



## Chief Executive's Report

**Report to:** Board  
**Date:** 6 September 2012  
**Report by:** Annette Bruton, Chief Executive  
**Report No:** B-08-2012  
**Agenda Item:** 8

### **PURPOSE OF REPORT**

This report provides an update on key developments since the 14 June 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	08/12
1.0	Legal Services	Executive Team	Contributed to report	08/12
1.0	Resources Directorate	Executive Team	Contributed to report	08/12
	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: 29 August 2012

**1.0 INTRODUCTION**

**2.0 INSPECTION AND REGULATION**

**2.1 South**

**2.1.1 Update on inspection of regulated care services**

Following the appointment of 11 additional staff and the creation of an additional inspector manager post, the South has reformed a team reflecting recent recruitment and additional resources for inspection in this area. There remains a need to recruit additional inspectors with experience in early year's services.

**2.1.2 Strategic Scrutiny**

Initial scrutiny level assessments for the four remaining local authority social work services - South Ayrshire, Renfrewshire, Aberdeen and West Dunbartonshire are on target. Post-ISLA scrutiny will take place as follows - South Ayrshire (August), Aberdeen and Renfrewshire (September), and west Dunbartonshire (October). We are working with Audit Scotland to make sure the scrutiny of Aberdeen City and Audit Scotland's pilot audit of the city's community planning partnership.

Child Protection inspection reports were published in June 2012 for Dundee and Fife. This concluded the second round of child protection inspections.

In April 2012, a national team approach was developed to inspect secure care services for children and young people. All six first-round inspections have been completed and a lessons learned report is being finalised to support further development of consistency, quality assurance, resource deployment and inspection planning activities. A second round of secure care inspections is planned for later in the inspection year to meet statutory minimum frequency rules.

**2.2 Central and West**

We have continued to have regular contact and discussion with South Lanarkshire Council about a council run nursery service which has been the subject of media interest following the conviction of a former worker for indecency charges. The Care Inspectorate noted that the Council has provided sensitive support to children, parents and staff during this difficult period. An inspection of the service is planned this year by the Care Inspectorate.

The Care Inspectorate's scrutiny report for Stirling Council was published in May 2012. The inspection noted the pragmatic and incremental approach being taken by Stirling Council to achieve shared services with Clackmannanshire Council.

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### **2.3 Complaints**

The first quarterly performance report for 2012-13 includes detailed performance information about how the complaints team performed against Corporate KPIs. This shows an improved performance in the first quarter of 2012-13 compared to the same period in 2011/12.

Important changes are in hand in respect of introducing the new complaints procedure for the Care Inspectorate. We have discussed new arrangements with Scottish Government. Guidance is being rolled out to National Complaint staff from August onwards.

We have completed an internal consultation on a revised complaints procedure for complaints about the Care Inspectorate. A report detailing the results and recommendations will go to the Executive Team and Complaints Sub Committee in due course.

A short life working group is considering whether improvements can be made to the interface between reported incidents at work and complaints against the Care Inspectorate. A report with recommendations will go to the Executive Team for approval in the Autumn.

The Executive Team has agreed to tender for a qualitative evaluation of the impact and difference that making a complaint can make. This is currently being drafted.

Scottish Government has recently published its consultation report on Social Work Complaints. The Care Inspectorate has recently received a formal request for a representative to join the Scottish Government working group which is tasked with producing proposals for the updating of social work complaints procedures with a view to making changes in future legislation.

### **2.4 Registration**

As part of its role as gatekeeper for all new registrations and variations to existing services, the national registration team has oversight of the care market and the changing profile of service provision. An increasingly variable adult social care market has resulted in a higher number of existing services for adults changing hands, including several national providers such as Choices, Southern Cross, Argus Care Group and Ascot Care Homes. The most volatile type of service is care homes for older people, with the Care Inspectorate receiving more than twice the rate of applications than the Care Commission. The rate of applications for other types of services has remained relatively stable.

When providers of care homes have gone into administration or liquidation the Care Inspectorate has fulfilled an important safeguarding role by checking and giving assurance that the management of the care homes concerned was satisfactory during the transition period. Registering new providers has at the

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same time provided an opportunity to lever improvements in care services. For example, a third of the 103 care homes previously run by Southern Cross were registered with a reduced number of beds because bedrooms were no longer available or habitable. As a result the inspection methodology for 2012/13 now ensures that all inspections include a minimum check of the environment and conditions of registration.

### **3.0 DEVELOPMENT WORK**

#### **3.1 Intelligence and Risk**

The intelligence and risk project staff have continued to work on the key deliverables. All 14 key deliverables have separate work plans and nominated lead officers.

The Executive Team has begun to receive reports in respect of specific actions with proposals for approval so for instance the Executive Team has received and approved proposals relating to the piloting of collating and managing soft intelligence within the Care Inspectorate and the introduction of a new quick guide for staffing about handling public protection referrals.

Significant other work has taken place on revising the Key Performance Indicators, developing guidance on chronologies, developing core data sets for current and future inspection activity, improved Care Inspectorate ability to identify risks posed by large providers, and developing and maintaining a CI intelligence network. The stakeholder questionnaire pilot commenced in July and feedback is coming back with comments favouring an electronic system for feedback as well as additional sections to record comments.

Status reports on all 14 key deliverables will come to the Executive Team on 4 October 2012 and to Strategy and Performance Committee in November.

#### **3.2 Updating Methodology**

The methodology group has been assisting to develop our recording systems to record additional activity by inspectors. It has also started the review process for the revised risk assessment document (RAD) to ensure it is effective and delivers added value in identifying risk factors. It has been working with the registration team to ensure critical information is captured at the point of registration which can be used for the services first inspection. This information will also assist an improved process for assessing a service's potential for risk at point of registration.

#### **3.3 Quality Assurance**

##### **Improving our Report Writing**

The Care Inspectorate has embarked on a number of initiatives aimed at improving its inspection reports on regulated services.

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On the back of an exercise undertaken by the Chief Executive with third tier managers, Inspection Programme Managers (IPMs) have been rolling out the exercise in their areas with inspector managers and inspectors. The exercise has been completed in the South and Central and West, is underway in the North and has commenced in the East. The Practice Learning Assessors (PLAs) who have been seconded on a part time, short term basis to assist the development of quality assurance within the Care Inspectorate are assisting IPMs with this task. The exercise has been well received and has re-energised a number of staff in writing their reports.

The PLAs are also tasked with further updating the report writing guidance for inspectors and developing exemplars to aid staff. In addition a tender is in draft to commission Plain English training which will be customised to make it scrutiny specific.

Operational areas have also been initiating additional measures to improve Quality Assurance. For instance the South held a training event in quarter 1 for all their inspectors, run twice to enable all to attend in order to improve the quality and consistency of our reports. The South employee development forum will now be considering suggestions from staff for next steps. It also introduced peer reading of reports, In addition it extended sampling of reports by inspector managers beyond the sample selected through the Quality and Consistency Assurance System (QCAS) process. It now expects all inspector managers to sample one report per inspector per month that they would not otherwise have read (in effect one of those reports that award services grades of adequate or good). The IPM also randomly samples at least one report per inspector per month.

A draft Care Inspectorate quality assurance plan is currently being revised and will shortly be circulated for final consultation.

### **3.4 New Scrutiny Model for Joint Inspection of Services for Children**

A draft methodology and quality indicator framework has been tested in the Angus area to support the development of a new joint inspection model for services for children. Lessons learned were currently being written up and refinements made to the draft methodology and quality indicator framework for pilot inspections during 2012-13. A communications plan is being finalised and a range of consultation events and mechanism established to inform and involve delivery bodies, partners and people who use services and their carers.

#### **New national approach to inspection planning**

##### **New approaches to inspection planning**

- An Operational Steering Group, chaired by the Director of Operations (Planning, Assurance and Public Reporting (PAPR)) has been created to lead on inspection planning and other key related operational workstreams, including workforce planning and development of inspection methodology. The steering group will have clear lines of accountability, responsibility,

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decision making and communication. Membership reflects all operational functions and includes Partnership representation.

- An Inspection Co-ordination Team, responsible for inspection planning in the future, will report directly to the steering group. The team is in the process of agreeing membership and terms of reference.
- An inspection process mapping event took place on 20 June 2012, involving inspector managers, inspectors, administrative staff and department managers. This initial exercise provided valuable information on current inspection processes. A follow up event in September 2012 will look in more detail at process improvement in order to identify where we can work more efficient and effectively.

#### **4.0 STRATEGIC ISSUES**

##### **4.1 Update on Health and Social Care Bill and Self Directed Support Bill**

Directors and other Care Inspectorate staff attended the Scottish Government's Health and Social Care Integration events and the Care Inspectorate participated in a panel at the Glasgow event along with a number of other key stakeholders.

##### **4.2 Consultation on the Proposals for the Integration of Health and Social Care**

The Care Inspectorate's response to the consultation on proposals for the integration of health and social care was developed in collaboration with Healthcare Improvement Scotland (HIS) and discussed by the Board at a development session prior to this Board meeting. This response took account of the views of staff gathered from an online survey on Compassnet. The final response will be submitted to the Scottish Government by the deadline of 11 September 2012 taking account of any amendments proposed.

The joint development of adult services inspections aims to take account of the proposals for integrated working. HIS and the Care Inspectorate will continue to collaborate as the proposals develop to ensure that our approaches to scrutiny are streamlined.

#### **5.0 LEGAL AND ENFORCEMENT ISSUES**

##### **5.1 Deaths of Looked After Children**

The Chief Executive has written to the Scottish Government to highlight that while at a practical level, deaths of looked after children continue to be reported to the Care Inspectorate, Local Authorities remain obliged by regulations to continue to report such deaths to the Scottish Ministers, and that this has the potential to result in the Care Inspectorate not being aware of the death of a looked after child. The Chief Executive has suggested that a protocol be put in place to ensure that any notification of the death of a looked after child made to the Scottish Ministers is passed on to the Care Inspectorate.

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## 5.2 Fatal Accident Inquiry into the Death of Jamesina MacKenzie

The sheriff's determination in this Inquiry, which took place at Dingwall Sheriff Court, has been issued. The Care Inspectorate was not a party to this Inquiry. The deceased was found to have died as a result of pressure sores which would have been treatable had she received the appropriate care. The Care Commission and the Care Inspectorate are both referred to in the Sheriff's Note in very positive terms. There is, however, one 'recommendation' which refers to the Care Inspectorate. It can be found at part (b) of Para 4 of the determination and is in the following terms:

'(b) Against the background of Miss MacKenzie suffering a the progression of a significant illness in the form of pressure ulcers, while living in a care home setting, it is appropriate in the future for the Social Care and Social Work Inspectorate Scotland in the course of their fulfilment of their statutory duties of inspection and regulation of care homes to have regard to the level of medical and nursing expertise (whether internal to the care home or available externally) available to the care home and to include in their inspection regime an audit of the necessary record keeping'.

While the matters referred to in the 'recommendation' are matters we do regularly consider in the course of inspection, the use of the term 'audit' suggests a detailed examination and the phrase 'include in their inspection regime an audit' suggests that this is something which should take place at every inspection of every care home

The Executive Team is considering this recommendation and the extent to which it would be possible, practicable and reasonable to implement it.

The determination can be found in full at:  
<http://www.scotcourts.gov.uk/opinions/2012FAI57.html>

The Executive Team has considered the Sheriff's findings and agreed that frontline staff are advised of this recommendation.

## 5.3 Fatal Accident Inquiry into the Death of Elizabeth McGaw

The Sheriff's determination in this Inquiry, which took place at Glasgow Sheriff Court, has been issued. The Care Inspectorate was not a party to this Inquiry. The Inquiry was the subject of some publicity in its early stages, centred on the hospitalisation of the deceased for treatment of impacted dentures. The Sheriff found that while the hospitalisation of the deceased had been as a result of oral health issues, her subsequent death resulted from unrelated causes. The deceased had been resident in a care home operated by Southern Cross until her hospital admission. While Southern Cross's system for oral care was found to have been a good one, the Sheriff found that it had not been properly

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implemented. The determination makes no reference to either the Care Commission, which regulated the care home concerned at the time of the deceased's death, or the Care Inspectorate.

The determination can be found in full at:  
<http://www.scotcourts.gov.uk/opinions/2012FAI34.html>

#### **5.4 'All Stars' Appeal (Davies & Mowat - v- Care Commission)**

An application to strike out the nursery's appeal on a preliminary point was lodged with the Supreme Court - but was refused. In refusing that application, however, the Justices who had considered it directed that this appeal should be heard as soon as practicable and it is hoped that this direction will assist in expediting the full hearing before the Supreme Court.

#### **6.0 LIAISON WITH SCOTTISH GOVERNMENT**

The Chief Executive and the Director of Operations (PAPR) met with Scottish Government officials to discuss the forthcoming review of National Care Standards (NCS). It was agreed that Scottish Government would develop a narrative to explain to people who use services and their carers, and other stakeholders the need to review the standards in the first instance. Thereafter, a full consultation would be held to develop principles and a framework to underpin specific care standards development. It was recognised that human rights needed to be at the core of any future standards and that a number of other standards in health, justice and education would impact on the NCS review and future development. As part of developing new NCSs, the Care Inspectorate will require to review its methodology for inspection of regulated care services.

The Director of Operations (PAPR) and Head of Legal Services met with Scottish Government education officials to discuss a recent private petition on childminding. The private petition suggested a review of the registration of large-scale childminders was required as these services operated as 'home nurseries'. The Care inspectorate provided detailed information on the performance of these services and interpretation of the definition of these services within the Public Services Reform Act. The matter will now be discussed within Parliament.

Scottish Government requested a meeting with the Director of Operations (Intelligence & Complaints) to discuss their planned revision of national guidance in respect of alcohol and drug misuse services. We have nominated a sessional inspector with expertise in this area to join the Scottish Government working group.

The Operational Director with the lead responsibility for Criminal Justice Services also recently met with Scottish Government officials to discuss future structures for the delivery of criminal justice social work services in Scotland. SG plan to issue a formal consultation document later this year.

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The Director of Operations (Intelligence & Complaints) has also met with sponsor branch and other Scottish Government officials to discuss planned changes to the Care Inspectorate's complaints procedure.

## **7.0 RESOURCES**

### **7.1 Budget Monitoring 2012/13**

The budget monitoring process has commenced. The first formal budget monitoring report of 2012/13 will be submitted to the Resources Committee on 25 September 2012.

As part of managing the 2012/13 budget, the Executive Team has considered and prioritised alternative expenditure proposals. The Executive Team review these proposals to ensure they are clearly linked to strategic objectives, that they can be procured and implemented within an appropriate time frame and that any resource implications extending into future financial years are identified and considered. The alternative expenditure proposals are being implemented in accordance with Executive Team priority and the availability of funding being identified via the budget monitoring process. To date the Executive Team has approved the implementation of nine proposals with a projected cost of £274k in 2012/13. This approach enabled us to bring forward projects planned for next year and these will now be delivered earlier than scheduled.

### **7.2 Annual Accounts 2011-12**

The annual accounts and the associated elements of the Annual Report and Accounts that are specifically subject to audit were submitted to the external auditors in accordance with the agreed submission date of 29 June 2012.

The audit is progressing satisfactorily with the main issue being the presentation of the pension actuarial valuations. This will represent a change from the way this was presented for the Care Commission (one of the Care Inspectorate's predecessor bodies) but Audit Scotland is recommending this change as it will promote consistency of financial reporting between public sector bodies.

### **7.3 New Payroll and HR Management Information System**

Detailed contract negotiations have entered the final stage and it is anticipated that the contract will have been awarded by the time the Board meets on 6 September 2012. The project plan has been revised and the first live payroll will now be February 2013. The extended contract with the existing supplier will ensure the current service is provided up until 31 January 2013.

### **7.4 Budget Preparation 2013/14**

As part of ongoing operational planning, preparations are under way to ensure the resource implications of the 2013/14 Inspection Plan are identified and built into

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the 2013/14 budget preparation process. The Registration and Complaints resource models continue to be developed and will inform budget decisions.

Alternative expenditure proposals, as described in the budget monitoring section, that cannot be implemented in 2012/13 but that are considered of value will also be brought in to the 2013/14 budget preparation work.

## **7.5 Internal Audit Services**

The current extended contract for internal audit services finishes on 31 March 2013. It was anticipated when the current contract was extended that future internal audit services could be secured using a Scottish Government collaborative contract. This will not be an option and work has commenced on a joint Care Inspectorate and SSSC procurement. A full report will be submitted to the Audit Committee on 25 September 2012.

## **7.6 Fees Consultation**

The Director of Resources and the Finance and Procurement Manager have been supporting the Sponsor Department in the preparation of a fees consultation paper. It is proposed that the consultation is in two distinct phases.

The first phase would consult during 2012/13 on broad principles of a fee regime and to obtain information on full cost recovery, targeted subsidy and what transitional arrangements should be in place.

The second phase would be consultation on the maximum fees order. This order sets out the fees service providers will pay. It is proposed that the earliest any new fee regime or fee rates should be applied is with effect from 1 April 2014.

## **7.7 Staff Recruitment**

As a result of the recruitment campaign run in December 2011/January 2012, a total of 34 new inspectors were secured. All have now started within the areas and national teams.

A further recruitment campaign was run in April 2012. In order to accommodate annual leave commitments (candidates, assessors and HR) the assessment days had to be split over the summer months. Four days were run at the end of May/beginning of June with a total of 21 candidates being assessed. As a result, seven appointments are currently being secured. Further assessment days took place in August 2012. A total of 61 candidates attended and 26 assessors participated during the process.

The Recruitment and Selection Policy has been revised and will shortly be issued for consultation.

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**7.8 Learning and Development**

Staff induction continues to progress for our new Inspectors. A rolling induction programme is in place to meet phase two of the inspector recruitment.

**7.9 Carbon Trust Award**

The Care Inspectorate has been recognised by the Carbon Trust for the progress we have made in reducing our Carbon emissions. Working with a Carbon Trust Consultant, we have created a Carbon Management Plan that commits us to reducing our CO<sup>2</sup> emissions by 10% by 2015. Some of the carbon saving measures we have put in place include voltage optimisation, lighting replacement and metering improvements and we are developing a programme of staff awareness raising. Periodic updates on progress will be provided to the Resources Committee.

**7.10 Strategic Review of ICT**

Work is underway to commission a strategic review of ICT in conjunction with the SSSC. This will consider short, medium and long term business requirements.

**8.0 HEALTHCARE**

**8.1 Medications Recording Practices**

During inspection and complaints activity we regularly find poor medication recording. Our pharmacists have produced new guidance which we will circulate widely. This gives care services the opportunity to review their procedures to ensure they cover all legal requirements and best practice relating medication recording, reviews, monitoring and care planning.

**9.0 STRUCTURE REVIEW**

Work is progressing on the structure review. A question and answer forum provides up-to-date information and progress to all staff. Responses have been received from staff representatives through trade unions. The Partnership Forum met on 27 August 2012 to discuss matters raised in the responses.

An independent evaluator of Director-level posts was sought from Hays Group and additional Human Resources expertise to support the restructure and change programme has been procured.

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