

PART 1 - PUBLIC

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Decision Maker: **Adult and Community Policy Development and Scrutiny Committee**
Adult and Community Portfolio Holder

Date: 26th January 2012

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **QUALITY MONITORING IN CARE HOMES**

Contact Officer: Wendy Norman, Strategic Manager, Procurement and Contract Compliance
Tel: 020 8313 4212 E-mail: wendy.norman@bromley.gov.uk

Chief Officer: Lorna Blackwood, Assistant Director of Commissioning and Partnerships

Ward: Boroughwide

1. Reason for report

This report informs Members of the work undertaken to monitor the quality of service provided for adults placed in residential and nursing homes.

2. **RECOMMENDATION(S)**

Members of the Adult and Community Policy, Development and Scrutiny Committee are asked to:

- Consider and comment on the report.
- Undertake a programme of visits to Care Homes in the Borough during 2012/13

The Portfolio Holder is recommended to:

- Consider the comments from the Adult and Community Policy, Development and Scrutiny Committee.
- Endorse the recommendation that the Council does not fund placements in homes where enforcement action is being taken by the Care Quality Commission (CQC), unless this is a service users' choice.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Excellent Council.
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Financial

1. Cost of proposal: No cost
 2. Ongoing costs: N/A.
 3. Budget head/performance centre: Residential and Nursing Care for Older People and Adult Services
 4. Total current budget for this head: £34m
 5. Source of funding: L.B.Bromley Adult and Community Service Budgets
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Staff

1. Number of staff (current and additional): n/a
 2. If from existing staff resources, number of staff hours: 1 FTE contract compliance officer
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Legal

1. Legal Requirement: Statutory requirement.
 2. Call-in: Call-in is not applicable.
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 1000
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? N/A.
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 Adult and Community Policy Development and Scrutiny Committee receives regular updates covering the arrangements for monitoring contracts and progress made to raise standards in care homes within the borough for older people, people with learning disabilities, mental health needs and physical disabilities.
- 3.2 The number of new adult residential care placements made is reducing as people opt for independent living with support in line with the personalisation agenda. Service developments both in accommodation and support have been implemented for each client group which has helped to achieve these aspirations. The Council makes an average of 300 placements in nursing and residential homes every year.
- 3.3 In order to secure best value the Council also has a number of block contracts with homes in the borough. However individuals make their own choice about where they wish to live and consequently the Council has a large number of spot contracts with providers, both in Bromley and in other parts of the country. There are fewer care homes for adults in Bromley than for older people, meaning that many younger adults are placed out of borough where a registered home is required.
- 3.4 The number of permanent placements by client group and contract type are shown in the table below.

Client Group	Spot Contracts	Block Contracts
Older People	666	122
People with Learning Disabilities	198	9 (in house registered service)
People with Mental health needs	30	32 (through access to PCT block contracts)
People with Physical Disabilities	37	0

- 3.5 Individuals are entitled to move into a home of their choice; however everyone considering a permanent move to residential care is encouraged to consider the latest reports about individual homes, which are available on the Care Quality Commission (CQC) public website. There is also significant guidance available in the Care Home Directory which is published annually and on the My Life section of the Bromley website.

Essential standards of Quality and Safety

- 3.6 From 1st October 2010 care standards were amended to take into account the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009. These new regulations replaced the long standing National Minimum Standards, part of the Care Standards Act 2000.
- 3.7 The new regulations detail the key care standards which CQC call the 'essential standards of quality and safety'. These consist of 28 regulations (and associated outcomes) that are set out in the new legislation. For each regulation, there is an associated outcome – the experiences CQC expect people to have as a result of the care they receive.

3.8 To check providers' compliance with the essential standards, CQC aim to focus on the 16 regulations (out of the 28) that come within Part 4 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 – these are the ones that most directly relate to the quality and safety of care and are listed below.

- Care and welfare of people who use services
- Assessing and monitoring the quality of service provision
- Safeguarding people who use services from abuse
- Cleanliness and infection control
- Management of medicines
- Meeting nutritional needs
- Safety and suitability of premises
- Safety, availability and suitability of equipment
- Respecting and involving people who use services
- Consent to care and treatment
- Complaints
- Records
- Requirements relating to workers
- Staffing
- Supporting workers
- Cooperating with other providers

3.9 The CQC website displays an entry for each registered home and on the front screen there is a summary of the home's compliance against each of the 5 key themed areas.

- Standards of treating people with respect and involving them in their care
- Standards of providing care, treatment & support which meets people's needs
- Standards of caring for people safely & protecting them from harm
- Standards of staffing
- Standards of management

Key to CQC ratings

- ✓ All standards were being met when we last checked. (If this service has not had a CQC inspection since it registered with us, our check may be based on our assessment of declarations and evidence supplied by the service themselves)
- ✗ At least one standard in this area was not being met when we last checked and we required improvements.
- ✗ At least one standard in this area was not being met when we last checked and we have taken enforcement action.

3.10 Previously under the star rating system the Council did not make placements where a home was rated as one star, it is now proposed that placements are not made in homes where CQC indicate that they are taking enforcement action, unless this is the service users choice. In homes where CQC indicate that some standards are not being met or CQC enforcement action is taking place the monitoring officer will intensify the level of monitoring carried out. Service Users preference is still taken into account in any arrangements for care home placements.

- 3.11 The table at Appendix 1 sets out a list of all the care homes for all client groups in Bromley. It shows the number of placements funded by the Council, the previous star rating and the dates of monitoring visits by the Council's Contract Compliance officer and the CQC. Where the care home has completed the Council's Quality Assessment Framework (QAF) the score is set out.
- 3.12 The CQC required all care homes to re-register in 2010 and as part of this exercise the care homes completed a self assessment questionnaire. The CQC have published the self assessment ratings on their website and these are not changed until an inspection is undertaken. The self assessment ratings are not shown in Appendix 1 as all homes achieved compliance in all areas of registration; therefore there are a number of blank lines. The CQC ratings that are shown have been determined as a result of an inspection since re-registration.
- 3.13 Nine service users have chosen to live in out of borough homes previously rated one star. The contract compliance officer devised a quality monitoring questionnaire for all out of borough placements in one star rated homes. This is now applied to homes where CQC have required improvements, or taken enforcement action against any standard. Questionnaires were sent out to the relevant local authority for each relevant home in order to gather feedback on the quality of care provided in the homes. The information gathered supplements the knowledge gained from the regular individual reviews that are carried out by care management to ensure that residents continue to be safely placed and well cared for.

Quality Monitoring

- 3.14 Whilst the Care Quality Commission remains the regulatory authority for registered care services, the London Borough of Bromley also has an obligation to ensure quality is maintained in all registered care homes in the borough. In 2010 we reported that the Council's Contract Compliance Officer had devised a care home quality assessment framework (QAF) to replace the previous monitoring tool order to incorporate the changes to the care regulations.
- 3.15 Providers are asked to self assess themselves against each key regulation by providing written statements to evidence compliance. These statements will then be followed up in the form of a desktop review and through a schedule of contract monitoring inspections to each premises. The care home QAF was rolled out in 2011 and the results of assessments completed so far are shown in Appendix 1. This exercise will be completed during 2012/13 and will form part of the rolling programme of visits.
- 3.16 A total of 18 homes have completed the self assessment and have received a validation visit from the contract compliance officer during the year. In addition the contract compliance officer has conducted 31 other inspections (including unannounced and out of hours visits) to care homes including residential learning disability homes.
- 3.17 Providers have reported that they find Bromley's care home QAF a very useful tool enabling them to identify areas where improvement is required and allowing them to adequately prepare for visits by the CQC. Throughout the year the contract compliance officer has identified the following areas where a number of providers have failed to meet compliance with the QAF:
- Care planning – including content and frequency of review
 - Obtaining consent to different elements of care
 - Infection control procedures and training
 - Staff safeguarding and complaints training
 - Internal quality assurance
 - Resident involvement
 - Activities and stimulation

These areas will be a focus for contract monitoring visits to care homes during 2012.

3.18 The Council's role in monitoring quality extends to all care homes in the borough. Other management information used to monitor performance includes:

- Safeguarding alerts
- Complaints
- Regulation 16/18 reports (also copied to CQC – reports of death, serious injury, hospital admission, outbreak of disease, medication errors etc.) – previously Regulation 37.
- Information from other stakeholders, e.g. Care Managers, Carers, Health Professionals
- Observations made during training courses.
- Results from customer satisfaction surveys
- Information supplied by Members, following visits.
- Regular maintenance and fire safety reports.

Visits to Care Homes by Members and Bromley Link.

3.19 Members highlighted the importance of undertaking visits to care homes at ACS PDS, so far in 2011/12 we have not received feedback from Member visits. It is proposed that a programme of visits is drawn up for Members for 2012/13. Members of Bromley LINK have recently embarked on a programme of training to enable them to undertake enter and view visits to care homes, which is a key LINK function. The LINK proposes to work closely with the Contract Compliance officer on their programme of visits. The key aspect of the LINK enter and view visit is to gather information about service users experiences in care homes.

Home closures in 2011

3.20 During 2011 in addition to the Councils own care home closures (see below) a number of care homes in the borough (and some outside the borough) are not accepting new admissions:

- Rookstone – Salvation Army residential home – closed due to the standard of accommodation which did not meet new requirements and could not viably be improved. The Council worked with the home to successfully relocate around ten residents.
- The Brackens – private family run residential dementia home - closed due to the ill health of the registered manager and owner and financial viability. The Council worked with the home to successfully relocate five residents.
- Rutland – private family run residential home – closed due to the landlord serving notice and wishing to make improvements to the property. The Council worked with the home to successfully relocate one resident and assisted self funding residents.
- Morton House – Mission Care nursing home (Lewisham) – currently closing due to long term viability (does not affect in borough Mission Care homes). The Council has two residents placed at Morton House whom it is currently working to relocate.

Homes for People with Learning Disabilities

3.21 During 2011 the contract compliance officer visited each of the in borough residential homes for adult with learning disabilities; including the Councils own in-house services. These visits focused on compliance with the CQC requirements and looked to compare quality across the borough.

3.22 These visits confirmed that the homes were well run and it is evident that homes for residents with learning disabilities engage residents far more in the day to day running of the home than the majority of care homes for the elderly. Residents are consistently encouraged to

participate in everyday daily living tasks such as food shopping, cooking and laundry and are supported by staff to do so.

- 3.23 Residents are also able to participate in other external services during the day which enables wider community participation and maintenance of a social life outside of the home. The homes also encourage and support residents to plan life goals and aspirations which are then worked towards, such as regular holidays and trips. Some homes also encourage residents to get involved in the management of the home, for example participating in the staff recruitment process.
- 3.24 Good practice from these LD visits has been shared with the borough's care home forum to demonstrate to care home managers managing older people's services how things could be done for elderly residents to encourage greater resident involvement, participation and stimulation. One Bromley based residential home for Older People, Queen Elizabeth House won a national award for resident involvement during 2011.

Care Home Re-provision Update

- 3.25 During 2011 the Council's care home re-provision team successfully relocated residents from Isard House in Hayes with the final resident moving in March 2011. Following this closure the team began working towards moving residents at Belle Grove and later at Kingswood House. It is envisaged Kingswood House will close by 31st March 2012 and Belle Grove shortly after as a number of residents at Belle Grove and Kingswood may be suitable to move into the Council's new extra care housing schemes due to open in 2012.

Safeguarding

- 3.26 When safeguarding alerts are raised the Care Management teams instigate the Council's safeguarding procedures. Contract Compliance officers can be involved in safeguarding investigations and always follow up on learning points or action plans at the conclusion of each case. The Council's safeguarding manager meets regularly with a joint agency group of the Council, CQC and health commissioners to exchange information and share any concerns about local homes. This ensures that any potential issues are picked up and factored into monitoring and training programmes.
- 3.27 Between January and October 2011 the Council received 70 safeguarding alerts in Bromley care homes. 50 of which have been concluded, of which 17 (34%) were substantiated. These incidents took place in 8 different care homes with one home accounting for 6 of the substantiated incidents (see para 3.28 below). This information is used to inform the multi agency training plans through which the Council continues to ensure that all local providers are able to access training to ensure that the local multi agency safeguarding procedures are used effectively. The annual safeguarding report provides detailed information on the outcome of substantiated safeguarding alerts, the latest copy of this report can be found at http://www.bromley.gov.uk/downloads/file/1120/bsab_annual_report_2010-11 .
- 3.28 During 2011 a safeguarding investigation took place into Archers Point residential home. When this home was previously one star the Council were not making new placements there. The CQC, the Council's Contract Compliance Officer and the local Medication Review Pharmacist are continuing to work with Archers Point in order to ensure that they achieve compliance in all standards. No new placements will be made at this care home until all remedial action is completed and CQC has revised the rating. Existing service users are subject to 6 monthly service reviews in order to ensure that they are not at risk

- 3.29 The Council is currently completing a programme to move the remaining 4 Bromley funded residents from Waratah House which is in London Borough of Croydon. This action has been taken in response to action by CQC and ongoing uncertainty as to the ownership of the home which has now been in administration for more than a year and is in a poor state of repair.
- 3.30 The Safeguarding team regularly attend the Council's Care Home forums in order to ensure that providers are kept up to date with changing requirements, such as the changes to the vetting and barring scheme. Providers are now represented on the Adult Safeguarding Board which ensures that provider issues are considered as part of this multi agency approach.

Mental Capacity Act – Deprivation of Liberty

- 3.31 The Mental Capacity Act 2005 is legislation which enables and authorises professional care staff, health service staff and families to take decisions on behalf of vulnerable adults who are unable to decide for themselves. All decisions have to be taken in the individuals 'best interests' by the person most involved in that area of the individuals 'care and treatment'.
- 3.32 The Deprivation of Liberty safeguards (DOLS) were later attached to the Mental Capacity Act, again covering individuals lacking capacity to make particular decisions and residing in care homes or hospitals, where the care and treatment regime imposes such excessive restrictions on them that they amount to a deprivation of liberty in accordance with the Human Rights legislation.
- 3.33 The Government gave a lead role to the Local Authority to educate and raise standards in these two related areas. A programme of detailed training has been made available to all statutory, private and voluntary agencies in Bromley. Over one thousand training places have been offered in the past three years. Although most of this training has been arranged centrally there have also been many sessions arranged in local care homes and hospital settings. Informal telephone support and visits to offices and work places have also been offered.
- 3.34 The outcome of these efforts has been that professional staff are now thinking closely about a vulnerable person's decision making abilities, and are now more explicitly taking responsibility for 'best interests' decisions for those who cannot act for themselves. Care homes have been provided with screening tools, and draft procedures, to enable them to reflect more carefully on whether their care regime for a particular individual might amount to a possible deprivation of liberty.
- 3.35 In 2011 there was an increase in assessments of over 70% from 2010. That is from 11 in 2010 to 19 in 2011. Several of Bromley DOLS cases are outside of the borough but the Council is still responsible for the service user and for the DOLS assessment. The lead officer for DOLS increased visits to care homes during 2011 in order to observe how the training is being put into practice and to provide on the spot guidance. Officers benchmarked the number of referrals received against local boroughs and are confident that practice in Bromley is consistent with comparators. The Council remains confident that the volume and quality of training funded by the Council and delivered in the borough is appropriate.

Joint working to improve standards

- 3.36 A joint Council and PCT Health Support for care homes group meets regularly to focus on health related support to care homes. During 2011 this group sponsored a review of medication for people living in the community. The outcome of this review was a decision to tender for a provider to implement a service called Bromley medicines adherence care pathway. The service will improve the medication compliance of people living with long term

conditions which should result in less inappropriate hospital admissions and make efficiencies in the costs of providing medication.

- 3.37 The Council hosts a Provider Forum which works to improve on quality and consistency of care in homes and to promote and share good practice. Membership of the forum is extended to all local care homes and relevant health professionals. The forum has an annual work plan which focussed in 2010 on improving the experience of users being admitted and discharged from hospital, moving and handling, and the provision of activities for people with dementia.

Training

- 3.38 The Council assists in raising the standards of training for the care homes through offering membership of a training consortium where providers can pool their available training funds and purchase places on training programmes. Courses are run throughout the year to address identified training needs. The Council, as a purchaser of social services from the private/ independent sector, is committed to working in partnership with local providers to ensure adequate provision is made for training and that providers can access a comprehensive training programme. The Council will continue to work with providers to ensure that the courses provided are timely and assist providers in balancing the competing demands of delivering care and ensuring that staff receive both induction and refresher training.
- 3.39 There are 79 care homes in Bromley. Currently 42 homes are members of the care home training consortium. Homes with lower ratings make up 10% of the total membership. Homes that are not members of the consortium are responsible for ensuring that their staff are adequately trained and the monitoring officer follows this up by scrutinising training records.
- 3.40 The training courses provided for care home managers and their staff address the requirements of the Essential Standards of Quality and Safety. These standards include requirements about the competence of the workforce including their suitability, experience and qualifications.
- 3.41 Core training courses in first aid, food hygiene, health and safety and moving and handling form the majority of the training programme. The remaining courses provide valuable learning opportunities for care staff to gain additional skills and knowledge to help them carry out their duties. These include dignity in care, dementia, diet and nutrition, safe administration of medicines, report writing and infection control.
- 3.42 The programme is regularly updated and reviewed to include training on new legislation. The Council also works with the PCT to identify opportunities for joint health and social care training. Many homes are investing in funding to achieve the national Gold Standard Framework for delivering improvement to care at the end of life. Ashcroft and Willett House nursing homes achieved the gold standard award during 2011.
- 3.43 Business continuity planning continues to be high on the agenda for providers. Plans have been tested by severe winter weather conditions in recent years. Lessons are learned every time the plans are put into action and are discussed at the Care Home Forum. Plans for potential evacuation of care homes will be a focus of monitoring activity during 2012 for the Council and the local emergency services.

4. POLICY IMPLICATIONS

4.1 National and local policies expect that continuous improvement be achieved in the quality of care delivered in residential and nursing homes serving the local community.

5. LEGAL IMPLICATIONS

5.1 Under Section 21 of the National Assistance Act 1948 the Council has a duty to provide or arrange for residential accommodation for persons who by reason of age, illness, disability or any other circumstances are in need of care and attention not otherwise available to them.

5.2 Once a person has been assessed as being in need of such care the Council must have regard to the National Assistance Act 1948 (Choice of Accommodation) Direction 1992 which are intended to give clients a choice over where they receive such care arranged or provided by the Council. Such choice has to reflect both the costs of such accommodation as well as its availability.

Non-Applicable Sections:	Financial implications. Personnel Implications
Background Documents: (Access via Contact Officer)	An overview of the Social Care Market in England 2008-09 – Care Quality Commission December 2010 ACS09053 Quality Monitoring in Adult Care Homes ACS 08190 Quality Monitoring in Residential Care and Nursing homes ACS11001 Quality Monitoring in Residential Care and Nursing Homes Report to Care Home Reference Group 16.6.11 – Quality Monitoring in Care Homes.