

**Decision Maker:** PORTFOLIO HOLDER FOR CARE SERVICES

**Date:** For Pre-Decision Scrutiny by the Care Services Policy Development and Scrutiny Committee on Tuesday 9<sup>th</sup> January 2018

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

**Title:** ANNUAL QUALITY MONITORING REPORT: CARE HOMES, SUPPORTED LIVING SCHEMES AND EXTRA CARE HOUSING

**Contact Officer:** Wendy Norman, Head of Contract Compliance and Monitoring  
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**Chief Officer:** Lesley Moore, Director: Commissioning

**Ward:** Borough-wide

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**1. Reason for report**

- 1.1 This report sets out the monitoring arrangements for Registered Care Homes, Supported Living Schemes and Extra Care Housing Schemes in Bromley and comments on performance during 2017.
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**2. RECOMMENDATIONS**

- 2.1 The Care Services Policy Development and Scrutiny Committee is requested to:
- i) Consider the report and comment on the action taken to ensure that Providers maintain and improve the quality of services provided.
- 2.2 The Portfolio Holder for Care Services is asked to agree that:
- i) The Central Placement Team only make new placements with Providers whose CQC rating is "good" or above where possible.

### Corporate Policy

1. Policy Status: Existing policy. Existing Policy Context/Statements
  2. BBB Priority: Supporting Independence.
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### Financial

1. Cost of proposal: N/A
  2. Ongoing costs: N/A
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: £N/A
  5. Source of funding: N/A
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### Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: 2.75
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### Legal

1. Legal Requirement: Statutory requirement.
  2. Call-in: Call-in is applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Approximately 1200 at any one time.
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### Ward Councillor Views

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

### **3. COMMENTARY**

- 3.1 The Contract Compliance Team is responsible for monitoring social care contracts. It also monitors the quality of care offered to Bromley residents in care homes, supported living, extra care housing, and by domiciliary care agencies. The remit and size of the team has increased as the Council has become a commission organisation, rather than a direct care provider. This report focusses on the monitoring of quality services in care homes and other residential settings in the borough.
- 3.2 Where it is appropriate the Council meets assessed needs by funding placements in residential and nursing homes. Service Users are able to choose their placement, although their choice can be limited depending on the availability of placements and the user's financial resources. The majority of placements funded by the Council are contracted with individual homes on a spot contract basis (820 as at December 2017) supplemented by 60 nursing care beds purchased via a block contract with Mission Care. The Council ensures that service users have a choice of placements in homes in the borough for which the Council will pay a fair market rate. These rates are monitored and reviewed regularly in order to reflect demand as an inability to make local placements quickly also has a negative impact on the local acute hospital services.
- 3.3 The Council pays up to an agreed ceiling rate, based on criteria that service users have sufficient choice of placements in the borough at those ceiling rates. When it is not possible to place at those rates, a placement will be made above that level. If the Council's ceiling rate is too low providers will offer their beds to other local authorities or full payers as the first option, which will then also cause bed blocking at the hospital etc.
- 3.4 Service users who are more independent may be offered a tenancy in a flat in Extra Care Housing. There are 6 schemes spread across the borough. Support to manage daily living activities is provided on site and some of the schemes also have restaurants. During 2017 the support service was re-tendered. The new providers are Mears and Creative.
- 3.5 Many Service Users with Learning Disabilities have tenancies in supported housing schemes within the borough. The Council contracts with support providers to deliver support in these schemes and the providers are monitored by CQC as domiciliary care provision. The Council's Monitoring Officer visits each scheme and the registered care homes for Learning Disabilities and People with Mental Health problems.

### **MONITORING ACTIVITY**

- 3.6 This report sets out the monitoring activity undertaken by the Contract Compliance Team in Care Homes, Supported Living and Extra Care Housing Schemes in Bromley during 2017. The report also comments on the performance of the nursing bed block contract with Mission Care.
- 3.7 The Contract Compliance Team monitors the overall quality of service delivered in each Bromley location using a comprehensive Quality Assessment Framework (QAF) covering the quality of accommodation, the state of the building, health and safety, fire safety and business continuity plans. A blank copy of this document is attached as Appendix 3 to this report. The monitoring officer also selects random service user files and reviews in detail the care plans, recording, medication arrangements etc. Monitoring also covers staffing rotas, supervision arrangements and checks training. As part of the preparation for each visit we review complaints and safeguarding alerts recorded by the Council and during the visit we gather feedback from service users and their families. The provider is given a full report from the visit and is asked to complete an action plan to cover improvements that have been identified. The Council's Care Services Team undertakes reviews of the Bromley funded Individual service users annually, or more frequently if necessary.

- 3.8 The Care Quality Commission (CQC) ratings are also used to form part of the picture that is built up of each home. The Council's Compliance officers visit every home in Bromley and undertake a full QAF annually. Providers are asked to draw up an action plan to resolve any improvement issues identified in the QAF which is followed up by the Contract Compliance Officer. Where the outcome of the QAF or other risk indicators such as CQC scores suggest it is necessary follow up focus visits are undertaken to the home.
- 3.9 During 2017 officers have been working closely with colleagues in the Bromley Clinical Commissioning Group (CCG) in order to share information about homes and to reduce duplication of effort. The Continuing Health Care nurses have suggested additions to the QAF to cover clinical aspects of care which will be assessed by nurses. This work will be developed formally through a joint LBB and CCG Care Home Programme launched in November 2017. The programme involves a task and finish group on quality to be managed jointly. The Contract Compliance Team has also liaised with the St Christopher's nursing team who focus on end of life care to share intelligence about care homes.
- 3.10 The Portfolio Holder for Care Service takes an active interest in the quality of care being delivered in care homes. The Assistant Portfolio holder has been reviewing the work of the Contract Compliance Team and identified that early intelligence about potential problems could be gathered by seeking more information directly from service users and their families. To address this point one of the quality assurance officers has begun a programme of unannounced observation visits during which she will engage with users and residents of care homes and will also where possible attend relatives meetings. Members of the PDS committee visit care homes during the year and are able to engage with service users and their relatives. As part of their role as a watchdog of health and social care services Bromley and Lewisham Healthwatch have a statutory power to undertake Enter and View visits to care homes.
- 3.11 The Executive Director and Portfolio Holder for ECHS in partnership with Bromley CCG have initiated a series of meetings with Care Home Providers in Bromley in order to understand pressures and to identify ways in which the Council and Bromley CCG can support providers to deliver a good and consistent quality of care to Bromley residents.
- 3.12 This Contract Compliance activity encompasses the service delivered to all residents whether or not they are funded by the Council as many Bromley homes have a high proportion of self-funded residents.

### **CARE QUALITY COMMISSION (CQC RATINGS)**

- 3.13 The formal regulator for Adult Care Services is the CQC. The regulatory framework covering care services for adults is the Health and Social Care Act 2008. The 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 set out in this legislation. The CQC monitors for compliance against these Fundamental Standards of Quality and Safety. The fundamental standards are grouped into 5 key themed areas for the purposes of providing a consolidated rating for each home which are: Safe; Effective; Caring; Responsive and Well-led. Each individual area is rated separately and these and an overall rating is published on the CQC website. The ratings are: Outstanding; Good; Requires improvement; and Inadequate.
- 3.14 If the provider is failing to meet an individual standard the CQC will require the provider to complete an action plan to remedy the problem. If the issue is serious a warning notice will be issued which has to be remedied within a set timescale. If the provider fails to remedy the warning notice within the given time scales the provider may be put into special measures which if not remedied could result in the registration of the service being withdrawn.

- 3.15 Within the overall CQC rating a home may have individual ratings from different categories. A home could be rated overall “good” while still having an area that “requires improvement”, or as “requires improvement” while having an area rated as “inadequate”. A home may also be rated overall as “inadequate” whilst having a “good” rating in an area. Therefore it is necessary to consider the individual ratings and overall report about a home together with all other available current information when considering the performance of a home. Where homes are rated as “requires improvement” the Council’s Contract Compliance Officer will intensify the level of scrutiny of the provider and the provider’s performance is regularly reviewed by the partners at the Care Services Intelligence Group (CSIG).
- 3.16 The CQC checks that providers have appropriate levels of management and that the registered person for that business has appropriate values and are well motivated. CQC inspections work closely with the Contract Compliance officers to ensure that information is shared appropriately and that resources are best used. Providers also have a duty to be transparent with their residents and their representatives which includes displaying their rating and informing them of any changes in rating, breaches etc. It is recognised that a home’s performance sometimes changes relatively quickly, particularly if there is a change of manager or key staff members or internal quality assurance checks are not undertaken robustly .
- 3.17 The CQC report “The state of health and social care in England 2016/17” comments that the quality of care across England is mostly good. The majority of providers originally rated as good maintain this rating, however 23% dropped at least one rating. This observation reflects experience in local homes and underpins the need for constant vigilance by home owners and monitoring staff.

### CQC RATINGS OF LOCAL HOMES

Rating	Registered Care	Supported Living	Extra Care	Total	
Outstanding	0	2	0	2	
Good	38	11	1	50	
Requires Improvement	14	0	1	15	(previous provider)
Inadequate	0	0	0	0	
To be Inspected	1	1	4	6	

- 3.18 A snapshot of the overall CQC ratings by setting as at December 8<sup>th</sup> 2017 is set out in the table above. Appendix 1 sets out the current CQC ratings for all the Bromley providers. There are separate tabs for Care Homes for Older People, Extra Care Housing (ECH) and Supported Living Schemes and Care homes for People with Learning Disabilities and Mental Health Issues. The spreadsheet also shows the number of placements funded by the Council and the dates of monitoring visits made by the Council’s Contract Compliance Officer and CQC.
- 3.19 Very few services in the country are rated as outstanding in every category. In Bromley we were pleased to learn that CMG have been awarded an overall ‘Outstanding’ rating for a supported living scheme. Christies Care who provide live in carers are also rated outstanding. This confirmed very positive feedback from our contracts officer. Antokol Nursing Home, Coloma Court, and Community Options (Croydon Road) have received an outstanding rating for ‘Caring’.
- 3.20 15 providers have received an overall rating of ‘Requires Improvement’. A provider receives this rating when 2 or more key areas have been rated as requiring improvement. Each of these

providers is working to an improvement plan in order to achieve a 'Good' rating. Key areas which require improvement are: risk assessments to be more robust, effective application of Deprivation of Liberty Safeguards (DoLS) and overall quality assurance which is related to the areas mentioned above. These areas of concern are picked up and used as themes for learning and discussion in the Care Home Forum which is held quarterly throughout the year for Providers.

- 3.21 Bromley Park Nursing Home was rated Inadequate and in special measures for a few months during 2017. New placements were suspended and all existing residents were reviewed. The home worked hard in order to overcome the problems identified and their overall rating was improved after completion of remedial actions. They were supported by a range of partners from health and social services to achieve this by regular monitoring and assistance to improve practice around nutrition, infection control and record keeping.

## **CHANGE OF POLICY**

- 3.22 The Council's current policy is not to make any new placements with a registered provider where the CQC has found the service to be "**inadequate**". If a service receives this rating the Council's Care Services managers, together with the Contract Compliance and Safeguarding Teams in liaison with Health partners undertake a risk assessment in order to decide what action should be taken in respect of existing service users. Depending on the situation service users funded by Bromley could be given the option to move to alternative care homes.
- 3.23 Following discussion at the Care Services Policy Development and Scrutiny Committee on November 14<sup>th</sup> 2017 the Portfolio Holder agreed a recommendation that new care packages should only be placed with Domiciliary Care providers rated as "**Good**" by CQC. This report proposes that the same policy is applied to new placements in care homes. It is recognised that there will be some difficulties posed in implementing this policy because of the reducing number of placements available within Bromley, however Officers believe it should provide an incentive to providers to improve their CQC rating.

## **OUT OF BOROUGH HOMES**

- 3.24 Where service users have chosen to live out of the borough the contract compliance team undertakes regular checks of the CQC ratings. Care Services are alerted to any issues raised about the quality of care provided and will take follow up action if necessary. Care Services staff reviews service users in residential care regularly in order to ensure that residents continue to be safely placed. Social Services Authorities communicate with each other to ensure that new placements are not made in homes where there are concerns for the quality of care.

## **4. SAFEGUARDING ALERTS AND COMPLAINTS**

- 4.1 Service users are encouraged to make complaints in the first instance directly to the service provider. The Contract Compliance Officer checks the Complaints log at care homes during visits and follows up on these, for example by checking the service user's file and care plans or staff file to ensure that actions have been recorded. Where a complaint is not resolved satisfactorily the complainant may approach the Council for assistance. There are relatively few complaints received.
- 4.2 Contract Compliance Officers also monitor safeguarding alerts that are raised against every home in order to spot any potential trends. They will also check on the progress and outcomes of safeguarding investigations during monitoring visits and can ensure that any recommendations are carried out, either through the care plans, or through viewing staff files.

- 4.3 A detailed analysis of safeguarding alerts and complaints by home is set out in Appendix 2. Between April and December 2017 the Council has received 67 safeguarding referrals about Bromley care services. This is compared with the total of 92 in the whole 16/17 financial year. The number of complaints and safeguarding alerts should not necessarily be considered negatively. It is important that service users and their families feel confident to report concerns. The largest number of incidents are categorised as “neglect or acts of omission”. This would include failures with medication, uncaring attitude or poor care by carers, or failure to act in response to problems with service user’s health.
- 4.4 A few services have a higher number of safeguarding alerts during 2017. Sometimes these are due to more than one person being involved in a single incident. It is also important to check whether the alerts are found to be substantiated after investigation. There are currently 6 alerts in Glebe Court where the safeguarding investigations have yet to be completed, however all agencies are aware of these alerts and are visiting regularly and sharing information via CSIG in order to mitigate risks.

### **Care Services Intelligence Group (CSIG)**

- 4.5 The Council’s safeguarding manager convenes CSIG which is a regular meeting of officers from the Council, Bromley CCG , Bromley Healthcare, Oxleas, Police and CQC to exchange information and share any concerns about local providers. This ensures that any potential issues with individual or multiple providers are identified early; that investigations progress appropriately and that any learning requirements are factored into monitoring and training programmes.

### **HOMES WITH CONCERNS**

- 4.6 Where a risk to all residents in a care home is identified an “all residents” safeguarding case is opened. In this instance the Council works with all relevant partners (CCG, Health Providers, Police, CQC) in order to ensure the ongoing safety of residents. It is normal to require the provider to stop accepting new referrals into the home whilst investigations are ongoing. The Council will undertake reviews of all Bromley funded residents and will also ensure that residents who are self funders are supported.

### **Rosecroft:**

- 4.6.1 An all Residents Safeguarding Alert was raised for this home in November 2016. The home closed in May 2017. The police investigation is ongoing.

### **Bromley Park Nursing Home**

- 4.6.2 This home was rated Inadequate by CQC and placed in special measures for a few months during 2017. New placements were suspended and all existing residents were reviewed. The home worked hard in order to overcome the problems identified and their overall rating was improved to “requires improvement” after completion of remedial actions. They were supported by a range of partners from health and social services to achieve this by regular monitoring and assistance to improve practice around nutrition, infection control and record keeping. In November 2017 the key stakeholders judged that problems were resolved and the home resumed taking new placements.

### **4.6.3 Coppice and Spinney**

This is a supported living scheme where the support provision is run by Outward. Contract monitoring and complaints from clients have identified concerns with the level of care being provided. Stakeholders from the Council and Bromley CCG are meeting with the provider to

ensure that management action is taken to improve the situation and more frequent monitoring visits will be made during 2018 until issues are resolved.

## **5. USER / STAKEHOLDER SATISFACTION**

- 5.1 During every monitoring visit Officers take time to talk to residents about their experiences of care and support. They will also observe the interaction between staff and residents. Each provider undertakes its own annual user satisfaction survey. Residents and relatives meetings are conducted to promote inclusion; the feedback received is acted upon. The Contract compliance officer reviews the outcomes of these surveys and meetings as part of the contract monitoring process.
- 5.2 The feedback received as part of these surveys has been satisfactory. Difficulties have been recognised where residents lack the capacity to get involved due to cognitive impairment; a best interest decision has been taken by the provider in such cases. The Contract Monitoring Team has increased the focus on obtaining feedback from relatives and residents by using some quality assurance officer time to visit care homes.
- 5.3 The Contract Monitoring Team works with the Quality Checkers Team, a group of service users with Learning Disabilities who live within the Bromley schemes and use services. They are able to give useful feedback by communicating directly with service users about their experiences and to highlight accessibility problems with accommodation and facilities. This team also assists with the recruitment of shared lives carers.

## **6. NURSING BED BLOCK CONTRACT**

- 6.1 The Council has a contract with Mission Care for 60 nursing care beds in Bromley. These are spread across Willet House, Greenfield, Elmwood and Homefield. All homes are rated good except Greenhill, which requires improvement. The Council is closely monitoring Mission Care's action plan with the expectation that the actions taken will result in the rating improving at the next inspection. Mission Care won this contract following a procurement exercise. The original term of the contract has been extended twice as allowed and will expire on 31.12.17
- 6.2 The occupancy of these contracted beds during 2017 has been 100%. This extremely good performance is sustained due to close partnership working with Mission Care. The contract continues to deliver extremely good value for money. Regular contract monitoring meetings are held to review performance and explore issues arising. The key challenge for Mission Care and all providers in Bromley is to attract, recruit and retain a well-motivated and skilled workforce, both carers and nurses and managers. Mission Care has a well-developed practice of "growing its own" work force by recognising potential in staff and promoting them within the group where possible.

## **7. EXTRA CARE HOUSING**

- 7.1 These schemes are registered and inspected by the CQC as Domiciliary Care Providers. Each scheme is registered with the CQC individually, although no schemes have yet been formally inspected and rated. During 2017 new contracts were awarded to Mears Care and Creative Solutions. Sanctuary Housing and the Council's own Extra Care Service ceased providing in July 2017. Officers are working closely with the providers to mobilise the new contracts effectively.
- 7.2 Monitoring officers have developed a QAF specifically for extra care housing and use this to drive continuous improvement in the service. The Council's Quality Monitoring Officer also met individually with a sample of service users and their families as part of the monitoring.



7.3 The annual summary of complaints and safeguarding alerts is included in Appendix 2. In Extra Care Housing the majority of these are from Sutherland and Regency Courts reflecting the concerns about Sanctuary Homecare's performance. Sanctuary did not bid for a new contract and therefore Council officers met very regularly with Sanctuary management during the last year of the contract in order to ensure that quality assurance was maintained until the end and the service improved. The number of alerts has decreased since the new providers took over.

## **8 PROVIDER FORUMS**

8.1 The Contract Compliance Team runs quarterly forums for Care Home Providers and bi-annual forums for Learning Disability Providers. These forums are well attended and are used for the purpose of driving continuous improvement in services. Stakeholders from many partner organisations use the forums as a means of disseminating information, training, and gathering views for commissioning. In 2017 visitors to the forum have included LBB and CCG commissioners. Specialist nurses, Speech and language therapists, nutritional specialists, clinical nurse specialists, public health infection control, CCG pharmacy advisers, specialist recruitment advisers, the Fire service and many more. Through the forum we can also ensure that providers are aware of changing legislation and requirements such as the the forthcoming GDPR regulations.

## **9. RISKS**

9.1 Providers continue to find it difficult to recruit suitable motivated care and nursing staff. There is also quite a high turnover of managers in some homes which tends to enhance staffing difficulties. Owners are reviewing salaries in order to ensure that they can recruit experienced managers. The CQC report "The state of Health Care and Adult Social Care in England 2016/17" highlights high patterns of staff turnover and the potential additional problem posed by Brexit as in the South East 10% of staff come from the EEA. Providers are reporting a reduction in staff from EEA applying for local jobs. The CQC report also re-states the pressure that Care providers are under and warns that "staff are working ever harder to deliver the quality of care that people have a right to expect. However there is a limit to their resilience"

9.2 Some of the homes are in older properties which present challenges for nursing higher dependency residents, but few owners have the appetite for the challenge that undertaking a refurbishment presents, or the funding required for this investment.

## **10. EMERGING NEEDS**

10.1 A small number of people with dementia present with challenging behaviour and require additional support and monitoring for a time in order to ensure both their safety and that of other residents. Placements specialising in this type of care are extremely expensive and the only alternative is to provide 1:1 care in the current home which is expensive and unsatisfactory for residents and staff. Some local providers are proposing to set up small units which specialise in this intense level of care. This could be a more cost effective and caring alternative to 1:1 care and will be explored as part of future commissioning arrangements.

## **11. IMPACT ON VULNERABLE ADULTS**

11.1 The residents of Care Homes and Extra Care Housing are amongst the most vulnerable residents in the borough. Regular monitoring of the quality of care provided, both via announced and unannounced visits by officers is essential to ensure that provision is satisfactory. It is also critical to ensure that the person responsible for the care home has made appropriate

arrangements to check quality assurance and service user feedback and that they have clearly publicised their whistle blowing policy.

## 12. FINANCIAL CONSIDERATIONS

- 12.1 There may be financial implications by moving to making placements with providers whose CQC rating is good or above where possible. However at this stage it is not quantifiable.
- 12.2 Officers will monitor the progress of this and report back to Members in due course as to the financial impact if any.

<b>Non-Applicable Sections:</b>	Customer Profile, Market, Personnel and Legal Considerations
Background Documents: (Access via Contact Officer)	See appendices