building is demolished, disposed of or repurposed as this budget will need to be set aside for building related costs incurred following closure of the home. There may be a consequential impact on the Independent Care budget in Adult Social Care should residents in Ridgway House choose to be placed in a residential care home within the independent care sector. It will not be possible to quantify this impact until residents have been supported through the process of finding a suitable alternative care provision.

7.1.2 The Council will seek as far as possible to redeploy affected staff into alternative roles in line with the existing HR policies and procedures that are in place.

7.1.3 Separate decisions would be taken on the use of the site for WNC services or its disposal if closure is approved. Due to its condition and reasons for closure reuse of the current building in this form is not viable and there is a likelihood that demolition costs would be incurred, but these should be offset by the value of re-use or disposal of the site.

7.2 Legal

7.2.1 The Council has a statutory duty to provide care and support for people who meet the eligibility criteria as set out in the Care Act 2014 and supporting legislative framework. This duty sits alongside both Council and NHS strategies and plans. The Council's statutory duty extends to the provision or arrangement of services that could help prevent people developing needs for care and support or delay people deteriorating such that they would need ongoing care and support.

7.2.2 The Council may meet that duty by providing the care and support itself or by arranging for a person other than it to provide a service. The legislation anticipates that needs for care and support can be met in a variety of ways, including Council- funded long-term care and support packages, i.e., community care, residential and nursing care and the provision of homecare.

7.2.3 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. The consultation should satisfy the following: (i) be at a time when proposals are still at a formative stage; (ii) sufficient reasons must be given for any proposal so as to enable intelligent consideration and response and (iii) adequate time must be given for consideration and response. Details of the consultation and its results are set out in paragraphs 4.11 to 4.21 above and Appendix A.

7.2.4 When making a decision as to changes in service provision the Council must comply with the requirements of the Equality Act 2010 and in particular section 149 of the Public-Sector Equality Duty (“PSED”). Cabinet must also take this into account when making a decision on the future of Ridgway House. The PSED is set out in section 149 of the Equality Act 2010 (“the Act”) and provides that the Council is to have due regard to the need to advance equality of opportunity by removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and by taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The protected characteristics to which the PSED applies include age as well as the characteristics covered by the previous equalities legislation applicable to public authorities (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex). In relation to Ridgway House the Council has not identified any protected groups on whom there is a potential impact caused by a potential closure of Ridgway House.

7.2.5 Cabinet should be aware that a decision to close a care home may engage a residents Human Rights under Article 8 of the European Convention - the right to respect for one's private and family life, his home and his correspondence, if the resident is forced to move against their will. Public authorities may only interfere with Article 8 rights where this is in accordance with the law and is necessary in a democratic society. This can include consideration of the economic well-being of the country. For a public authority this would include decisions in the best interests of its residents. The Convention recognises that there are situations where a public authority is allowed to decide what is in the best interests of its citizens and may therefore restrict individual rights in the interests of the wider community. Cabinet should therefore consider whether such a breach is justified and proportionate under Article 8(2). This means weighing up the strategic direction to support alternative residential care or alternative housing against the impact on individual residents. To minimise any potential breach of Article 2 (Right to life) Article 3 (Right to be free from degrading treatment) or Article 8 (Right to family life) as a result of the relocation of residents best practice should apply, including the assessment of individual needs under the Care Act 2014 and then to provide appropriate care and support of those assessed eligible needs.

7.3 Risk

7.3.1 Risk(s) associated with the proposal:

Risk	Mitigation	Residual Risk
The movement of residents into a new care setting has a detrimental impact on their health and wellbeing.	All residents will be supported to find a new home which is suitable to meet their needs. For residents moving into any of the councils other internal care homes, as far as possible we will support people to move with friendship groups and staff who have been supporting them during their time at Ridgway House.	Amber
Staff start to leave the service once the safe closure programme	Agency staffing will need to be utilised to ensure that the home continues to operate with a safe staffing level that can provide the	Amber

begins resulting in an inability to ensure safe staffing.	required level of care and support for the remaining residents.	
Building issues arise during the programme.	Building maintenance will continue with regular condition reports will be updated to ensure that the programme is informed	Amber
The refusal of residents/families to relocate to alternative accommodation	The council would need to follow the necessary legal processes available to authorise the conveyance of residents to alternative accommodation	Amber
It proves difficult to dispose of or find a suitable new use for the building or site, resulting in an extended period of holding costs.	The council will engage in its established process for determining the future use of its buildings at the point of decision to align any future use with the date of the home closing to minimise any period of time for which the building will be left unused.	Amber

7.3.2 Risk(s) associated with not undertaking the proposal

Risk	Mitigation	Residual Risk
The occupancy at the care home continues to decline to a level which makes it unsustainable.	Staffing levels will need to be adjusted according to the number of residents who reside in the home. Residents may need to be relocated in the home to ensure they can be supported at the same time with a reduced number of staff.	Amber
Further buildings issues arise which require residents to either be relocated within the home or temporarily relocated elsewhere	Building maintenance will continue to monitor the condition of the building and carry out essential maintenance as required. Plans will be developed in conjunction with Health & Safety and Resilience colleagues to ensure plans are in place to support the safe movement of residents should the need arise.	Red

7.4 Consultation and Communications

7.4.1 As outlined in section 5 of this report a public consultation has been undertaken to gather stakeholder feedback on the experience of life in Ridgway House, to gain an understanding of future aspirations and priorities on options to influence future service design and ascertain how best to mitigate impact of proposals. A copy of the full report outlining the details and results of this consultation can be found at appendix A of this report.

7.5 **Consideration by Overview and Scrutiny**

7.5.1 No comments received.

7.6 **Climate Impact**

7.6.1 The existing building is not designed or constructed to meet modern standards of insulation and airtightness. Removing it from the Council's estate would support progress towards the Council's 2030 net zero operations goal. Conversely, it does represent a significant amount of embedded carbon. Therefore, as part of considering options for the future of the site these factors would be taken into account.

7.7 **Community Impact**

7.7.1 The vacant site would have the potential for anti-social behaviour and criminal activity including fire-setting. Therefore security arrangements will be put in place until the site is disposed of or put to a new use. The costs of these are reflected in the savings mentioned in 7.1.1.

8. **Background Papers**

None