

EAST AYRSHIRE COUNCIL

CABINET: 22 JUNE 2011

PROVISION OF CARE HOME SERVICES FOR OLDER PEOPLE IN EAST AYRSHIRE

Report by the Executive Director of Educational and Social Services

1. PURPOSE

1.1 The purpose of this report is to:

- (i) provide Cabinet with information on:
 - the current provision of Care Homes In East Ayrshire
 - a background to the Regulatory Framework
 - a summary report on performance in the sector
- (ii) seek agreement for revised arrangements to support monitoring, development and performance improvement in the sector

2. BACKGROUND

2.1 As part of our 2006/2011 Older people Strategy "The Future Direction of Older People Services," the then Social Work Committee agreed that the Council would focus our direct provision of service at supporting people to live in their own homes and we would work in partnership with the independent sector to provide high quality care home services.

2.2 This strategy has delivered improved outcomes for older people by:

- Supporting the professional and practice development of the inhouse home care workforce by increasing the number with SVQ qualifications from 0% in 2006 to 67%in 2011 which is in line with the best performing Councils.
- Delivery of Day service facilities for older people, at Rosebank Kilmarnock, Stewarton, Ross Court Galston, Roseburn Cumnock, with development underway for a new build in Auchinleck.
- Development of dedicated housing for older people, including supported accommodation on the Cessnock Gardens site Hurlford in partnership with Shire Housing and more recently the new Council House programme.

2.3 Scottish Councils have a duty from the Social Work (Scotland) Act 1968 (the Act) to carry out an assessment of people who would appear to have community care needs and provide or make available relevant community care services to meet need.

- 2.4 Section 12 (1) of the act places a duty on local authorities to provide or secure the provision of such facilities they may consider suitable and adequate including residential and nursing care homes.
- 2.5 The duties of Councils to deliver care home provision in accordance with the wishes of individual older people were further defined by the Social Work (Scotland) Act 1968 (Choice of Accommodation) Directions 1993 which came into force on 1 April 1993.
- 2.6 The directions advise that if, after an assessment of need, an authority decides to provide residential care for a person either permanently or temporarily, it will make a placement on his (or her) behalf in suitable accommodation.
- 2.7 The purpose of the direction is to emphasise the choice of “suitable” placement lies with the older person and if, after evaluation of options, the individual concerned expresses a preference for particular accommodation, the authority must arrange for care in that accommodation, provided:
- the accommodation is suitable in relation to the individual’s assessed needs
 - to do so would not cost the authority more than it would usually expect to pay for accommodation for someone with the individual’s assessed needs
 - the accommodation will be available
 - the person in charge of the accommodation is willing to provide accommodation subject to the authority’s usual terms and conditions for such accommodation
- 2.8 As a result of these directions the Council cannot consider accommodation as unsuitable simply because it fails to conform with the authority’s preferred model of provision or meet the letter of a standard service specification used by an authority to purchase care.
- 2.9 In East Ayrshire there are 21 independent care homes registered to provide care for older people.
- 2.10 The overall capacity is 910 places of which 607 residents originate from and are at least partially funded through the Council. A further 99 people who originate from East Ayrshire are currently resident in care homes outwith the Council area.
- 2.11 Contract monitoring arrangements from the Council and inspection from the regulator Social Care Social Work Improvement Scotland, (formerly the Care Commission) has identified significant variation in the quality of care in the sector. This has also been subject to public reporting at a local and national level.

3. REGULATORY AND MONITORING FRAMEWORK

- 3.1 As a consequence of the introduction of the Regulation of Care (Scotland) Act 2001 responsibility for the registration and inspection of care services transferred from Councils and Health Authorities to the “Scottish Commission for the Regulation of Care” (Care Commission) from period 2002/2003. For East Ayrshire Council this resulted in a transfer of £138k from the social work budget to the then Scottish Executive with additional posts also transferring from Education services, resulting in a total transfer of circa £200k. At the same time the NHS transferred resources to the new regulator in respect of inspection of the element of nursing home care and private hospitals.
- 3.2 As part of this transfer the Care Commission were tasked to;

“have the general duty of furthering improvement in the quality of care services provided in Scotland”
- 3.3 In recent years the Care Commission through their programme of inspection and complaints investigation of registered services in East Ayrshire have made recommendations and requirements for improvement. From 2008, this has also included awarding quality gradings that range from grade 6 – excellent to grade 1 – unsatisfactory.
- 3.4 Since the introduction of quality gradings in 2008 an increasing trend from the Care Commission is to significantly downgrade services as a result of complaints investigation on individual issues.
- 3.5 Over this period, in the care home sector the Care Commission in East Ayrshire have not at any time moved to the legal recourse of enforcement action in respect of a care service to address issues of failure in performance. This is despite some services having extended periods when the quality of service was assessed as poor.
- 3.6 One reason that this legal recourse has not been utilised is that East Ayrshire Council have acted in partnership with the Care Commission, to place moratoriums on admissions to services when required. This action being taken to protect the interests of individuals who may use the service in line with the Council's duty of care. This action also allows the service to develop action plans for improvement, which we monitor and support the service to meet the required standard.
- 3.7 The Council through application of the National Care Home Contract, (negotiated annually between COSLA and providers through Scottish Care) contract with providers to deliver services to individuals with identified care and support needs. Through our procurement and contracting processes we stipulate the quality of care we require and the arrangements in place to monitor this. Monitoring takes place at two levels;

- Monitoring of the care and wellbeing of individuals:- through the care management process, Care Managers support the transition to the care home and conduct reviews shortly after admission to a care service. This is followed by regular reviews by two dedicated review officers on at least an annual basis.
- Monitoring of contract compliance:- the Social Work service undertake a contract monitoring role across a full spectrum of commissioned services including in this instance the national care home contract. This involves visits to the services on an announced and unannounced basis, the frequency of which is dependent on risk identified for performance monitoring (see Appendix 2).

3.8 The Social Work Service recognise a number of issues inherent to the current arrangements.

3.9 The first issue is the balance between the role of SCSWIS as the regulator and the Council as contract monitor. These roles are closely related, but there is a risk that we are duplicating effort and also the Council is increasingly taking up the monitoring role in respect of Inspection action plans and the overall quality improvement role. For the future SCSWIS have indicated a direction of travel towards self evaluation of services and risk based proportionate inspection. In practice this means for some care homes a reduction in the frequency of inspection.

3.10 The second is an internal issue in relation to the assimilation of intelligence between the two monitoring streams outlined in paragraph 3.7 above. Our fieldwork staff visit services on a regular basis their priority focus is on individuals and we have systems in place to feedback to the contract monitoring team issues that arise in this respect. Contract monitoring would however be improved by these staff taking a wider view of services and reporting this back to the responsible officers. For instance in respect of the environment, staffing, care quality and medication regime.

4. PERFORMANCE

4.1 The Care Home sector is an essential partner in the delivery of the Reshaping Care for Older People Programme and the implementation of the Dementia Strategy. Many providers in the sector deliver high quality care and accommodation for some of the most vulnerable older people in our community who cannot be cared for at home due to physical or mental frailty.

4.2 They are also well placed to provide capacity for short term care that provides respite for family carers and rehabilitation and reablement support for older people.

4.3 The quality grades achieved by care homes within the current scheduled of inspection programme are detailed at Appendix 1.

- 4.4 The overall average score is 3.49 and this lies between the adequate and good grades. This however masks the variation from excellent provision to services that are unsatisfactory.
- 4.5 All care services that have received grades of 2 or below are subject to enhanced monitoring arrangements from the Council and in services that fall to grade 1 for quality of care, all residents receive additional individual reviews. Additionally in recent weeks care homes that have been awarded grade 2 or below in respect of quality of care have been visited by or attended discussion sessions with members of the Corporate Management Team and Chief Social Work Officer in order the Council can be assured of the improvement programmes in place to achieve the quality we require and the residents of the care homes deserve.
- 4.6 To address the current concerns and take forward this partnership it is proposed that enhanced arrangements are established to support monitoring, practice improvement and take advantage of development opportunities in the sector. This will involve a partnership of the Council, NHS Ayrshire & Arran, SCSWIS, East Ayrshire Advocacy Services and the care providers through Scottish Care.

5. SOUTHERN CROSS HEALTHCARE

- 5.1 Southern Cross Healthcare are a significant provider of care home services in East Ayrshire. The company operate 3 facilities;
- | | | | |
|---|-----------------------|------------|-----------|
| • | Crossgate Care Centre | Kilmarnock | 64 places |
| • | Torrance Lodge | Hurlford | 92 places |
| • | Glennie House | Auchinleck | 54 places |
- 5.2 Within the overall capacity of 210 places, 156 are occupied by older people who originate from East Ayrshire.
- 5.3 Throughout the past 18 months the quality of care provided within each of the 3 care homes has raised concerns with the Council. Each home has been subject to periods of enhanced monitoring including, additional care reviews of residents and weekly announced and unannounced visits from contract officers. The Council has also worked in partnership with SCSWIS to support improvement in the Southern Cross facilities.
- 5.4 At the end of 2010 the Chief Social Work Officer met with the Southern Cross Regional management to seek agreement for an improvement. In June 2011 a meeting was convened between the Council Chief Executive, Executive Director, CSWO, to express continuing concern and seek assurances of improvement of the delivery of care. The Southern Cross Director of Operations for Scotland and Northern Ireland has agreed to detail a workplan within 1 week of the meeting and follow up with progress meetings by end July 2011.

- 5.5 The national financial position of Southern Cross Healthcare has also been widely reported. The company has emphasised that although they are in negotiations with landlords in respect of annual rent, there are no plans for closure of care homes in East Ayrshire.

6. HUMAN RESOURCE IMPLICATIONS

- 6.1 Following the recent review of contract and commissioning arrangements within social work there is an opportunity to redeploy the contract and commissioning manager to focus on this task and lead coordination across the partners.
- 6.2 A multi – agency team of social workers, community psychiatric nurses and general nurses will be established to increase capacity in terms of review and monitoring of care in care homes. The team will also support the sector when appropriate in care planning and interventions for those individuals with the most complex care and in this respect will have access to specialist supports from across the sector including the moving and handling team, and mental health officers.
- 6.3 To increase capacity of the reviewing officers and expand the role to wider consideration of risk and environmental factors in the care homes will require establishment of 2 additional registered social worker posts to the community care establishment.

7. FINANCIAL IMPLICATIONS

- 7.1 The total spend by East Ayrshire Council in 2010/2011 on Care Home services for older people was £13.8million. Of this sum £3.6million was paid to Southern Cross Healthcare.
- 7.2 As part of the Social Work Sustainability programme in the 2011/12 budget settlement the Council made allowance for the increased demands on social care services in line with demography through the allocation of £644K.
- 7.3 These resources have been aligned with the £1.64m Change Fund allocation from the Scottish Government Reshaping Care for Older People to the East Ayrshire Partnership to support the shift in the balance of care from hospital and institutional settings to the community.
- 7.4 It is proposed that this resource is utilised to fund the 2 additional registered social worker posts and additionally to increase capacity through a variation in the existing contractual arrangements with East Ayrshire Independent Advocacy Services by £20k per annum to support a focus on care home services.

8. LEGAL AND POLICY IMPLICATIONS

- 8.1 Proposals within this report support the Council in respect of duties under the Social Work (Scotland) Act 1968.

- 8.2 To deliver increased independent advocacy for residents in care homes, the report seeks authority of an additional contractual payout of £20k to vary the contract of East Ayrshire Advocacy Services.

9. COMMUNITY PLANNING IMPLICATIONS

- 9.1 The provision of high quality Care Home placements for residents of East Ayrshire supports the Health and Wellbeing theme of the Community Plan.
- 9.2 The provision of sustainable social care and health services within East Ayrshire is a major contributor to the Community Regeneration Theme.

10. RISK IMPLICATIONS

- 10.1 The proposals within this report are intended to mitigate against the risk of:
- (i) Vulnerable residents of East Ayrshire being subject to unacceptable standards of care
 - (ii) Lack of development in the care home sector to meet emerging need and models of care
 - (iii) Reputational risk to The Council, Community Planning Partners and the Care Home Sector due to poor performance by a small number of providers.

11. EQUALITIES IMPLICATIONS

- 11.1 The proposals within this report support equality of service and access to services for people with a disability. This is further promoted through the increased availability of independent advocacy services.

12. RECOMMENDATIONS

It is recommended that Cabinet:

- (i) Note the current provision of Care Homes in East Ayrshire and the variation in quality grades.
- (ii) Note the actions taken by the Council in respect of engaging with the Care Homes where performance is noted at poor or unsatisfactory
- (iii) agree the revised arrangements to support monitoring, development and performance improvement in the sector and specifically the addition of 2 social workers to the community care establishment

- (iv) agree to the increased investment in independent advocacy through variation in the contractual arrangements with East Ayrshire Advocacy Services as outlined at paragraph 7.2.
- (v) Otherwise note the content of this report.

GRAHAM SHORT
EXECUTIVE DIRECTOR OF EDUCATION AND SOCIAL SERVICES
16 June 2011

LIST OF BACKGROUND PAPERS

For further information on this report please contact:-

IMPLEMENTATION OFFICER: EDDIE FRASER, HEAD OF SERVICE:
COMMUNITY CARE

Appendix 1

SCWIS Inspection Programme

Name of Care Home/Provider;	Registered Number	Residential Home (RH) or Nursing Home (NH) or dual	date of current inspection	Current grades-Care and support	Current grade-environment	current grade - staffing	current grade management and leadership
Argyll House	21	NH	8.12.10	3	2	4	3
Burnfoot Care Home	48	NH	9.12.10	3	3	3	3
Bute House	47	DUAL	16.12.10	3	3	3	3
Craigie Care Home	21	DUAL	22.10.10	5	5	5	5
Crossgates CC	64	NH	16.12.10	1	2	1	2
Dalmellington CC	61	DUAL	06.05.11	3	3	3	4
Dean House	15	RH	03.11.10	5	5	5	6
Doonbank	37	DUAL	15.12.10	5	4	4	4
Glebe	46	DUAL	25.3.11	1	1	1	1
Glennie House	54	DUAL	17.09.10	2	3	3	3
Graceland	70	DUAL	09.12.10	5	5	4	4
Grange	22	DUAL	22.10.10	5	5	5	5
Hallhouse	48	DUAL	22.10.10	6	5	5	5
Howard House	47	DUAL	15.12.10	5	5	5	5
Lizdean Care Home	18	NH	05.05.10	5	4	5	4
Nightingale House	35	RH	23.11.10	2	2	2	2
Springhill	52	DUAL	22.04.11	1	3	2	1
Thorntoun	80	DUAL	21.04.11	2	3	4	2
Torrance Lodge	92	DUAL	10.11.10	3	4	4	4
Woodside House	17	RH	14.12.10	5	5	4	4
West Park	15	RH	23.11.10	2	3	2	2

Appendix 2

East Ayrshire Council Contract/Care Monitoring Programme

Name of Care Home/Provider;	Date East Ayrshire Last Inspected	Monitoring Regime	Social Care Review - Team Last Visit
Argyll House	19.5.11	quarterly	20.4.11
Burnfoot Care Home	14.4.11	monthly	27.4.11
Bute House	17.5.11	quarterly	4.5.11
Craigie Care Home	1.4.10	6 monthly	4.4.11
Crossgates CC	31.5.11	4 weekly	10.5.11
Dalmellington CC	3.2.11	quarterly	26.5.11
Dean House	1.8.10	6 monthly	7.3.11
Doonbank	1.7.10	6 monthly	11.5.11
Glebe	14.6.11	weekly	21.4.11
Glennie House	7.6.11	4 weekly	14.4.11
Graceland	7.9.10	6 monthly	20.5.11
Grange	1.4.10	6 monthly	10.5.11
Hallhouse	1.10.10	6 monthly	30.5.11
Howard House	1.4.10	6 monthly	28.4.11
Lizdean Care Home	17.5.11	quarterly	22.2.11
Nightingale House	14.4.11	monthly	10.5.11
Springhill	13.6.11	weekly	13.6.11
Thorntoun	14.6.11	4 weekly	26.4.11
Torrance Lodge	31.5.11	4 weekly	31.5.11
Woodside House	1.8.10	6 monthly	1.6.11
West Park	16.3.11	quarterly	18.5.11