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Ein cyf / Our ref:

Eich cyf / Your ref:

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Dear Sarah

Care Home Review

I am writing to respond to the actions allocated to CSSIW in your report A Place to Call Home following your review of care homes in Wales. Overall, we fully support the key conclusions, the characteristics of the best care homes and the principles underpinning really good care identified by the review. We welcome the perspective and additional insight that your review has brought, and wish to respond positively to the actions identified for CSSIW. I am pleased to say that much of CSSIW's practice is already focused on the issues you have raised. In particular, our guiding principle is "to put service users at the heart of our work; the Quality of Life" is a core theme in our inspections and this is supported by the use of the Short Observational Framework for Inspection (SoFI) tool which enables us to directly assess the experiences of people with dementia and other disabilities.

In considering our response, you may also find it helpful if I explain the current context for our work which includes the Welsh Government's agenda for transforming care and social services, and a number of emergent initiatives. These include:

- The Social Services and Well-being Act with its accompanying National Outcomes Framework.
- The emerging requirements of the Registration & Inspection Bill.
- The Welsh Language Measure, Standards and More than Just Words.
- Welsh Government's developing vision for the care home sector.
- The Review into Operation Jasmine.
- The new framework for standards in nursing care.

These developments are also aligned to the issues you have identified in your report, placing the well-being of people at the heart of services through a focus on real outcomes, and by understanding and meeting their needs. In responding to your actions, we will need to factor all these demands into our work to determine our priorities and how best to support the improvements you too are seeking to achieve.

One of the transformative changes in our practice is the development of a Quality Judgement Framework (QJF) which we will be piloting in 2015. The QJF will focus on the outcomes for people using services and their well-being, thereby supporting the core theme of the Social Services & Well-being (Wales) Act. It will enable us to publish a “rating” for providers of care services, giving more information about services, providing a catalyst for improvement and empowering people to make informed choices. We are also using the findings and actions in your report to inform the development of the QJF and we are confident that it will give us a reliable line of sight on a number of the issues you raise.

Another key development in our business model is the development and implementation of a new ICT system which went “live” internally in 2014. We plan to use the system to develop our digital services, and this will facilitate on-line data collection and the ability to collate information across services. This will be critical in reporting on some of the issues you have identified.

In relation to the specific action points that you have identified for CSSIW’s attention, I shall respond to each in turn.

1.5 An explicit list of “never events” should be developed and published that clearly outlines practice that must stop immediately. The list should include use of language, personal care and hygiene, and breaches of human rights

In practice there are clear “never events” that trigger immediate enforcement action either by CSSIW or other partner agencies, for example POVA referrals under the All Wales Procedure. Sometimes, however, the “thresholds” for enforcement action are not clear and this is where our inspectors have to bring their professional judgement to bear in assessing the risks to service users, the potential impacts and the capability of the provider to make improvements. Setting the thresholds will be a critical part of the QJF and we will include an equivalent of “never events” for care homes for older people. These will be identified and used as “tipping points” into “poor” judgement ratings and, as is currently the case, provide a trigger for enforcement action.

We will be consulting extensively on the QJF and this will provide us with an opportunity to send a strong message to all care home providers about the standards we expect. It will also empower people using services, their carers and families by providing more information about the quality of services.

We asked your office for examples of “never events” arising from your review to consider and look forward to receiving them. We think it is important to involve the Care Council for Wales in the discussion as there are codes of conduct issues to consider and also suggest the need to include commissioners, given their central role in the provision of services.

6.2 Care home providers, commissioners and CSSIW should develop informal and systematic ways in which to ensure they better understand the quality of life of older people, through listening to them directly (outside of formal complaints) and ensuring issues they raise are acted upon.

Annual reporting should be undertaken of how ongoing feedback from older people has been used to drive continuous improvement.

The “quality of life” and the experiences of people using services is a core theme of our inspections. Our visits to care homes involve speaking to people using services and directly observing their experiences. We have introduced SoFI to support this approach and strengthen the evidential basis of our work. Also, we have “informal” systems for engaging with local people at an area, regional and national basis, and these are being strengthened in 2015/16.

Our proposals for a QJF will align our work to the National Outcomes Framework and Welsh Government’s definition of “well-being”. This will become the universal approach for defining and considering quality of life across regulation and commissioning. A strong voice for people using services will be at the heart of our work.

We plan to use our new ICT system to introduce a unified approach to data collection across regulators and commissioners. In addition, we are working on a revised framework for our annual evaluation of local authorities’ social services. We will take on board the action identified for CSSIW as part of these developments and expect to make significant progress in 2015.

There is also a further opportunity for us to develop a new model for annual reporting in line with the expectations of the new Bill which will come into force in 2017.

6.3 Lay assessors are used, on an ongoing basis, as a formal and significant part of the inspection process.

As an underlying principle, we have always recognised the value of involving a wide range of people in our work and our Participation Plan sets out our strategy for doing so, which includes the use of lay assessors/independent visitors. We have undertaken pilot studies for using independent visitors and have looked at the cost/benefits, and looked at their use by other inspectorates. We also note and commend the benefits derived from your programme of using rapporteurs as part of your review. Our evaluation showed some important benefits but, as you may appreciate from your experience, even supporting a small group for a one-off sample of inspections proved very resource intensive. To scale this up into a full programme for our adult regulated settings, numbering some 1,603, will require a significant investment in money and staff which is particularly challenging for us at this time of fiscal pressure. Consequently, we are currently assessing our options and next steps after our pilot programmes, and I will write to you again when we have reached a conclusion. .

In the meantime, we are prioritising obtaining the views of those already living in and visiting homes, updating our inspection process and laying the foundations for digital services as described earlier.

We do plan to use lay assessors as part of thematic inspections of local authorities, which will include the inspection of some care services. Through this we will involve citizens in reviews which cover the wider processes of delivering social care, which will shape both our work and the provision of services at a more strategic level.

We do recognise the value of involving citizens in our work and have, in the past year, established our National Advisory Board with over 50% representation from people with experiences of services and carers. In the coming year we will be establishing regional advisory groups to look more closely at our operational practice and this will provide even greater opportunities for citizens to be directly involved in our work.

6.9 The Chief Inspector of Social Services publishes, as part of her Annual Report, information about the quality of life and care of older people in care homes, which includes the following:

- *The quality of life of older people in care homes who are bed bound*
- *The quality of life of older people in care homes living with dementia*
- *The quality of life of older people in care homes living with sensory loss*
- *The implementation of care plans in older people's care homes*
- *The accuracy of external statements from independent providers*
- *How the human rights of older people are upheld in care homes across Wales*

The Chief Inspector's Annual Report already comments on the quality of care services and I am happy to consider how this can be expanded to include a specific commentary on the areas that you have highlighted.

I understand your suggestion is for the Chief Inspector's Annual Report to comment on these individual areas annually, not "thematically". Whilst we routinely consider these areas in our inspections of providers, to provide an overview in the Annual Report with any degree of validity and authority will require a tailored approach to evidence gathering. The themes you have identified are important and significant but the collection of data will require some further thought, closer definition and scoping. I set out below our early thinking on how we might take this action forward.

Bed bound: We will be including census data collection in the annual returns we request from providers and this will enable us to comment on trends. On a thematic basis we could look in more detail at the experiences and care of those who are "bed bound".

Dementia: CSSIW has done some work to shape "service descriptors" including those for providers specialising in dementia care. We will not be able to implement these until the new Regulation & Inspection Bill becomes law. These will help us to build a picture of the "market" for such care, identify trends and lines of further enquiry. In the development of a revised annual return we plan to collect data on numbers of staff who have received dementia training, and our new ICT system will enable us to capture and collate observations from SoFI. This will provide an evidence base for assessing the quality of life of people with dementia and providing an informed commentary in the Annual Report.

Sensory loss: We will be able to report on this once our revised annual return is in place later this year, which will include questions developed by Sense Cymru. We also plan to undertake a thematic study next year using volunteers from Sense Cymru, which will provide a more qualitative analysis and commentary, and we have commissioned them to develop an inspection guide for older people with sensory loss.

Implementation of care plans: We will be able to report on this through analysis of compliance as this is a key line of enquiry in our inspections.

Accuracy of external statements from independent providers: We need to look at this action in the context of the Regulation & Inspection Bill, which may include specific requirements in relation to the accuracy of reporting by providers. In doing so, we will need to have regard to our powers and capacity to undertake such a function, and the “level of assurance” we can provide. We are in a position to evaluate the accuracy of legally required documents like the Statement of Purpose, and therefore can capture and report on non-compliance in this regard.

Upholding Human Rights of Older People: In general terms, the principles of human rights underpin all our work and the delivery of care services across Wales. However, the rights are not explicitly set out in the relevant statutes for care services, regulations or national minimum standards. This also applies to our inspection framework. This is because of the breadth and complexity of covering “human rights” in the wider sense would make our inspections overly bureaucratic and onerous. Consequently, it would be a significant challenge to provide good quality, analytical data although, in time, we expect the QJF to provide a valuable evidence source to track and report on people’s well-being. Upholding and respecting older people’s human rights is at the heart of good care, and the QJF will allow us to comment on the behaviours and practices that we require of providers. In addition to this, other strands of our work, such as our data monitoring and reporting on Deprivation of Liberty Safeguards, actions in response to safeguarding and concerns raised with us, provide intelligence that we can report annually although these only reflect some aspects of “human rights”.

I hope these comments are helpful and reflect your aspirations, and the priorities arising from the review. I should like to reaffirm CCSIW’s commitment to support the Older People’s Commissioner and work in partnership to improve the quality of care and well-being of older people across Wales.

Yours sincerely



Imelda Richardson
Chief Inspector
CCSIW – Care and Social Services Inspectorate Wales