



Chief Executive's Report

Report to: Board
Date: 21 March 2013
Report by: Annette Bruton, Chief Executive
Report No: B-07-2013
Agenda Item: 12

PURPOSE OF REPORT

This report provides an update on key developments since the 18 December 2012 Board meeting.

RECOMMENDATIONS

That the Board:

1. Notes the information contained in this report.

Version Control and Consultation Recording Form

Version	Consultation	Manager	Brief Description of Changes	Date
1.0	Senior Management	Executive Team	Contributed to report	3.13
1.0	Legal Services	Executive Team	Contributed to report	3.13
1.0	Resources Directorate	Executive Team	Contributed to report	3.13
	Committee Consultation (where appropriate)			
	Partnership Forum Consultation (where appropriate)			

Equality Impact Assessment

To be completed when submitting a new or updated policy (guidance, practice or procedure) for approval.

Policy Title:

Date of Initial Assessment:

EIA Carried Out

YES

NO

If yes, please attach the accompanying EIA and briefly outline the equality and diversity implications of this policy.

If no, you are confirming that this policy will have no negative impact on people with a protected characteristic and a full Equality Impact Assessment is not required.

Name: Annette Bruton

Position: Chief Executive

Authorised by Director

Name: A Bruton

Date: 11 March 2013

1.0 INTRODUCTION

This report provides Board members with an up-date of any key developments for the Care Inspectorate since the last report in December 2012.

2.0 INSPECTION AND REGULATION

2.1 Developing New Approaches to Inspection Planning

The Operational Planning Group (OPG) chaired by the Director of Strategic Development (Depute Chief Executive) has continued to meet on a monthly basis.

The Inspection Plan for 2013/14 was approved by the Strategy and Performance Committee on 21 December 2012 and subsequently by the Board at their meeting on 18 January 2013. On Wednesday 30 January 2013, the Chief Executive, Depute Chief Executive and the Chair of the Board hosted a meeting in Dundee with the Cabinet Secretary Health and Well-being to discuss the inspection plan. We are now awaiting confirmation of ministerial approval. We will continue to plan and implement our inspection plan for April on the assumption that it will be approved and take account of any further discussions in due course.

On Friday 18 January 2013, a formal announcement was made on the composition of the new inspection teams which was a significant milestone in terms of the organisational restructuring. Inspectors have now been allocated to one of four national/specialist teams ie Adult Services and Learning Disabilities, Early Years, Older People or Justice and Young People. A formal announcement of the team leaders for these specialist teams will be made shortly.

Four regional staff events took place between 29 January and 7 February 2013 which were held in Perth, Erskine, New Cumnock and Inverness. The aim of these events was to provide staff with an opportunity to learn more about the revised approach to inspection planning and how that will be implemented from 1 April 2013. The events were well attended and generally well received.

The Inspection Planning Coordination Team has continued to work closely with the Internal Stakeholders Reference Group (ISRG) to develop new inspection planning guidance. This was issued in draft form to staff on 21 January 2013 prior to the staff events so that they would have an opportunity to consider it and provide comments or raise any questions with the Inspection Planning Coordination Team at the events.

Individual Inspection Plans for those inspectors who will be involved carrying out inspections of regulated services were developed and issued to relevant staff on 29 January 2011. These are currently being reviewed by managers and staff to address any particular issues for individual inspectors. Services due to be inspected in the coming year were allocated to inspectors based on the specialist team to which they were matched and where staff were based. Work is ongoing to

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allocate those services in particular geographic areas where there is insufficient specialist staff within a reasonable travelling distance whilst still adhering to the principle of working towards specialist rather than generic caseloads.

Consideration is also being given to how we will manage those services that do not fall to be inspected in the coming year.

A small sub-group of the Operational Planning Group has been tasked with taking this work forward and is expected to make their recommendations very soon.

Work is also ongoing to plan the joint inspections of children's services and care and health for adults, commencing with older people.

2.2 Self-Directed Support (SDS)

The SDS Bill has now been passed and it is in statute. The commencement date for implementation of the provisions of the legislation is 1 April 2014. Scottish Government will prepare the supporting regulations and guidance between now and the commencement date.

Care Inspectorate staff are contributing to a number of workstreams looking at implementation eg how to measure the impact of the implementation of SDS in terms of outcomes for individuals.

The Care Inspectorate hosted a workshop with Scottish Care in February 2013 which was attended by 130 service providers. The workshop provided a useful starting point for wider discussions with service providers about the implications and impact of SDS for individuals, Councils, service providers and the regulator.

The Ministerial response to the consultation on the Integration of Health and Social Care systems has been published which may have implications for the future of our inspections. As the implications become clearer we will bring further updates and proposals to the Strategy and Performance Committee.

2.3 Inspection, Registration and Complaints

Inspection

Inspection staff across all four areas continue to focus on completion of the inspection plan for 2012/13. Where necessary staff who have completed their inspection caseloads are supporting those in other areas. The focus on inspection of all four quality themes in every inspection has made a significant impact on the time take to complete inspection. Further work is ongoing to ensure that all available intelligence informs resource planning for 2013/14 so that targets are achieved without compromising on quality or consistency of the inspection process. This will continue to strengthen the Care Inspectorate's role in providing ever stronger protection and assurance for people using services and their carers.

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Poorly performing services continue to be given focussed attention with required actions being followed up by inspectors to ensure action is being taken to improve standards of care.

All inspection staff are working to meeting the unallocated inspections and there is confidence that all inspections will be completed as planned.

2.4 Registration

The Registration Manager continues to have a lead role on the National Contingency Group, with Scottish Government and COSLA. This group was set up following the collapse of Southern Cross and was convened recently following concerns identified by the registration team regarding the financial viability of Oakview Estates Limited.

The Care Inspectorate's Fitness Policy Group has provided guidance on the Protection of Vulnerable Groups (PVG) scheme and is currently planning the introduction of retrospective PVG checking for existing services alongside partners from Disclosure Scotland.

The registration team has continued to refuse a relatively high rate of applications for registration and variation compared to predecessor bodies. This is the result of more consistently applied high standards across the national team,

An analysis of the cancellation and registration data shows the changing patterns of care service provision continuing, with childminding places increasing and children's daycare decreasing. Care home places are also decreasing with the high volume of applications reflecting new providers taking over existing services rather than new places being created.

Registration inspectors are currently assisting the completion of inspection targets, which will result in registrations and variations taking longer than usual during the final quarter of 2012-13.

2.5 Strategic Inspection

The first pilot inspections were announced in September 2012 on schedule. These pilots are taking place in Orkney and Edinburgh and due to complete in February 2013.

A further two pilot inspections were announced in November giving 12 weeks notice to North Ayrshire and Argyll and Bute community planning partners and briefings underway.

The pilots are successfully resourced as multi-disciplinary teams with contributions from Education Scotland and Healthcare Improvement Scotland. The first two pilots have successfully included young inspectors in the inspection team, HIS has

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recruited 16 Associates specifically for these joint inspections and a successful induction event was hosted by HIS and the Care Inspectorate on 8 January 2013.

2.6 Complaints

The third quarterly performance report for 2012-13 includes detailed performance information about how the complaints team performed against Corporate KPIs. A good performance in the third quarter of 2012-13 has been sustained.

The new complaints procedure was successfully launched on 08 October 2012.

The research project into the impact of making a complaint (i.e. does making a complaint make a difference for the service user, complainant, the provider and the service) commenced late December 2012. The research report, with executive summary will be available to the Executive Team in May 2013 and implications subsequently report to the Strategy and Performance Committee

An alternative expenditure bid has been agreed by ET to fund the purchase of digital recording equipment for the national complaints team. The proposed implementation of this equipment will be 1 April 2013, once training and guidance for their use has been delivered to all staff. This will enable better clarity of note-taking for complaints evidence gathering.

3.0 DEVELOPMENT WORK

3.1 Joint Inspection of Services to Children

A draft guide to support Community Planning Partnerships with joint self-evaluation of services for children, young people and families was published in October 2012. 'How well are we improving the lives of children, young people and families? A guide to evaluating service for children using quality indicators' was launched in draft form at a series of three events across Scotland. Over 200 representatives of Community Planning Partnerships attended and were consulted on the guide. The guide is intended to provide a complementary approach to robust self-evaluation and independent scrutiny. It sets out the quality indicators which will be used by inspectors in their external evaluation of services for children. The consultation ended on 31 January 2013 and the Care Inspectorate will report on the key messages before finalising the publication by April 2013.

A pilot phase of four Joint Inspections of Services for Children will be concluded by May 2013. The pilots are successfully resourced as multi-disciplinary teams with contributions from Education Scotland, Healthcare Improvement Scotland and Her Majesty's Inspectorate of Constabulary for Scotland. We have successfully included young inspectors within these teams. Further review and evaluation of the methodology is planned at the end of the pilot phase. Thereafter, the Care Inspectorate will carry out a series of joint inspections across Scotland in

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accordance with a plan agreed by Scottish Ministers. The selection of local authority areas for inspection will be based on intelligence and risk, will link closely with the established shared risk assessment process led by Audit Scotland and be published within the National Scrutiny Plan for local authorities.

A staff development day was held on 10 January with over 60 staff participating from the Care Inspectorate, Education Scotland, HIS and HMICS. This included all staff contributing to the pilot inspections.

A review of the early phases of the inspections has resulted in a decision to reduce the "foot print" of the inspection saving 21 inspection days for each inspection. Further review and evaluation is planned.

The plan for 6 joint inspections in 2013/14 is at an advanced stage of development through the work of the Inspection Planning Team.

3.2 Joint Inspection of Services to Adults

The programme of pilot joint inspections – in Perth and Kinross, Inverclyde and West Lothian Councils - has now commenced. Fieldwork scrutiny is now well underway in the initial pilot, Perth and Kinross Council.

Initial meetings have been held with Inverclyde Council to discuss and plan arrangements for their pilot inspection and fieldwork.

West Lothian Council have requested their pilot inspection is moved to Quarter 1 (2013/14 inspection year). This rearranged date has been agreed by the Executive Team. West Lothian's pilot inspection will now be a full inspection enabling the methodology to be fully tested in one site.

3.3 Policy Team Update

3.3.1 Research Hub

The Policy Analysts, working with colleagues from across the Care Inspectorate and external organisations, are progressing with plans to develop an online policy/research hub. 'The Hub' will take the form of a multi-media microsite – accessible both to internal staff and external stakeholders – that will give users access to a library of good practice guidance and key Care Inspectorate publications; multi-media case studies demonstrating innovative practice; policy papers and briefings sourced or provided by the policy team; and tools and guidance that will allow users to carry out their own research more effectively. The design of the hub is due to be completed by end of March 2013 with a launch date of late summer 2013.

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3.3.2 The Francis Report

The Policy Analysts have produced a lessons learned report based on the key themes and issues that have emerged from the final report of the public inquiry into Mid Staffordshire NHS Foundation Trust – ‘The Francis Report’. Although this is a NHS based report, there is a strong focus on standards and regulation. Analysis of these findings will ensure that the Care Inspectorate can learn any lessons from concerns raised in England and, where relevant, take mitigative action to reduce risks and therefore improve the quality of care for people in Scotland.

3.3.3 Consultations

The Care Inspectorate has responded to the following consultations over the last quarter:

- Standards and Guidelines for Risk Management (Risk Management Authority)
- National Personal Footcare Guidance (Scottish Government)
- Draft Quality Indicators for Palliative and End of Life Care (Healthcare Improvement Scotland)
- Proposed Changes to the Governance Arrangements for Controlled Drugs (Department of Health)
- Procurement Reform Bill (Scottish Government)

In November a new procedure for responding to external consultations was approved by the Executive Team. The Policy Analysts now have a key role to play in coordinating and responding to consultations on behalf of the organisation. This will ensure that all consultation responses are consistent in style, format and message.

The Scottish Government is currently undertaking a consultation on the redesign of the community justice system. The Care Inspectorate will contribute to this consultation drawing on knowledge, experience and inspection evidence from criminal justice and performance inspections.

3.4 Communications

Following agreement by the Executive, the communications team will take forward work on a new corporate communications grid. This grid will draw together key information from across the organisation. It will facilitate improved forward planning of announcements, provide the scope for strategic oversight of the Care Inspectorate’s public posture, and allow senior managers to see how external and internal events can be better integrated.

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The Making Every Moment Count resource was launched by the Chair Frank Clark and Public Health Minister Michael Matheson MSP in Rutherglen on 19 February, with press interest in the resource from national, local and specialist media. Print, DVD and online materials have been created to supplement the resource.

As described in the draft public reporting strategy, and following the appointment of a new communications manager, work is underway to create a baseline study of our media profile. The bulk of our interface with the media continues to relate to our inspection activity, chiefly in response to inspection reports or complaints.

Our publication Care News has been shortlisted into the final of the stakeholder magazine by the Institute of Internal Communications Scotland Awards 2012.

Plans have been put in place with Scottish Government officials to arrange a joint induction day for new Care Inspectorate and sponsor branch staff. This is scheduled for 7 May and will allow staff to jointly understand the operational practices of the Care Inspectorate and relevant Scottish Government branches.

4.0 LEGAL AND ENFORCEMENT ISSUES

4.1 'All Stars' Appeal

This nursery's appeal was heard by the UK Supreme Court on 30 January 2013. The Care Commission/Inspectorate was represented by Jonathan Mitchell QC and Scott Blair, Advocate. The issue before the Court was whether the original appeal against cancellation of registration should proceed in name of (a) the Care Commission or (b) the Care Inspectorate (formally 'Social Care and Social Work Improvement Scotland'). The Care Commission/Inspectorate's position was that it is no practical significance which body continues in that appeal. The Justices also wished to consider whether, standing the existence of later decisions to cancel registration (also subject to appeal), these appeals should simply be brought to an end. The Care Inspectorate argued against that suggestion.

A written judgement was provided on 27 February. In summary, the Supreme Court ruled that it is the Care Inspectorate (formally SCSWIS), not the Care Commission, which should regulate the nursery. It directed that the best approach is for the appeal against the 2012 cancellations of registration, rather than the 2008 and 2009 cancellations, to be heard and urged for that to happen as quickly as possible.

In giving its judgement, the Supreme Court held that the dissenting view from the Court of Session – ie, that it was Care Inspectorate (formally SCSWIS) who regulated the nursery, not the Care Commission with SCSWIS acting as agents – was correct. The Supreme Court also directed that the 2008 and 2009 cancellations should be set aside but confirmed that the appeal against the 2012 closure notice should proceed with the Care Inspectorate as defender.

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This is the only case of a decision to close a service that was subject to appeal at the point at which the powers of the Care Commission were transferred to the Care Inspectorate in April 2011, so the findings of the Supreme Court are likely to be unique to this case.

This was the media statement issued by the Care Inspectorate after the judgement:

‘We will not hesitate to act on concerns about the safety of children, but this appeal tested whether and how the new Inspectorate carried forward legal powers from the old Care Commission to close a nursery where necessary. We are pleased that the Supreme Court has at least rejected the notion that this nursery’s registration could not be revoked by either the old or new regulator, and clarified beyond doubt that this nursery is regulated by the Care Inspectorate.

In November, we identified fresh concerns about the health, safety and wellbeing of children, so again issued notices to close this nursery, which it is now contesting. The Supreme Court has directed that the decision on whether to close the nursery should be based not on the historic case, but on our latest inspections. We welcome the call for the Sheriff in Aberdeen to resolve that case as speedily as possible because when it comes to the protection of children, delay creates risk’.

There has been no award of costs as yet.

4.2 Enforcement Activity

In a number of recent cases, serious concerns have emerged regarding the conduct of childminders which the Care Inspectorate believes has placed minded children at serious risk to their life, health or well-being. Applications for cancellation of registration under s65 of the Public Services Reform (Scotland) Act 2010 have been prepared. In each case, however, the childminder has voluntarily cancelled registration on learning that the Care Inspectorate intended to make application to the court. Numbers of enforcement cases generally are separately reported.

4.3 Fatal Accident Enquiries

The Care Inspectorate is involved in no on-going Inquiries at present, nor are any in which the Care Inspectorate will be involved expected to commence imminently.

5.0 LIAISON WITH SCOTTISH GOVERNMENT

There have been a number of changes of personnel in the team in our Sponsor Branch. We are working closely with colleagues on a number of existing and new workstreams. A joint briefing day has been set up and will provide briefings for policy colleagues on current and planned inspection and regulatory work and the

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detail of our three year plan. Policy colleagues will provide an update and detailed briefing on key legislative and policy areas under development. It will be attended by senior staff from the Care Inspectorate and new colleagues in Scottish Government and will be hosted in Compass House.

The current Chief Social Work Advisor, Alexis Jay, retires at the end of March. Alan Baird will take up post during March on a two year secondment from Dundee City Council.

6.0 CO-OPERATION AND JOINT WORK WITH OTHER REGULATORS

A joint inspection of care service in the North area has been agreed with the Mental Welfare Commission. This is being planned for April 2013.

The Chief Executive attended a meeting of the Meeting of the UK's National Prevention Mechanism on 20 February 2013.

The Chair, Chief Executive and the Director of Strategic Development met with the Chair and Chief Executive of RQIA on 1 March 2013.

The Chief Executive and the Directors of Corporate Services, Strategic Development and Inspection will be meeting with colleagues from the Care Council for Wales on 9 May 2013.

7.0 RESOURCES

7.1 ICT AND INFORMATION GOVERNANCE

Situational Analysis

A management consultancy, Medley, was engaged before the New Year to undertake a situational analysis review of ICT and information system provision for both the CI and SSSC. Staff from a diverse range of professional groups, in both organisations, have been interviewed and their views analysed. Medley have very recently presented their findings, including a road map which will provide options for future development, to the Chief Executives of both organisations. The findings and proposals are currently under review by the senior team.

RMS Mobile/iPAD Trial

A software application, RMS Mobile, has been developed for use on an iPad and which integrates seamlessly with the RMS used by CI staff in offices. A trial of the use of the RMS Mobile has been underway for several months with around 20 inspectors, throughout Scotland, using the iPad and RMS Mobile in the field during the inspection of regulated care services. The results of the trial have indicated significant benefits for staff including access to all information held on the RMS, easier recording of evidence and feedback, quicker report writing and benefits when used in interviews with service users, particularly young people.

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Public Records (Scotland) Act 2011

Priority is being given to ensuring that the CI complies with the Public Records Scotland Act 2011, the main element of which is the development of a Records Management Plan (RMP) by 31 March 2013. This Act was introduced following the Shaw Report which concluded that poor record keeping often created difficulties for former residents of residential schools and children's homes, when they attempted to trace their records for identity, family or medical reasons.

7.2 Finance and HR

Budget Management and the New Structure

Work is underway to review budget management responsibilities and the ledger code structure to align this with the new organisational structure. This will include the development of a financial management training plan.

Inspector Time Recording

Analysis of actual inspection time compared to planned inspection time has been undertaken in order to explore the validity of the current workload planning assumptions. This work has significant implications for inspection planning, budgeting and the calculation of continuation fee rates. Analysis has already impacted on the planning of childminder inspections (now two size bandings, increased frequency for larger childminders and more planned hours for childminders). Attention will now be directed toward care homes where time recording analysis indicates planned hours are consistently exceeded and day care of children where the analysis indicates planned hours consistent exceed actual hours. Time recording of inspector time has also been progressing for registration and complaints work. The data from this will be analysed and used to inform the developing registration and complaints resource models.

Payroll & HR Management Information System

The project to implement the new payroll service and associated HR management information system is progressing to plan. Data migration work has commenced and parallel running is anticipated to commence mid March in preparation for the 'live' implementation of the May 2013 payroll. An overview session took place for Care Inspectorate and SSSC senior managers on 5 March 2013. A detailed training plan is currently being developed for all users of the new service.

Procurement Strategy

The procurement strategy for the period 2013/2016 has been developed and submitted to the Resources Committee for approval. The strategy is designed to build on the very positive results from the 2012/13 Procurement Capability Assessment undertaken by Procurement Scotland.

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Shared Services Agreement with the SSSC

Work has commenced on a full review of the shared service arrangements and charges for shared services between the Care Inspectorate and the SSSC. It is planned this work will be concluded in time to include any agreed changes into the 2014/15 budgets of both organisations

Financial Year End

Preparation and planning for the financial year end is underway. This includes close monitoring of the projected financial position as at 31 March 2013 and planning for a revised style of Annual Report and Accounts.

7.3 Administration

The second Admin Development Day was held on 1 March at Dunblane Hilton Hotel. The programme for the event centred around change and positive mindset and there were presentations from Tree of Knowledge, the Chief Executive, Director of Corporate Services and Business Support Manager in relation to this. The morning focussed very much on the development of the admin role and admin staff were asked to engage in discussion on a high level admin structure which has been developed by the Business Support Manager. Feedback is currently being collated from a workshop which asked staff for their views, concerns and comments and this will be included in a report to the Executive Team seeking approval for the proposed structure. An overall evaluation of the event will be available once the survey monkey has been completed by staff who attended the event.

8.0 STRUCTURE REVIEW

Appointments for senior posts and progressing well. An updated structure chart is at Appendix 1. Interim operational arrangements are progressing well and this reflects the hard work of managers and team leaders and specialist staff stepping in to take on additional duties and to ensure the smooth running of operations.

9.0 DUTY OF USER FOCUS

9.1 Involvement Update December 2012 – February 2103

Proposal papers for a single involvement team within the new structure are being revised following consultation with human resources and finance. The proposals establish the business case and recommendations for expanding the Involvement team in order to meet the objectives of the Involvement Plan.

On 10 December 60 Carer Inspectors, Young Inspectors, Lay Assessors and IPG members met together for the first time to hear about each others roles and to

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think about the impact a bigger team of involved people can have for people who use services and carers. Excellent feedback was received from Involved People who attended.

Planning and co-ordination is underway for a local IPG meeting in Dumfries as well as a Young People's event in May 2013.

Involved people supported recent assessment centres for Head of Service posts, attended the strategic Board event in December and Young Inspectors have been active in strategic Inspections in Edinburgh and Orkney.

9.2 Equality Update December 2012 – February 2013

A project reference group led by the Professional Adviser Equalities and Involvement was established in September to oversee the delivery of equality reports and statements by 30 April 2013. The group has met four times and will continue to meet monthly until April 2013. Evidence gathering on the way we mainstream equalities across all functions is being progressed. Draft reports and statements will be ready for the Executive Team to consider on 7 March 2013.

We continue to engage and consult with equality groups across Scotland representing all 9 protected characteristic groups to help inform our equality work.

In January we lead on a meeting with Education Scotland, Health Improvement Scotland and the Scottish Social Services Council, to develop a shared approach to the way we report our work and progress in this area. Further joint work in this area is being planned.

An equality evaluation has been completed by most teams. This was used to raise staff awareness of the Public Sector Duty, protected characteristics, and the specific duties. The strengths and gaps identified by staff will be used to inform our Mainstreaming report and Equality Outcome Statements.

LIST OF APPENDICES

- Appendix 1** - Representation on Key Scottish Government and Policy Groups
- Appendix 2** - Structure Chart

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