



## Chief Executive's Report

**Report to:** Board  
**Date:** 8 March 2012  
**Report by:** Annette Bruton, Chief Executive  
**Report No:** B-01-2012  
**Agenda Item:** 7

### **PURPOSE OF REPORT**

This report provides an update on key developments since the December 2011 Board meeting.

### **RECOMMENDATIONS**

That the Board:

1. Notes the information contained in this report.

**Version Control and Consultation Recording Form**

Version	Consultation	Manager	Brief Description of Changes	Date
1.0	Senior Management	Executive Team	Contributed to report	
	Legal Services	Executive Team	Contributed to report	
	Resources Directorate	Executive Team	Contributed to report	
	Committee Consultation (where appropriate)			
	Partnership Forum Consultation (where appropriate)			

**Equality Impact Assessment**

To be completed when submitting a new or updated policy (guidance, practice or procedure) for approval.

Policy Title:

Date of Initial Assessment:

EIA Carried Out

YES

NO

If yes, please attach the accompanying EIA and briefly outline the equality and diversity implications of this policy.

If no, you are confirming that this policy will have no negative impact on people with a protected characteristic and a full Equality Impact Assessment is not required.

Name: Annette Bruton

Position: Chief Executive

Authorised by Director

Name: A Bruton

Date: 28 February 2012

## **1.0 INTRODUCTION**

This report provides Board members with an up-date of any key developments for the Care Inspectorate since the last report in December 2011, which are not covered in detail within the Quarter 3 performance report.

## **2.0 INSPECTION AND REGULATION**

### **2.1 Central and West**

The Significant Case Review (SCR) surrounding the death of Declan Hainey was published by Renfrewshire Council on 14 February 2012. The SCR considered the role and involvement of social work and health services in the case and progress on the implementation of a range of actions. The Renfrewshire Council press release was circulated to members for information.

The Care Inspectorate has been invited to verify/review the action taken in response to the SCR recommendations. This will be progressed as a separate piece of inter-agency work and will be reported on in due course.

### **2.2 Jersey Inspection**

The inspection of services for looked after children on Jersey was published by States of Jersey on 24 January 2012.

The report received extensive local coverage and was well received by local staff, politicians and councillors.

The social work services has already progressed a number of the recommendations and the report will be influential in shaping a more positive future for looked after children on the island.

The team, which included the Chief Social Work Adviser, Ms Alexis Jay, deserve recognition for all their efforts.

### **2.3 Complaints**

The initial scoping undertaken in respect of information about local authority complaints procedures has indicated that our current information is only partial. This reflects differing public reporting by local authority social work services about the complaints they receive. Scottish Government has only been able to acquire partial information from a survey it conducted last year.

The external consultation on our new complaints process has now finished and a paper is being drafted for the Strategy and Performance Committee in March 2012. This paper will seek a view from the Committee on the way ahead, thereafter, a business case and staged implementation plan will be prepared taking account of other significant strategic factors.

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A total of 402 responses were received through the external consultation process and 68 through the internal consultation process. The results from both demonstrated a high level of support for a number of changes to the Care Inspectorate's complaints process.

The most contentious area for consideration is the providers right of appeal to the complaint outcome. Currently within our complaints process only the complainant has a right of review.

A high number of external respondents felt that providers should have a right of appeal. Just over half of staff agreed that providers should have a right of appeal, but a significant number of staff raised concerns about the introduction of an appeals process.

The paper to the Strategy and Performance Committee in March 2012 will explore this issue in more detail.

A recent audit by our auditors, of the complaints function has evaluated our procedures as generally adequate but with scope for improvement. Recommendations for action will either be taken forward immediately, where necessary, or within the overall revision of the complaints procedure.

## **2.4 Registration**

The current environment of the social care market has resulted in a higher number of existing services changing hands. This includes several national providers such as Southern Cross, Argus Care Group and Ascot Care Homes. As a result greater demands are now being placed on the National Registration Team. Registering new providers has, at the same time provided an opportunity to influence improvements in care services and this confirms the importance of registration in gate-keeping and safeguarding role. For example, a third of the care homes previously run by Southern Cross were registered with a reduced number of beds because bedrooms were no longer available or habitable. We have learned that we need to ensure that we include environment as a theme of the inspection. This is a clear area of intelligence gathering which in future must relate to the overall provision by the care provider rather than that in any individual care home. It has also enabled the Care Inspectorate to identify and address inconsistencies in previous regulatory practice. For example, there is a need for greater clarity regarding expectations for the minimum provision and choice of bath/shower facilities, sluice rooms and standards for dementia units within care homes.

Registration policies and procedures have continued to be developed, including improvements to assessing the fitness of applicants and financial viability.

The National Registration Team is identifying a range of potential efficiencies to registration in the future, such as the development of interactive online applications and enhancing the role of administration.

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The National Enquiry Line continues to be successful and is handling an increasing number of calls. As well as improving the quality of advice being given, this has reduced the amount of inspector time being spent on duty.

#### **2.4.1 4 Nations Learning Event**

The Care Inspectorate hosted a successful learning event on 26 January 2012 for care regulators from England, Wales and Northern Ireland. This event built on the close working that developed for registering applicants of Southern Cross services and will result in these arrangements being formalised. It was agreed that an information sharing protocol should be developed. Exploring the differences in legislation, policy and practice across the different UK regulators on an ongoing basis will lead to improvements in how the Care Inspectorate regulates services. For example, discussing differences in how services and providers are registered has already led to several changes to our practice. These include formalising the checking of an applicant's regulatory track record in other UK countries and sharing information regarding holding companies.

### **3.0 DEVELOPMENT WORK**

#### **3.1 Risk and Intelligence**

Four further events for staff on the developing strategic intelligence framework and the organisational risk framework were held across the areas in January 2012. This time the emphasis was firmly on seeking to give staff feed back about work, on progressing the quick wins they had identified in the earlier events and also showing them how their earlier comments have been incorporated into the respective frameworks. Participants also appreciated hearing from the Chair and about the draft inspection programme for 2012 from the interim Chief Executive. Formal evaluations have been good.

The Board will receive a full presentation about both strategies and progress on quick wins at the Board Development day on 28 February 2012 with the opportunity to discuss and raise issues about how they are going ahead. Papers on both strategies will go to the Strategy and Performance Committee in March 2012 as planned.

#### **3.2 Methodology**

We are working on revised inspection procedures, inspection report guidance, notifications and records a service must keep for all regulated care services. We plan to have them available for staff mid March 2012.

The Intelligence and Methodology Manager is developing proposals for the intensity of inspections of better performing services which the Executive Team will need to agree. He is also preparing a project plan for the next Operational Management Team outlining options for a review of the quality themes and quality statements against which we inspect regulated services.

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### **3.3 Quality Assurance**

A Care Inspectorate quality assurance group is considering how best to renew and strengthen existing quality assurance operational procedures. Quality assurance procedures and consistency of reporting and decision making will be addressed in a number of ways including the review of our structure, the work being done on intelligence and risk and the forthcoming staff development programme for 2012-13.

### **4.0 STRATEGIC ISSUES**

#### **Update on Elsie Inglis**

The Director of Operations and the Inspection Programme Manager responsible for the East area are attending regular 'Gold Standard' meetings with Lothian and Borders Police, Procurator Fiscal and other agencies to support the police investigation. There is currently no timescale for concluding the investigation.

### **5.0 LEGAL AND ENFORCEMENT ISSUES**

#### **5.1 Davies and Mowat t/a All Stars Nursery-v-Care Commission**

The Care Inspectorate was successful in its appeal to the Court of Session, which set aside the decision of the Sheriff Principal to the effect that the Care Commission's decision to cancel registration must fall and the service must be registered with the Care Inspectorate. The Nursery has now marked an appeal to the Supreme Court (the Supreme Court is the successor to the House of Lords in Scottish civil cases).

#### **5.2 SCSWIS-v-Moore House Care and Education**

Following on the Sheriff's refusal (Livingston, 27 September 2011) to suspend the registration of this school care accommodation service, an evidential hearing was fixed for 3 February 2012. An Improvement Notice was served on 14 October 2011, coupled with the imposition of an additional condition of registration, preventing further admissions until the Improvement Notice had been complied with. The Improvement Notice had been complied with by 23 January 2012. On the basis the evidential hearing on the application for cancellation of registration did not proceed. The question of liability for the expenses of that application will be determined at a hearing on 4 April 2012.

#### **5.3 The Rowan Tree Nursery Ltd-v-SCSWIS**

A recently taken appeal (Edinburgh Sheriff Court) against cancellation of registration. The Care Inspectorate must lodge written 'Answers' by 27 February 2012. No full hearing has yet been fixed.

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**5.4 'Erskine Bridge' Fatal Accident Inquiry**

The evidence in this Inquiry concluded on 19 December 2011. The Inquiry heard submissions on the evidence on 7 and 8 February 2012. The Sheriff will now prepare her Determination, which she has indicated that she hopes to issue by 30 April 2012. In addition to the implications for inspection arrangements for regulatory services, the Inquiry has also taken into account the appropriateness of practice contained in evidence from the respective local authorities.

**6.0 COMMUNICATIONS AND PUBLIC REPORTING**

**6.1 Health and Sport Inquiry**

The Care Inspectorate provided comments to Scottish Government sponsor branch to inform the Scottish Government response to the Health and Sport Inquiry report. The Care Inspectorate has developed an Action Plan to assess any activities it requires to implement as a result of the Inquiry. Scottish Government sponsor colleagues suggested that the Care Inspectorate present to the Health and Sport Committee on its Inspection Plan in March 2012.

The Care Inspectorate provided a response to an inquiry from the Sunday Mail on the quality of care in ex- Southern Cross run care homes. The journalist ran a story on historical complaints within these services and did not publish our response. This response focussed on our expectation that people who use services and their carers should receive high quality care that reflects their needs and promotes their rights and where this does not happen we will take rigorous action to demand improvement.

The Care Inspectorate undertook a local campaign to inform people who use services and their carers on how to complain. The article also highlighted the responsibility on health and social care workers for whistle-blowing where quality of care is poor. The article ran in 16 newspapers and five radio stations. We are currently monitoring whether this has led to an increase in complaints activity.

Other recent media activity has focussed on ad-hoc enquiries about localised services and their inspection reports.

**7.0 LIAISON WITH SCOTTISH GOVERNMENT**

A meeting was held with policy colleagues in the Justice Directorate to seek an update about Scottish Governments refreshed approach to reducing re-offending (Reducing Re-Offending 2) and views about future criminal justice scrutiny options. The policy division have agreed to write to us about this.

A meeting between the intelligence directorate and the sponsor branch about developing the Inspectorate's performance indicators was extremely productive and will assist in reshaping these for the future.

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The Chair and Acting Chief Executive met with Scottish Government sponsor branch on 31 January 2012 to seek comments from cross-cutting policy interests within Scottish Government to the Care Inspectorate Inspection Plan so that Ministerial approval can be sought. It is anticipated that Ministerial approval will be granted in early March 2012.

The Chair along with the Chair and Chief Executive of HIS met on 8 February 2012 with Scottish Government officials to discuss the proposals for integration of Health and Social Care and in how, working together, our respective organisations could contribute to this developing agenda

The Chair and Chief Executive along with the Chair and Chief Executive of HIS met on 16 February 2012 with representatives of each of our sponsor teams. This meeting started the process of examining how in the light of closer working between our two organisations we might secure more effective integration of sponsorship arrangements and begin to address the important issue of cross cutting Scottish Government policy interests.

## 8.0 RESOURCES

### 8.1 Freedom of Information

In January 2012, the Scottish Information Commissioner published a review of the 'State of Freedom of Information in Scotland'. The Care Inspectorate's Information Governance function is currently the subject of a planned internal audit review. It is anticipated that the findings will demonstrate our good practice and compliance with the FOI regime.

### 8.2 Staff Recruitment

The inspector recruitment exercise is progressing well. As at 14 February 2012, a total of 109 applicants had been assessed, with 47 being successful (ie a conversion rate of 43%). A further 12 candidates await assessment and if the conversion rate is maintained this will mean we can recruit the required numbers and also have a robust reserve list.

### 8.3 Pay Remit 2011-12

The Pay Remit process for 2011-12 has been successfully concluded with staff earning £21.9k or less receiving an increase in salary of £250 backdated to 1 April 2011.

### 8.4 Organisation Structure Review

A project plan for the organisation review is being developed and the procurement exercise for a consultant to conduct the consultation phase is due to conclude 27 February 2012. Further updates will be provided to the Resources Committee.

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**8.5 Queen's Diamond Jubilee**

In line with other public bodies, the Care Inspectorate will grant Tuesday 5 June 2012 as a holiday to mark the Queen's Diamond Jubilee.

**9.0 BENEFITS FOR PEOPLE WHO USE SERVICES AND THEIR CARERS**

All actions taken by the Care Inspectorate are based on our duty of user focus, with the fundamental aim of providing benefits for people who use services and their carers.