

**Decision Maker:** Care Services Performance, Development and Scrutiny Committee

**Date:** 22<sup>nd</sup> January 2014

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

**Title:** QUALITY MONITORING OF DOMICILIARY CARE, CARE HOMES AND CHILDREN'S PLACEMENTS

**Contact Officer:** Wendy Norman,, Strategic Manager, Procurement and Contract Compliance, Sarah McPherson, Contract Compliance Team Leader, Ruth Wood, Group Manager  
Tel: 020 8313 4212 E-mail: wendy.norman@bromley.gov.uk

**Chief Officer:** Terry Parkin, Executive Director of Education Care and Health Services

**Ward:** Boroughwide

---

1. Reason for report

- 1.1 The Policy Development and Scrutiny Committee receives annual updates on quality monitoring. This report covers the arrangements for monitoring contracts and progress made to raise standards in:
- domiciliary care (Appendix 1)
  - care homes, extra care and supported living schemes (Appendix 2)
  - children's' placements (Appendix 3)

---

2. **RECOMMENDATION(S)**

2.1 Members of the Care Services PDS Committee are asked to:

- Consider and comment on the report.
- Undertake a programme of visits to Care Homes in the Borough during 2013/14

## Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Supporting Independence.
- 

## Financial

1. Cost of proposal: No cost £
  2. Ongoing costs: Recurring cost. none
  3. Budget head/performance centre: 1)Residential and nursing home, domiciliary care, children's placements
  4. Total current budget for this head: £Care homes - £34m pa, Domiciliary Care -£13m pa, Children's Placements - £7m pa
  5. Source of funding: Revenue Support Grant
- 

## Staff

1. Number of staff (current and additional):
  2. If from existing staff resources, number of staff hours: 3 FTE contract compliance officers in Commissioning Division
- 

## Legal

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is applicable
- 

## Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Care Homes - 1000, Domiciliary Care - 1500, Childrens Placements 216
- 

## Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 The Policy Development and Scrutiny Committee receives annual updates covering the arrangements for monitoring contracts and progress made to raise standards in services commissioned from 3<sup>rd</sup> parties. This covering report details the general arrangements for Adult and Children's services. The appendices cover the specific performance monitoring for care homes, domiciliary care and children's placements

#### **Regulatory Frameworks - Adults**

- 3.2 The regulatory framework covering care homes and domiciliary care agencies for adults is the Health and Social Care Act 2008. Care Quality Commission (Registration) Regulations 2009 and Health and Social Care Act 2008 (Regulated Activities) Regulations 2010 detail the key care standards which providers must deliver. There are 28 regulations and associated outcomes that are set out in this legislation. The CQC monitors for compliance against these Essential Standards of Quality and Safety. CQC Compliance reports may identify 'minor', 'moderate' or 'major' concerns against any of the Essential Standards. Where concerns are identified, the CQC will then take whatever they consider to be the most appropriate action to ensure that the necessary improvements are made.
- 3.3 In response to cases and enquiries into poor practice in care services, such as Winterbourne View and Mid Staffordshire the CQC appointed a new Chief Inspector for Adult Social Care in 2013. She has proposed changes in the inspection and rating regime for all adult social care services and CQC will be consulting on these during 2014 before implementation. The proposals which are simpler than the existing rating system are outlined below:

Every care home and adult social care service in England will be awarded one of the following ratings by March 2016.

- Outstanding.
- Good.
- Requires improvement.
- Inadequate.

Inspections of adult social care services will consider whether the service is:

- Safe.
- Effective.
- Caring.
- Responsive to people's needs.
- Well-led.

- 3.4 The CQC website displays an entry for each registered home and Domiciliary Care Agency. On the front screen there is a summary of the provider'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.

- 3.5 New placements are not made by the Council with providers where CQC indicate that they are taking enforcement action. In services 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.
- 3.6 The tables at Appendix 1 and 2 set out a list of all the care homes, supported living schemes and domiciliary care agencies for all client groups in Bromley. They also show 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.
- 3.7 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 review service users in residential care regularly to ensure that residents continue to be safely placed and are well cared for.

### Quality Assessment Framework

- 3.8 The Contract Compliance Team has developed a new Quality Assessment Framework (QAF) which can be used for all types of Care settings and Domiciliary Care which enables measurement of the performance of providers against a range of standards. Providers are graded across several key areas. Standards are graded in four groupings 'A', 'B' 'C' and 'D'. The 'C' graded standards are based upon the Essential Standards of Quality and Safety; 'If any area of service is graded D' the Providers is required to make immediate improvement as this rating falls below the Essential Standards. The 'B' and 'A' gradings provide incentives to providers to demonstrate continuous improvement to the quality of service, particularly in the areas of engagement and consultation with service users and carers.
- 3.9 Providers have accepted that the QAF ratings and process helps them to consider ways in which they can develop their service. Compliance with the QAF is a contractual obligation in Bromley contracts. Officers have compiled and analysed the QAF scores and are using the trends in this information to highlight the areas where practice needs to be improved. As well as engaging with individual providers these areas are tackled in the quarterly provider forums and if necessary additional training is commissioned.

## **Safeguarding**

- 3.10 Bromley Safeguarding Adults Board funds a comprehensive training programme which all local providers can access. 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 will follow up on learning points or action plans at the conclusion of each case. The Council's safeguarding manager convenes a regular meeting of officers from the Council, Bromley Clinical Commissioning Group, Bromley Healthcare, Oxleas, and CQC to exchange information and share any concerns about local providers. This ensures that any potential issues are identified, that investigations progress appropriately and any learning requirements are factored into monitoring and training programmes.
- 3.11 Details of specific safeguarding events are set out in Appendices 1 and 2. The annual safeguarding report provides detailed information on the outcome of substantiated safeguarding alerts. It was reported to Care Services PDS on 3<sup>rd</sup> September 2013 and the link is below:  
<http://cds.bromley.gov.uk/ieListMeetings.aspx?XXR=0&Year=2013&CId=559>

## **Training**

- 3.12 The Council assists in raising the standards in care homes and domiciliary care 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. There are currently 52 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.
- 3.13 The training courses 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.
- 3.14 The Council is currently working with key health partners based in Bromley and led by Bromley Clinical Commissioning Group to identify opportunities for joint health and social care training across all sectors. This initiative which started in the summer has already resulted in private and voluntary sector care workers taking up places on shared training programmes for Urinary Tract Infections and Diabetes Care and will ensure that all partners are able to maximize the training funds available to the borough for the entire local workforce. Joint training programmes will also assist to ensure a common understanding of roles between the different disciplines and professions.

## **Provider Forums**

- 3.15 The Contract Compliance Team runs quarterly provider forums for Domiciliary Care and Care home and Supported Living Scheme providers. These events are always extremely well attended and provide the opportunity for good practice to be shared

between all Care Homes and agencies. Key partners from health regularly attend the forums in order that any shared issues or problems can be raised and discussed and resolution sought. Key areas tackled during 2013 were the timing of hospital discharges and the avoidance of inappropriate admissions. Officers from the London Ambulance Service and the Fire Service have attended forums in order to work on improving practice and better partnership working.

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

- 3.16 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'.
- 3.17 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.
- 3.18 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.
- 3.19 The outcome of these efforts has been that professional staff now think 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.
- 3.20 The number of requests for assessments in 12/13 dropped below the 11/12 level but already this year 13/14 the numbers are above last year. Some Bromley DOLS cases are outside of the borough but the Council is still responsible for the service user and for the DOLS assessment. However there is an increase in the proportion of assessments made from within the borough. Officers benchmark the number of referrals received against local boroughs and are confident that practice in Bromley is broadly 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 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 has commenced Quarterly forums/workshops for senior care home staff to join together and discuss informally some of their residents for whom the provisions of the Mental Capacity Act and Deprivation of Liberty Safeguards may be relevant.

### **Improving Quality in Care Delivery - The Social Care Commitment**

- 3.22 The Social Care Commitment, promoted by Skills for Care and endorsed by the Department of Health is the sector's promise to provide people who need care and

support with safe, high-quality services. In making the commitment employers, individual employees, care workers and carers sign up to a series of seven statements that focus on values and behaviours and pledge to complete tasks that support the statements. The tasks are easy to do and focus on areas such as induction processes, recruiting the right people and learning and development.

- 3.23 Once a care provider has signed up they will be given a 'Learning through Work' resource which will help embed the commitment in the workforce. The commitment will have a key role to play in helping to improve public trust in the care sector. From December 2013, once a Care Quality Commission (CQC) registered care provider has signed up to the commitment, the public will be able to see this on their NHS Choices profile. At the same time the public will be able to search the Social Care Commitment website and see which organisations have signed up, including any non CQC registered providers.

### Good Practice Conferences during 2014

- 3.24 As a result of observations during Care Home monitoring visits the Care Home Compliance Officer has planned a conference for **Activity Co-coordinators** working in schemes in Bromley. This will be an opportunity for sharing good practice and making coordinators aware of the vast range of resources available within the borough that could be brought into the care home environment. This will take place on 18<sup>th</sup> March 2014
- 3.25 On 26<sup>th</sup> March 2014 the Council will be hosting “**Bromley Cares**”, a conference for families and informal carers of people living in care homes in Bromley. The aim of the conference is to ensure that these key partners are clearly aware of the standards of care that can be expected in care homes and are empowered to make comments and complaints in order to seek improvements. The conference will be delivered by the Council in partnership with Carers Bromley and Healthwatch Bromley.

### Regulatory Frameworks - Children’s Services

- 3.26 Children’s services are subject to regulation by Ofsted. Ofsted conduct a full inspection on a 3 year cycle for which they may make a judgement in the following categories:
- Outstanding: a service of exceptional quality that significantly exceeds minimum requirements
  - Good: a service of high quality that exceeds minimum requirements
  - Adequate: a service that only meets minimum requirements
  - Inadequate: a service that does not meet minimum requirements

For any service receiving a judgement of either Adequate or Inadequate **annual** inspections will be conducted for which the following judgements could be made:

<b>Good progress</b>	The children’s home has demonstrated continued improvement in quality of care and outcomes for children and young people and where appropriate has addressed all requirements and the large majority of recommendations that were raised at the previous inspection.
----------------------	--

<b>Satisfactory progress</b>	The children's home has maintained quality of care and outcomes for children and young people and where appropriate has addressed all requirements and the majority of recommendations that were raised at the previous inspection.
<b>Inadequate progress</b>	The children's home has failed to address one or more requirements and/or has not met the majority of recommendations and/or the quality of care and outcomes for children and young people have declined since the last full inspection.

The Central Placements team will only make placements with providers that have a rating of Good or Outstanding.

#### **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.

<b>Non-Applicable Sections:</b>	Financial Implications, Personnel Implications
Background Documents: (Access via Contact Officer)	ACS 12062 Briefing on Quality Monitoring in Care Homes ACS 12052 Briefing on Quality monitoring of Domiciliary Care Services. <a href="http://www.thesocialcarecommitment.org.uk">www.thesocialcarecommitment.org.uk</a>