



Ms Alison Ward
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17 April 2015

Dear Ms Ward

Formal written notice issued under the Commissioner for Older People (Wales) Act 2006: Additional Information Required

I would like to take this opportunity to thank you again for providing a timely response to my Requirements for Action, which were published alongside the findings of my Care Home Review.

I have now had an opportunity to review all of the responses from the bodies subject to my Review and I enclose my evaluation of your response.

If you raised specific questions with me about my Requirements for Action, please find attached my response to these.

In analysing the responses received, I was looking for assurance, through the information provided and action in hand or planned, that my Requirements for Action will be implemented and the intended outcome will be delivered.

As you will see from my analysis, I have clearly set out whether each element of your response is 'acceptable', 'partial' (further information needed) or 'unacceptable'. Acceptable means that my assurance levels based in the information provided are sufficient, partial and unacceptable means that I require further information to be assured that the Requirement for Action will be implemented and its intended outcome delivered.

Where I have concluded that an element of your response is either partial or unacceptable, I require further information or a revised approach in order to be satisfied that your organisation is already complying with the Requirement for Action or is committed to taking the action necessary to deliver the required change. This information should be provided to me by **Friday 15 May 2015**, in line with the timescales specified in the Commissioner for Older People (Wales) Act 2006. If you are unclear about any aspect of your response, in particular what would provide the level of assurance that I am looking for, or have any detailed questions regarding the Requirements for Action, you are welcome to contact me.

I am obliged by the Commissioner for Older People (Wales) Act 2006 to keep a register of responses to my Requirements for Action and therefore all of the responses from the bodies subject to my Review will be published on my website together with the analysis of each response. I will also be publishing an overall commentary on whether I consider, based on the further information I receive, that the change I expect to see on behalf of older people will be delivered. In addition to this information being published on my website, I will also be making a formal public statement, both in respect of an overview of action underway and action intended by individual bodies subject to the Review.

If you require any further information, please contact my Director of Wellbeing and Empowerment, Daisy Cole, on 08442 640670.

Yours sincerely



Sarah Rochira
Older People's Commissioner for Wales

Torfaen County Borough Council

Requirement for Action 1.6

Initial Conclusion - Partial

1.6 Older people are offered independent advocacy in the following circumstances:

- when an older person is at risk of, or experiencing, physical, emotional, financial or sexual abuse.
- when a care home is closing or an older person is moving because their care needs have changed.
- when an older person needs support to help them leave hospital.

For those with fluctuating capacity or communication difficulties, this should be non-instructed advocacy.

When a care home is in escalating concerns, residents must have access to non-instructed advocacy.

The Local Authority's response to this requirement appears to demonstrate an awareness of the role of advocates and states that its policies & procedures include the requirement to offer independent advocacy according to the specific requirements as set out by the Commissioner.

The response refers to advocacy provision while moving directly from hospital to a care home; in this instance the individual's social worker acts as the advocate for that individual. As the role of advocate is specific, it is unclear as to whether the Local Authority has recognised the potential conflict that may be faced in some circumstances where the decision of the Local Authority is questioned. The response would be improved through clarification of this point.

However, the response goes on to state that individuals are provided with information and are signposted to the Local Authority's independent

advocacy provider (Age Cymru - Gwent). The circumstances around which also need to be clarified in the Local Authority response.

The response highlights “robust” procedures that are in place and processes are documented to ensure that residents are signposted towards advocacy services when homes are entering escalating concerns.

The response would benefit from a brief analysis of current provision and of any action plans aimed at addressing gaps and shortfalls, which includes clear timelines, and accountable named officers.

Requirement for Action 2.2

Initial Conclusion - Partial

2.2 Older people in care homes have access to specialist services and, where appropriate, multidisciplinary care that is designed to support rehabilitation after a period of ill health.

The Local Authority’s response to this requirement appears to demonstrate some awareness of the range of multi-disciplinary care and specialist services currently available.

The Local Authority states that care plans include outcomes that can be facilitated by health or jointly. The response also states that access to falls service, re-ablement services, rapid response service, and COPD clinics already exists in Newport in partnership with ABUHB. In addition, an individual does have access to specialist services, multi-disciplinary care that supports rehabilitation after a period of ill health. However, the response does not demonstrate a clear understanding and analysis of the range of specialist services that are available and any gaps or shortfalls where action is needed. Further information is needed to provide assurances that the Local Authority will achieve compliance with the Requirement for Action.

Requirement for Action 3.2

Initial Conclusion - Partial

3.2 All care home employees undertake basic dementia training as part of their induction and all care staff and care home managers undertake further dementia training on an on-going basis as part of their skills and competency development, with this a specific element of supervision and performance assessment.

The Local Authority's response to this requirement appears to demonstrate an awareness and understanding of the importance of dementia training and demonstrates some understanding of the range and availability of dementia training with reference to the Butterfly Project; however, the response does not provide sufficient detail to assess the extent to which this requirement is met.

The Local Authority states that the requirement to have appropriately trained staff in nursing and residential homes forms part of provider contracts. However, a clearer idea of how this is monitored and services commissioned would provide assurances that the Local Authority is able to achieve the Requirement for Action in reality.

The Local Authority also indicates that free training is provided to all Newport Care settings via the Workforce Development Team. Dementia training has been provided and attended by care staff. However, without clarification about the types of training, it is difficult to assess the impact. The response would also be improved through clarification about supervision and performance assessment to comply with all elements of the Requirement for Action.

Requirement for Action 3.3

Initial Conclusion – Partial

3.3 Active steps should be taken to encourage the use of befriending

schemes within care homes, including intergenerational projects, and support residents to retain existing friendships. This must include ensuring continued access to faith based support and to specific cultural communities.

The Local Authority's response to this requirement appears to demonstrate an understanding of the importance of befriending, stating that providers are signposted towards services provided outside of the council by the third sector via the provider forum and the Community Services Directory.

The response also states that social workers review care plans and the extent to which these are being met via the routine review of service users care plans and support services.

Whilst this is welcome, more evidence of how the Local Authority is taking active steps to encourage the use of befriending schemes within care homes is needed. In addition, the response would benefit from information around faith based support and to specific cultural communities. There may already be something in place; but without reference to it, an assessment is difficult. Reference to gaps in provision should be noted rather than implied and an action plan and timeline should be included to address any shortfall. This would improve the response and provide assurances that the Local Authority will achieve the Requirement for Action in reality.

Requirement for Action 5.6

Initial Conclusion – Acceptable

5.6 A National Improvement Service is established to improve care homes where Local Authorities, Health Boards and CSSIW have identified significant and/or on-going risk factors concerning the quality of life or care provided to residents and/or potential breaches of their human rights.

The national improvement team should utilise the skills of experienced

Care Home Managers, as well as other practitioners, to provide intensive and transformational support to drive up the standards of quality of life and care for residents as well as to prevent and mitigate future safeguarding risks.

This service should also develop a range of resources and training materials to assist care homes that wish to improve in self-development and on-going improvement.

The Local Authority response demonstrates a willingness to comply with the requirement and implicitly acknowledges that the local authority will sign-up to the National Improvement Service.

The Local Authority also demonstrates a willingness to work with Welsh Government to achieve the NIS principles, stating that it will share current practice extensively with Welsh Government.

Requirement for Action 6.2

Initial Conclusion – Partial

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 on-going feedback from older people has been used to drive continuous improvement (see action 6.10).

The Local Authority's response to this requirement appears to demonstrate some understanding of the importance of listening to the voices of older people and ensuring that the issues raised are acted upon. However, whilst the response acknowledges current processes that capture information via older peoples' voices, it does not clearly demonstrate how this information is used to improve services.

The Local Authority states that quality information is captured and reported on via surveys and reviews from information from all older people, where a “voice” can struggle to be heard. Advocates and family members are also engaged to ensure that all have a voice. The response would benefit from examples of where issues raised have led to improved outcomes for older people.

The Local Authority response indicates that it has a good relationship with CSSIW and providers suggesting that issues around quality can be addressed in a joined up way.

The Local Authority also identifies areas of shortfall and areas for improvement; but the response implicitly suggests that current practice is sufficient and does not need to improve. This may be the case, but as the response does not adequately focus , address or describe quality of life outcomes for older people, example of good practice would provide assurances that the Local Authority will achieve the Requirement for Action in reality..

Requirement for Action 6.7

Initial Conclusion – Acceptable

6.7 Annual Quality Statements are published by the Director of Social Services in respect of the quality of life and care of older people living in commissioned and Local Authority run care homes. This should include:

- the availability of Independent Advocacy in care homes
- quality of life and care of older people, including specific reference to older people living with dementia and/or sensory loss
- how the human rights of older people are upheld in care homes across the Local Authority
- the views of older people, advocates and lay assessors about the quality of life and care provided in care homes
- geographic location of care homes

Further details of reporting requirements should be included as part of the Regulation and Inspection Bill.

The Local Authority's response picks up on the Commissioner's key requirements, and the Local Authority indicates that the Chief Officer's Annual Report to Council will include information on a range of relevant themes; however, more detail is needed to explain this more clearly and how this will meet the Commissioner's specific Requirements for Action.