

## **London Borough of Bromley**

### **PART 1 - PUBLIC**

## **Briefing for Care Services Policy Development and Scrutiny Committee**

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### **Contract Monitoring of Care Homes – Annual Report**

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#### **1. Summary**

- 1.1 The Policy Development and Scrutiny Committee receives annual 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
- 1.2 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.

#### **2. THE BRIEFING**

- 2.1 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
- 2.2 The number of permanent placements organised by client group and contract type are shown in the table below.

<b>Client Group</b>	<b>Spot Contracts</b>	<b>Block Contracts</b>
Older People	642	48
People with Learning Disabilities	186	9 (in house registered)
People Mental Health needs	25	32 (via access to PCT contracts)
People with Physical Disabilities	8	0

- 2.3 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.
- 2.4 The regulatory framework covering care homes is the Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 and the Care Quality Commission (Registration) Regulations 2009. These 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.
- 2.5 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

2.6 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 and support which meets people's needs
- Standards of caring for people safely and 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.

2.7 Placements are not made in homes where CQC indicate that they are taking enforcement action. 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. For example the homes with five grey stars indicating that they are not fully meeting any of the required standards will be visited every quarter until their performance has been rectified. Service Users preference is still taken into account in any arrangements for care home placements.

2.8 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 current CQC rating and the dates of monitoring visits made by the Council's Contract Compliance officer and the CQC.

2.9 Where service users have chosen to live out of the borough the contract compliance team undertake regular checks of the CQC ratings to ensure that the Council is aware of any issues raised about the quality of care provided and if necessary can take follow up action. Care Services staff also review service users in residential care regularly to ensure that residents continue to be safely placed and are well cared for.

### **Quality Monitoring**

2.10 During 2012 following a risk assessment across the portfolio of care homes in the borough the profile of monitoring visits was altered so that visits were made to all homes, irrespective of CQC ratings, focussing more on those homes with

improvement action plans to be achieved. This has meant that the Council's Quality Assessment Framework has not been progressed any further as it required a more significant investment in time with each home than could be supported within existing resources during 2012. A new monitoring template has been devised which focuses on key compliance areas.

Areas that have caused concern during this year are:

- Care planning – including content and frequency of review
- Recording of changes to care plans
- Staff safeguarding and complaints training
- Internal quality assurance
- Ensuring meaningful activities and stimulation
- Regular staff supervision sessions.

The monitoring officers also consider the following information before visiting a home:

- Safeguarding alerts
- Complaints
- Regulation 16/18 reports (also copied to CQC – reports of death, serious injury, hospital admission, outbreak of disease, medication errors etc
- 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.
- Whistleblowers
- Information from colleagues working in the health services

2.11 A programme of visits has been drawn up for Members to visit Care Homes during 2012-13. Officers have provided a template with suggestions of aspects of the home and care delivered that members might observe during visits. 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. This power will transfer to the new Healthwatch Bromley organisation in April 2013.

- 2.12 The feedback received from all the different sources listed above is used by compliance officers and we recognise the value of gathering information from as wide a range of sources as possible as from time to time this reveals concerns which the contract compliance visits do not pick up.

### **Homes for People with Mental Ill Health and Learning Disabilities**

- 2.13 During 2012 contract compliance officers have visited each of the in borough residential homes for adult with learning disabilities and mental health problems; including the Council's own in-house services. These visits focused on compliance with the CQC requirements and looked to compare quality across the borough.
- 2.14 The contract compliance team also monitor the quality of service provided in the supported living schemes for people with learning disabilities which have been developed over the last few years. These schemes are not governed by the CQC regulations for care homes; however a similar monitoring regime is employed for monitoring.

### **Safeguarding**

- 2.15 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.
- 2.16 Between January and November 2012 the Council received 43 safeguarding alerts in Bromley care homes and 23 of these have been concluded. Eight of the alerts were substantiated. These alerts referred to 7 different care homes. 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. It was reported to Care Services PDS in September 2012 and the link is below: <http://cde.bromley.gov.uk/documents/g4250/Public%20reports%20pack%20Tuesday%2004-Sep-2012.pdf?T=10>
- 2.17 During 2012 safeguarding investigations at Rowena House, Bromley Park and Lauriston House raised concerns that caused the Council to stop making placements at these homes.
- 2.18 In Rowena House the CQC inspector identified problems with the accommodation which were non compliant and improvements required in care planning, recording and supervision. These areas have since been rectified and the home is taking new placements. At Bromley Park the alert was raised following the response to a medical emergency. An action plan was completed

to improve the areas of poor practice identified during the investigation and placements have recommenced.

At Lauriston House a safeguarding alert was raised by a whistle blower. The home is currently undertaking an action plan and placements are still suspended. The contract compliance officer will continue to monitor these homes closely to ensure that improvements are maintained. If a safeguarding investigation should conclude that residents need to move out of a home we have a well tested protocol for achieving this which was developed through the re-provision programme.

- 2.19 Council officers who specialise in safeguarding attend the Council's Care Home forums in order to ensure that providers are kept up to date with changing requirements. Providers are now represented on the Adult Safeguarding Board which ensures that provider issues are considered as part of this multi agency approach.

### **Training**

- 2.20 The Council assists in raising the standards in care homes by organising a comprehensive programme of training. Providers are invited to join a training consortium which gives them access to courses for a small contribution towards costs. Twenty five care homes are currently members of the consortium. The Council will continue to work with providers to ensure that the courses provided are appropriate, timely and assist providers in balancing the competing demands of delivering care and ensuring that staff receive both induction and refresher training.
- 2.21 The training courses provided for care home managers and their staff address the requirements of the Essential Standards of Quality and Safety. 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. The programme is regularly updated and reviewed to include training on new legislation.
- 2.22 The Council also works with the PCT to identify opportunities for joint health and social care training. 90% of nursing homes in Bromley have now achieved the national Gold Standard Framework for delivering improvement to care at the end of life and plans are being developed to roll the programme out to residential care homes.

### **Mental Capacity Act – Deprivation of Liberty**

- 2.23 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'.

- 2.24 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.
- 2.25 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.
- 2.26 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.
- 2.27 The number of assessments continues to rise annually. 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 visits care homes in order to observe how the training is being put into practice and to provide on the spot guidance. Officers benchmark 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. During 2012 the Council has introduced an e-learning programme in addition to the group courses which enables staff to be trained more flexibly in their work place. During 2013 the lead officer will be monitoring the impact of this training, particularly with the managers and senior staff in care homes.