

**Committee Name and Date of Committee Meeting**

Cabinet – 16 August 2021

**Report Title**

The Location of Parkhill Lodge Residential Service

**Is this a Key Decision and has it been included on the Forward Plan?**

Yes

**Strategic Director Approving Submission of the Report**

Anne Marie Lubanski, Strategic Director of Adult Care, Housing and Public Health

**Report Author(s)**

Ian Spicer, Assistant Director of Adult Care and Integration

[ian.spicer@rotherham.gov.uk](mailto:ian.spicer@rotherham.gov.uk)

**Ward(s) Affected**

Borough-Wide

**Report Summary**

This report provides an update on the delivery of the Parkhill Lodge Residential care service which moved to Lord Hardy Court residential care home on the 22<sup>nd</sup> October 2020 because of the additional risks posed by the COVID pandemic. This was due to the layout and facilities of the building resulting in the inability to safely meet infection control requirements at Parkhill Lodge.

- The proposal is that the Council continues to provide the Parkhill residential service from Lord Hardy Court in the medium term due to the ongoing COVID infection control risks and overall condition of the building. Further options for the service will be part of a wider transformation proposal later in the year.
- A formal consultation exercise lasting 6 weeks will be undertaken to determine the wishes of those who have support from the service and their families, carers and advocates as regards to continuing to locate the service at Lord Hardy Court.

## **Recommendations**

1. That Cabinet agree to a six week consultation with service users and their families on the proposal to continue to provide the Parkhill residential service from Lord Hardy Court in the medium term, due to the ongoing COVID infection control risks and overall condition of the building.
2. That the outcome of the consultation and any subsequent recommendations be brought back to Cabinet in November 2021.

## **List of Appendices Included**

- Appendix 1 – Overview of Parkhill lodge site
- Appendix 2 – Part A Equality Screening
- Appendix 3 – Part B Equality Screening
- Appendix 4 – Carbon Impact Assessment

## **Background Papers**

<https://www.gov.uk/government/publications/covid-19-decontamination-in-non-healthcare-settings/covid-19-decontamination-in-non-healthcare-settings>

- Appendix 5 Covid 19 guidance and interpretation/ consideration of needs in relation to Parkhill lodge relating to Infection Prevention and Control.
- Appendix 6 Risk assessment - Infection Control
- Appendix 7 Building – Health & Safety Report

## **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

## **Council Approval Required**

No

## **Exempt from the Press and Public**

No

## The Location of Parkhill Lodge Residential Service

### 1. Background

1.1 Parkhill Lodge is a residential care home for adults with a Learning Disability situated in Maltby, originally built as a Hostel to provide temporary accommodation.

The key features of the building are:

- It can provide support for up to 22 people and was built in 1976 as a Hostel for people with a learning disability
- The service was rated as “Good” in 2018 by CQC and considered to be “Safe, effective, caring, responsive”.

1.2 On 22<sup>nd</sup> October 2020, a significant Covid-19 outbreak occurred at Parkhill Lodge. 12 Residents were infected and positive tests in the staff team led to staff having to isolate, rendering the service unsafe.

1.3 The building design and layout was unsuitable to safely care for the number of residents who tested positive and prevent further transmission. This was compounded by unsafe staffing levels due to the levels of infection.

1.4 A strategic management decision was made to urgently move the residents to an empty pavilion at Lord Hardy Court on the grounds of limiting the spread of infection, health and safety and to ensure that the service continued, as otherwise the residents may have been accommodated across a range of provision resulting in their separation to keep them safe.

1.5 This decision was endorsed by the formal Incident Management Meetings (IMTs) process which was part of the Covid Response to all outbreaks.

1.6 Staff, residents, and families were informed that the initial stay at Lord Hardy Court would be until the end December 2020 to ensure adequate closure time for the outbreak infection risk to subside.

1.7 As the country subsequently went into a national lockdown a further decision was made to extend this period. It was not in the best interests of staff or residents to return to the Parkhill Lodge building and risk a further outbreak and/or requirement to move again due to infection prevention and control measures not being adequate. On 14<sup>th</sup> January 2021, a letter was sent to relatives, and residents and staff were informed of this and that no further decision would be made until the national lockdown came to an end.

1.8 As the government has published its roadmap to ease lockdown restrictions in England, the Council is now able to review the decision for people from Parkhill to temporarily reside at Lord Hardy Court.

1.9 In May 2018, Cabinet approved the vision and strategy for people with a learning disability. As Adult Care is currently in the process of the transformation of services and support for people with a learning disability in

line with the learning disability vision *My Front Door and* learning from the consultation with people and families conducted in 2018, any new decision made will only relate to the medium term.

1.10 This is the first time the building has been empty which has enabled the Council to carry out a thorough survey of the site without disturbing existing residents. The proposal to continue provision of the service at Lord Hardy Court pending the outcome of the consultation, would allow for future service and building design to be developed and consulted upon.

1.11 It is important to note that in May 2018 Cabinet agreed the vision for Rotherham's Learning Disability Services following consultation. Since then, the Council has been working to a range of key objectives. The Council:

- Will provide high quality care and support to people with a learning disability and their families.
- Will actively promote people's wellbeing, helping them have a good life and be as independent, healthy and well as possible.
- Will be more diverse so all people with a learning disability in Rotherham, whatever their age, background, or level of need, will have more choice in their support.
- Will move away from traditional building based or institutional form of support and will focus on support, which is personalised, flexible and meets people's individual needs.
- Will help people work together and pool their personal funds so they can share their support and sustain meaningful and rewarding relationships.
- Will provide the best value for the people of Rotherham.

Any decisions or outcomes by the Council regarding people with a learning disability will adhere to these principles.

## 2. **Key Issues**

### 2.1 **Impact of Covid-19**

Covid-19 has presented challenges to Parkhill residents in that the layout and facilities of the service prevents the necessary preventative infection measures from being fully effective. This is partly due to small bedrooms and shared toilet and bathroom facilities by way of example. Following an outbreak of Covid-19 in October 2020 all seventeen residents were temporarily moved to Lord Hardy Court a Council run residential care home in Rawmarsh. Following the initial move a more detailed study by Health & Safety was undertaken on the 25<sup>th</sup> February 2021 (See appendix 3). The key findings of the Infection Control report and aligned risk assessment are listed below:

- Lack of ventilation, particularly on corridors poses a high risk to limit and control the spread of infections.
- Due to the nature of the building and shared living spaces within the home the service cannot protect service users who have not been exposed to Covid 19 and any other airborne virus.

- People with learning disabilities may be at greater risk of infection because of other health conditions or routines and/or behaviours.
- The building does not have any en-suite facilities. These are essential for personal hygiene and to prevent and limit the spread of infections.
- The roll out of the COVID-19 vaccination programme has reduced the potential impact of residents and staff members suffering from COVID-19. If a decision was made for residents and staff to return to the building this could not happen until second vaccinations have taken place and government guidance re vaccinations for care home workers implemented and all visitors.
- Parkhill Lodge does not have the facilities to isolate residents who have tested COVID-19 positive. This is a key required component of the Government's four pillar approach to controlling the spread of infection.
- Communal areas in the building would have to be utilised differently and keep the usage of shared areas/space limited to prevent overcrowding and safely accommodate everyone. These recommendations can only be implemented with the additional staffing resource.
- The current Parkhill Lodge staffing complement would not be adequate to support the safe return of residents to the building and achieve effective infection control. Additional staffing resources would be required prior to residents returning. This includes, care assistants, night staff, cooks and domestics and totals 335 additional hours per week.

## 2.2 Engagement with People from Parkhill

Regular meetings are held to keep people up to date and find out how people are feeling about living at Lord Hardy Court rather than at Parkhill Lodge. Some residents have consistently expressed a view that they would like to remain at Lord Hardy Court, some people have expressed a preference to return to Parkhill Lodge, one of whom has since moved out into their own accommodation, and the remaining people did not have a preference.

2.2.1 There were concerns raised linked to Covid-19 lockdown restrictions e.g. limited activities/access to the community, rather than the physical environment and care and support provided.

### 2.2.2 What do people prefer about Lord Hardy Court?

- Really enjoy the food
- Like to be active in the building and supporting meal preparation.
- Enjoy having their own ensuite bathrooms
- Enjoying using their own rooms as now have more space

Everyone was able to say they felt safe.

### 2.2.3 What would residents like to change?

People would like to have more activities, especially outside. This has been compounded by the fact that at the time they had not returned to day services due to Covid restrictions.

- 2.2.4 People have been returning to day services since April 2021 and this will ensure greater staffing capacity to provide a wider range of activities for those residents who do not attend day services.
- 2.2.5 In addition, two staff from day services have been allocated to visit LHC twice weekly specifically to support activities. The choice and range of activities will widen as the Council progress through the Governments recovery roadmap.
- 2.2.6 One person who was missing her 'Flat' at Parkhill and that she likes to do her own washing and ironing, staff are now supporting and encouraging these activities to promote further independence.
- 2.2.7 There is access to outdoors and people outside for by staff if required, anytime as they wish, all the bedrooms have windows that can be opened and the residents of PHL have the use of the sun lounge, This has two double glass doors that open up onto a decked area.

## 2.3 **Building Challenges**

The Parkhill building is ostensibly in good condition however, there are the following considerations.

- Outdated building not offering a lifestyle attractive to younger adults, with many shared bathrooms.
- Small bedrooms – limiting space for personal possessions
- Needs an estimated £189,000 to be spent within the next 5 years on updating the heating system and replacing rotten timberwork.
- Materials containing asbestos are present. This limits safe and ready access for ongoing maintenance. Removing and replacing the asbestos would require temporary closure.
- Concrete frame, structural walls and shallow floorplan severely limits the scope for extensive re-design work.
- Complete modernisation would necessitate a re-build which would take a minimum of 18 months and may not offer value for money as it would not be able to accommodate the same level of residents. A 22 bedded service model would not be deemed permissible under current CQC regulations as does not fit the national direction of smaller more personalised accommodation.

## 2.4 **Consultation**

### 2.4.1 **Consultation must take place at a time when the proposal is still at a formulative stage.**

There is no definite decision to close Parkhill and that there is a need to move to a formal decision. With the need to plan for the future and following receipt of various reports from building management and public health the Council is now at a stage of needing to formulate a decision and as such it is now correct to go out to the people from Parkhill, family, carers and advocates and consult

about the closure of the site.

#### **2.4.2 Must give sufficient reasons for any proposal to permit intelligent consideration and response.**

The reasons for closure of the site are clear and the reasons centre around building construction and ability of the building to be Covid secure. Therefore, there is the need to set out that consideration is now being given to close Parkhill.

#### **2.4.3 Adequate time for consideration and response**

The consultation does not need to be an LD service wide consultation and can be limited to the residents, immediate family and carers who have an immediate connection. This approach is endorsed by the decision of LH v Shropshire CC 2014. The actual length of consultation is up to the LA. In light of the some of the earlier work that has been done with existing residents a consultation period of 6 weeks is proposed and reasonable. The consultation will be targeted, and every person affected must be given a specific pack setting out relevant information as to why the LA states the building has to close. Information will be given in an accessible format for each person such as 'easy read'.

#### **2.4.4 The outcome of the consultation must be considered when finalising a decision**

There will be a record of and signed for packs for decision makers detailing that they have received all the information gathered in the consultation exercise. This will cover negative views and mitigation steps in relevant cases.

### **2.5 Advocacy**

The Council contracts with advocacy services and peer led organisations. As appropriate the Council will use these services to develop and produce accessible information and ensure that support with co-production and self-advocacy is available to the Council whilst future services are in development.

## **3. Options considered and recommended proposal**

### **3.1 Parkhill Lodge**

The residents at Parkhill Lodge are now residing at Lord Hardy Court and a decision is required on the continued service location. The following options are:

#### **3.2 Option 1. Relocate back to Parkhill Lodge.**

- This presents major health and safety concerns due to requirements to mitigate the impact of Covid-19 being limited within the existing building.
- The building contains asbestos, has challenges with the heating system, design and contains only shared bathrooms.

- The model does not fit with current CQC regulations for new services

3.3 Option 2. Parkhill Lodge remains closed and the service continues to be provided at Lord Hardy Court whilst a consultation exercise is completed with those effected on continuing to locate the service in the medium term at Lord Hardy Court.

- This option would require the Council to continue to support 16 people at Lord Hardy Court which it has the capacity to do.
- The Parkhill staff team would continue to work at Lord Hardy Court, and they would need to be consulted with.

3.4

Option	Positives	Negatives
<p><b>Option 1</b> Return to Parkhill Lodge</p>	<ul style="list-style-type: none"> <li>• This has been 'home' for many years, is familiar and a comfort zone</li> <li>• Some residents go out independently and are familiar with the local area</li> <li>• Two residents have stated they want to return</li> <li>• Located nearer to where staff live</li> <li>• Residents feel safe</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of ventilation poses a high risk to infection prevention and control</li> <li>• Building design and layout not suitable to manage/prevent spread of infection.</li> <li>• Small rooms</li> <li>• No ensuite facilities</li> <li>• Small communal areas</li> <li>• No facility to self-isolate/segregate in accordance with Govt four pillar approach, if an outbreak occurred likelihood that residents and staff would be required to leave the building and reside somewhere more suitable to stop the spread of the virus</li> <li>• Staffing levels not adequate to safely care for residents in a Covid safe manner within the building</li> <li>• Building improvements have been recommended prior to the building being reoccupied. This has both cost and time implications</li> </ul>
<p><b>Option 2</b> Remain at Lord Hardy Court for the medium term</p>	<ul style="list-style-type: none"> <li>• The building is an infection prevention and control safe environment for both residents and staff</li> </ul>	<ul style="list-style-type: none"> <li>• Residents do not perceive Lord Hardy Court as 'home'</li> <li>• Main entrance has a security system which</li> </ul>

	<ul style="list-style-type: none"> <li>• Residents feel safe</li> <li>• Three residents would prefer to remain at Lord Hardy Court</li> <li>• Ensuite and modern facilities to support personal hygiene</li> <li>• On site management support 5 days per week</li> <li>• Good ventilation</li> <li>• More spacious environment</li> <li>• Large communal spaces</li> <li>• Facilities for residents to self-isolate if required</li> <li>• Overall larger staff compliment to support Covid safe working practices</li> <li>• Building better supports compliance with duty of care obligations (care facilities and environment, safety and wellbeing)</li> </ul>	<p>cannot be removed due to the safety of dementia clients who also reside at Lord Hardy Court. Parkhill Lodge residents are free to leave at any time but may need to ask for assistance with the key pad</p> <ul style="list-style-type: none"> <li>• Internal doors to and from dining area are heavy and some have keypads therefore it can take longer to move residents around the building</li> </ul>
--	--	--

#### 4 Consultation on Proposal

4.1 To facilitate the recommendations made in sections 3.1 of the report regarding the future of the Parkhill Lodge service locations, the Council will need to conduct a 6-week consultation exercise. The principles and approach to the proposed consultation are outlined below. The consultation should:

- Be clear, concise, be easy to understand and easy to answer
- Be informative, give enough information to ensure that those consulted understand the issues and can give informed responses
- Include validated impact assessments of the costs and benefits of the options being considered when possible
- Be targeted and so consider the full range of people, business and voluntary bodies affected by the policy
- Consider how to tailor consultation to the needs and preferences of people using the services, their families and carers

4.2 The results of the Consultation would help inform the immediate wishes of the

individuals most effected and enable the Council to begin to develop any future service proposals for further consultation.

4.3 Legal considerations pertaining to the consultation process proposed are addressed in section 7 of the report.

4.4 Cabinet approves the delivery of a 6-week consultation exercise as described to inform the ongoing location of the Parkhill Residential service.

## 5. **Timetable and Accountability for Implementing this Decision**

5.1 The outcome of the consultation for a decision will be reported back to Cabinet in November.

## 6. **Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

### 6.1 **Financial Implications**

There is sufficient budget for the continued provision of the Parkhill Service at Lord Hardy Court. The financial implications for any long-term proposals will depend on the outcome of the consultation and is subject to a future report.

### 6.2 **Procurement Implications**

There are no direct procurement implications arising from the recommendations detailed in this report.

## 7. **Legal Advice and Implications**

7.1 The advice below relates to the Council undertaking a Consultation Exercise specific to Parkhill Lodge and to help determine the future of the Parkhill Lodge services:

### 7.2 **Consultation**

The Gunning Principle consist of four rules, which if followed, are designed to make consultation fair and a worthwhile exercise:

1. That consultation must be at a time when proposals are still at a formative stage.
2. That the proposer must give sufficient reasons for any proposal to permit of intelligent consideration and response.
3. That adequate time is given for consideration and response; and
4. That the product of consultation is conscientiously taken into account when finalising the decision.

7.2.1 There are two further points of law that the Council must also follow, and these will be particularly relevant in the Parkhill Lodge consultation given that the customers using the service will have varying degrees of cognitive impairment

as they will have a diagnosis of a Learning Disability or Autism: -

5. The degree of specificity with which the Council should conduct the consultation exercise may be influenced by the identity of those whom it is consulting; and
6. The demands of fairness are likely to be higher when an authority contemplates depriving someone of an existing benefit or advantage than when the claimant is a bare applicant for a future benefit.

### **7.3 Timings and Reporting**

The standard minimum time-period for a consultation exercise is around 12 weeks however there is flexibility around this with Government guidance emphasising a proportionate and targeted approach. It is up to the Council to decide what a 'proportionate amount of time' is but consulting too quickly may not give enough time for consideration and will reduce the quality of responses, so there is a danger that the Council would breach Gunning 3 above.

7.3.1 The recommendation of a 6-week consultation is because: 1) Number of residents is 16, 2) That each resident will be provided with an individual easy read pack and will be supported by an advocate to provide their response to this consultation exercise, 3) That immediate family will also be provided with a consultation documentation and 6 weeks gives them sufficient time to consider and respond to the documents provided.

7.3.2 It is also worth noting that if the consultation period falls over a holiday, then consideration should be given to a longer consultation for allow for time when people may be away and not have had the opportunity to respond.

### **7.4 Learning from the previous Consultation**

Challenges were made based on the scope of the questions asked, options presented, and the final report. A challenge was also raised regarding PSED - Public Sector Equality Duty – grounds. In essence this required that the Council should be clear from the consultation process that the Cabinet were both aware of the duty and paid due regard to the potential impact of the proposals under consideration upon those with protected characteristics and if so, on the basis of what material (report pack).

7.4.1 None of the challenges were upheld by a judge partly due to the rigour of the approach and use of independent help – Speak Up and Accepe. The Judges summing up provides a good marker as to what can strengthen the legality of any consultation and any council led exercise will need to be mindful of them.

7.4.2 A full Equality Analysis ("EA") must be completed as part of the overall consultation process and be included in the final decision report. In addition, any report must be published no later than 12 weeks after the end of the exercise.

## **8. Human Resources Advice and Implications**

8.1 The staffing establishment supporting the current Learning Disability service model will need to be reviewed in line with the transformation of the service. As such a robust consultation will need to commence with all affected employees as per Council policy on restructure and change management.

## 9. **Implications for Children and Young People and Vulnerable Adults**

9.1 The new delivery models for Learning Disability and Autism services outlined in this report, and the co-produced service specifications (including for Physical Disability services and Mental Ill-health), will improve the service offer for all the adult cohorts supported by the Council. The proposals contained within this report support positive steps to meet objectives in the Council Plan to develop alternatives to traditional care, maximise independence and stimulate the market requirement in terms of the Joint Health and Wellbeing Strategy (Priority 2 - Promoting independence and self-management and increasing independence of care for all people).

9.2 Young People who are in Rotherham's Preparing for Adulthood Cohort are in scope, though the impacts of the proposed changes will be for people aged 18 and over. The Strategic Preparing for Adulthood Planning Group will oversee the new delivery models, and this will ensure better outcomes for young people who have SEND, mental health, physical and complex needs.

9.3 For all young people to:

- Grow up prepared for the future.
- Have improved health and wellbeing.
- Be able to exercise control over the support they receive.
- Be able to receive support locally from a range of services that everyone values.
- For all young people to have an opportunity have their own 'front door' - Ensure the right support is in place based on where the young person lives

## 10. **Equalities and Human Rights Advice and Implications**

10.1 The proposals in this report support the Council to comply with legal obligations encompassed in the:

- Human Rights Act (1998), to treat everyone equally with fairness dignity and respect with a focus on those who are disadvantaged as a result of disability and
- Equality Act (2010) to legally protect people from discrimination in the wider society.

10.2 The Equality Analysis provides further detail, though the primary focus of the proposal will be to support the organisations who provide services to people with Disabilities and Long-Term Conditions together with their Unpaid Carers as the services form part of the Council's statutory duties under the Care Act 2014.

## 11. Implications for CO2 Emissions and Climate Change

11.1 Nil – proposal is for a targeted consultation exercise.

## 12. Implications for Partners

12.1 The funding responsibilities for the 16 people remains with the Council and local health care agreements are in place with Primary Care for people who live at Lord Hardy Court.

## 13. Risks and Mitigation

13.1 Risk 1: The depth and breadth of the consultation exercise and a challenging timeframe for design, delivery, and evaluation may mean that the project timescales slip.

13.2 Mitigation 1: For officers to work with advocacy / inclusion specialists to support the design phase ensuring accessibility. Engagement with officers in legal and policy and performance to ensure the consultation exercise in compliant with the Equalities Act 2010 and applicable case law regarding consultation.

13.3 Risk 2: Customers, their families and carers are not engaged or well informed in relation to the future vision and proposed operating models of services. They are also unaware as to the progress of the current transformation programme.

13.4 Mitigation 2: A new communication and engagement plan is developed to cover this next period of delivery see section. Co-production is embedded in visioning exercises using methodology and approaches to co-production successfully utilised in Transforming Care, LGS and ADASS sponsored programmes.

## 14. Accountable Officers

Ian Spicer, Assistant Director of Adult Care and Integration. Adult Care, Housing and Public Health. [ian.spicer@rotherham.gov.uk](mailto:ian.spicer@rotherham.gov.uk)

Approvals obtained on behalf of Statutory Officers: -

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	02/08/21
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	29/07/21
Head of Legal Services (Monitoring Officer)	Bal Nahal	29/07/21

*Report Author: Ian Spicer, Assistant Director of Adult Care and Integration*  
This report is published on the Council's [website](#).