

QUESTION TO THE CHAIRMAN FOR ADULT SOCIAL CARE & HEALTH COMMITTEE

“According to recent reports by the Care Quality Commission a fifth of nursing and residential homes in England are failing to give patients their medicines or meet basic professional standards with potentially fatal consequences.

Please could the Chairman inform the Council of the procedures we currently have in place to ensure that the Care Homes in Nottinghamshire are meeting national care standards.

Could he also confirm whether the Council places vulnerable people into Care Homes currently not meeting these care standards?”

Councillor Chris Winterton

Response by Councillor Kevin Rostance, Chairman of the Adult Social Care and Health Committee

- 1 “Nottinghamshire County Council undertakes an annual Quality Audit of all older persons’ care homes across the County. An audit tool has been developed which provides a robust framework for assessing the standards of care provided in each home. The audit includes talking with residents and family members/carers to ensure that the needs of the residents are being met.

Where concerns are identified, the care home is required to develop an action plan and implement any changes in practice or procedure to ensure the service is of a good standard. If and where the concerns are of a serious nature the Council will take action and suspend the contract, ensuring that no new placements are made until the key actions have been properly implemented. The Council will, during this time, closely monitor residents and ensure that they, and their families/carers, are kept fully informed of the situation.

In relation to nursing homes where health partners also have contracts directly with the homes, health and social care staff liaise with one another when undertaking annual quality audits. Wherever there are particular concerns about health-related practices in care homes, health and social care staff will work together in undertaking the audits and in subsequent follow up visits.

Where there are specific concerns identified in relation to medicine management or medicine administration, then a specialist pharmacy audit can be requested from relevant health professionals. Again, this will result in key actions being identified for improvement, with follow-up visits to ensure that the actions have been implemented.

- 2 The Council has also established a quality referral process where any concerns received from a member of the public, the Care Quality Commission (CQC), from partner organisations, or from staff, are logged and are followed up usually with a visit to the care home to ensure that the concerns have been or are being properly

addressed and the issues resolved. Again, if the concerns are of a serious nature and/or numerous, then the Council will take action to suspend any new placements until the concerns have been addressed.

- 3 Additionally, the Council holds regular information-sharing meetings with the Care Quality Commission (CQC) and also with Nottingham City Council and Healthcare partners. This ensures that all concerns about particular homes are discussed and any remedial actions required of the home are fully identified and followed up by the respective agencies.
- 4 When the CQC has concerns about the standards of service in a care home, and where it has identified that a home is not 'complying', it has a range of actions that it can take dependent on whether the non-compliance has a minor, moderate or major impact on the service. This includes identifying and requiring compliance actions, issuing warning notices or taking civil and/or criminal action. A compliance action could be set, for example, when a care home is not complying with a regulation but people are not deemed to be at immediate risk of harm. The care home provider would be required to report on how they will achieve compliance and the action they will take to do so within specified timeframes.

The CQC will consider issuing 'Warning Notices' where a home fails to respond to compliance actions or where it is deemed that failure to meet certain standards would have a moderate/major impact on the service. The CQC informs the Council when it is intending to issue a Warning Notice in respect of standards not met.

Whilst any care that falls below the standards required is a matter of concern, many of the breaches do not compromise the safety of residents and require relatively small changes in order to fully meet the standards. Therefore the presence of either Compliance Notices or Warning Notices does not mean that the home is unfit for residents. If the care home provider fails to take the necessary action to improve the standards of care then either the CQC can take further enforcement action, potentially leading to prosecution or closure of a service and the Council will also take further contractual sanctions including termination of contract if necessary.

- 5 With regards to the information contained in the CQC Market Report published on 3rd July 2012, the information is based on data collected at 31st March 2012 and therefore will not reflect the current position as the numbers of homes where the CQC identifies concerns and takes enforcement action is liable to change on a monthly basis.

Currently there is one older persons' care home in the county where the CQC is taking enforcement action. The contract with this home was suspended on 8th June 2012 as a result of the concerns identified by the Council as well as by the CQC. The contract will remain suspended and no new placements will be made to the home until the required actions have been implemented and the standard of care has improved."