

Report

Democratic Services Committee

Part 1

Date: 25 July 2019

Subject **Proposal for revising Member oversight of Residential Homes Rota Visit Arrangements**

Purpose To propose revisions to the process and the way in our residential homes for children and adults are monitored by Members

Author Lucy Jackson, Responsible Individual (RI).

(NB: The RI is an officer designated by the Director of Social Services and who has satisfied Care Inspectorate Wales that they are a fit and proper person. The role of the RI is to have effective oversight of the service, including its management and adequacy of resources; they must review and improve the service and promote a culture of openness and accountability.)

Ward All. The Council's residential homes are based in seven wards (Brynglas, Llanwern, Malpas, Rogerstone, Pillgwenlly, Shaftesbury, Stow Hill), and provide support for people from across Newport.

Summary The RISCA (Registration and Inspection of Social Care Act 2016) introduced changes to the accountability of regulated services such as adult and children's residential homes. These changes came in to force in 2018, as services were registered by Care Inspectorate Wales (CIW) under the new legislation. RISCA enhances the legal duty on the Responsible Individual (RI) and requires them to undertake frequent visits to each service and submit an annual Quality of Care Review highlighting any issues and areas where improvements can be made.

In light of RISCA and following discussion with the Cabinet Member for Social Services a new approach to Members' oversight is being proposed which enables Members to receive and consider the annual Quality of Care Review and provides an opportunity for Members to visit homes on a planned, announced RI visit.

Proposal **To amend the approach to the Rota visits as set out in the report.**

Action by Eleanor Mulligan, Democracy and Communication Manager and Lucy Jackson, Responsible Individual

Timetable Immediately

This report was prepared after consultation with:

- Cabinet Member for Social Services
- Head of Law and Regulation
- Democracy and Communications Manager

Background

1. The Registration and Inspection of Social Care Act 2016 (RISCA) was introduced to improve the quality of care and support in Wales of regulated services. The Act introduces changes to the regulation, inspection and enforcement of care and support and includes requirements for the regulation of the social care workforce to ensure that everyone who works in the sector is skilled appropriately qualified and trained to an agreed set of standards.
2. RISCA requires that a person (known as the responsible individual or RI) is designated and is held accountable for the quality and compliance of a service. RISCA places specific requirements upon the RI that are set out in section 28 of the Act.

‘The RI is responsible for overseeing management of the service and for providing assurance that the service is safe, well run and complies with regulations. The RI is responsible for ensuring the service has a manager, sufficient resources and support. The RI is not responsible for the day to day management of the service; this rests with the manager.’ (Requirements on Responsible Individuals, parts 16 to 20 of the Regulations).

3. In Newport, Lucy Jackson, Service Manager in Adult and Community Services is the RI for all of the internally managed and regulated social care services, (currently, May 2019, three residential homes for older people, four houses for children and a domiciliary care service).
4. In order to carry out this role:
 - Each service is visited at least every 12 weeks and a report prepared for the Director of Social Services. The visits provide an opportunity to engage with people receiving the service, staff, families and professionals. During the visits, spot checks are undertaken on records to check compliance with the regulations and generally ensure that the fabric of the buildings are fit for purpose. Colleagues from Contracts and Commissioning have supported many of these visits. The majority of these visits are unannounced. Between registration of the services in Autumn 2018 and 1 April 2019, 27 visits took place;
 - reports are submitted monthly to the RI from each service that provide an overview of individuals using the service, staffing issues, budget and summary of issues that have arisen during the previous month;
 - the RI meets the managers of the services at regular, scheduled meetings and is available to meet and discuss matters as and when helpful;
 - notifications that are made to CIW under Regulation 60 are reviewed by the RI.
 - arrangements are in place to ensure any significant issues that emerge from the work of the RI are brought to the Cabinet Member for Social Services attention.
5. The RI is required to review the quality of care and support for a service every six months and prepare a report to the service provider, which includes an assessment of the standard of care and support provided and recommendations for improvements. An annual return and statement of compliance will be required to be submitted to Care Inspectorate Wales (CIW), the regulator from May 2020 – the six monthly reports will form the basis of that return. Information from the regular visits, monthly reports etc. provide the basis of these reports. These reports should be submitted to the provider’s board.
6. Regulation 80 of RISCA sets out what should be reviewed in order to make an assessment of the quality of care and support:

- Consideration of the outcome of engagement with individuals (e.g. people using the service, their families, professionals);
 - analysis of aggregated data on incidents, notifiable incidents, safeguarding matters, whistle blowing concerns and complaints;
 - review of any action taken in relation to complaints;
 - consideration of the outcome of any audit of the accuracy and completeness of records.
7. For some years, Members have undertaken visits to the Council's regulated services. The visits have taken place in pairs, providing an opportunity for people living in the homes to give feedback about life in the home. Following the visits, a brief report has been submitted to the relevant Service Managers.

The visits were instigated within the context of the Children Act 1989 as part of the approach to corporate parenting but are no longer a requirement. The visits have continued but there is currently no statutory requirement or other guidance noting that Members should visit the services delivered.

Proposal

8. Ensuring that there is accountability and oversight of our regulated services is essential for public confidence and RISCA provides an opportunity to consider how Members can have effective oversight of our regulated services in this new context.
9. Following discussion with the Cabinet Member for Social Services, the following approach is considered an appropriate way forward:
- That Members of the appropriate scrutiny committee receive the annual Quality of Care Review and have the opportunity to scrutinise the findings of the RI at a scrutiny meeting;
 - Three Members nominated by normal Council appointment process to be invited to visit individual homes for prearranged visits such as a coffee morning to provide them with the opportunity to engage with the residents and hear their views about life in the home. This would take place on an annual basis.
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Financial Summary

There are no costs or financial implications of this proposal

Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Information contained within the Quality of Care Review is concerned with the care and support of some of our most vulnerable children and adults.	H	L	The report will need to be drafted to ensure that there is transparency about the life of people living in our homes whilst ensuring confidentiality of individuals.	Responsible Individual
Oversight of our services by Members is not adequate and public confidence in our ability to provide regulated services is lost	M	L	Members will meet people living in our homes on an announced visit and will also be provided with a detailed report from the RI for discussion.	Members/RI

* Taking account of proposed mitigation measures

Links to Council Policies and Priorities

This proposal links to the Corporate Plan:

- Our regulated services are concerned with improving the lives of some of the most vulnerable people in the city. The work in the homes focusses on individuals well-being outcomes.
- The development of new homes for children is a corporate plan objective to reduce the number of children in social care placements outside of the city.

Options Available and considered

1. To continue with Rota visits as they currently take place
2. To move to the proposed approach whereby the annual Quality of Care Review is considered by scrutiny and a planned visit is made by a member to each home each year to speak to the people living there.

Preferred Option and Why

Option two is the preferred option because it provides an opportunity for a collective, detailed discussion about the quality of the provision in our regulated services by Members.

Comments of Chief Financial Officer

There are no financial implications associated with this report.

Comments of Monitoring Officer

The revised inspection and reporting arrangements are in accordance with the provisions of the Registration and Inspection of Social Care (Wales) Act 2016 ("RISCA"), the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 and statutory guidance. In accordance with RISCA, the designated "Responsible Individual" now has personal responsibility under the new legislation and inspection regime to carry out scheduled inspections of Council care homes every 12 weeks to ensure that they continue to comply with registration and care standards.

The Responsible Individual is required to report back to the Director of Social Services and the Council, as the registered service provider. The Director of Social Services has designated the Service Manager as the Responsible Individual for the purposes of discharging these inspection and reporting duties, in accordance with the requirements of RISCA.

The previous rota visits undertaken by elected Members under the Children Act 1989 are now effectively redundant. The Regulations and guidance require the Responsible Individual to report quarterly to the Director and to report back to the Council on an annual basis. The annual inspection report can be taken to the Performance Scrutiny Committee (People), in accordance with the Council's existing performance management framework and their terms of reference under the constitution. Any Scrutiny comments on the annual inspection report would then be taken to full Cabinet, with any agreed actions being implemented by the Director and relevant Cabinet Member.

Because the inspection changes are a legislative requirement and the reporting duties are already covered in the relevant executive and scrutiny arrangements set out in the constitution, then Democratic Services Committee are simply required to note the contents of the Report. There is no direction about whether to introduce these changes. The one extra-statutory provision that is entirely discretionary is the suggestion of nominated Councillors undertaking informal visits to the homes, but this would have no legal basis and would be entirely independent of the statutory inspection and reporting regime.

Comments of Head of People and Business Change

The proposal to nominate Councillors to undertake visits to the residential homes would potentially improve openness and accountability, ensuring homes are safe, well run and in compliance with the regulations and also give residents a voice in relation to their care.

There are no direct human resources implications in this report

Comments of Cabinet Member

This decision to change the way in which Members are involved in the inspection process is the decision of the Cabinet Member. The Cabinet Member has been involved with, and endorses the suggestion being put forward within this report.

Local issues

Not Applicable.

Scrutiny Committees

The proposal to report the outcomes of the inspections to Scrutiny is within the current terms of reference of the Performance Scrutiny Committee - People and would not require a change to the

constitution to enact this. The Scrutiny Committee will be consulted following democratic Services Committee's consideration of this report.

Equalities Impact Assessment and the Equalities Act 2010-

This is not applicable for this report because the changes that will be noted will not have a direct impact on service users only the methods of inspections.

Children and Families (Wales) Measure

Not applicable.

Wellbeing of Future Generations (Wales) Act 2015

The proposed changes to the inspection process will have a positive contribution to the goals of the Wellbeing of Future Generation act as it has the potential to improve openness and accountability, ensuring homes are safe, well run and in compliance with the regulations and also give residents a voice in relation to their care. There are also additional checks and balances being put in place with this approach by reporting the outcomes of the inspections to Scrutiny.

Crime and Disorder Act 1998

Not Applicable.

Dated: 1 July 2019